
STATUTORY INSTRUMENTS

2019 No. 562

The Immigration (Isle of Man) (Amendment) Order 2019

Immigration and Asylum Act 1999 extended in modified form — Schedule 6 amended

13.—(1) Schedule 6 (which sets out the modifications subject to which the Immigration and Asylum Act 1999(1) applies to the Isle of Man) is amended as follows.

- (2) In paragraph 1(5), for “Governor” substitute “Minister”.
- (3) In paragraph 2—
 - (a) in sub-paragraph (3), for “Governor” substitute “Minister”; and
 - (b) for sub-paragraph (4) substitute—

“(4) For subsection (4) substitute—

“(4) For the purposes of Article 49(1)(d) of the GDPR, the provision under this section of identification data is a transfer of personal data which is necessary for important reasons of public interest.”.

- (4) In paragraph 3(3), for “Governor” substitute “Minister”.
- (5) In paragraph 4(2), for “Governor” substitute “Minister”.
- (6) Omit paragraph 5.
- (7) After paragraph 5 insert—

“**5A.**—(1) Section 20 of the 1999 Act (2) is modified as follows.

(2) For “Secretary of State” (wherever occurring, including the section heading) substitute “Minister”.

(3) For subsection (1)(3) substitute—

“(1) This section applies to information held by a public authority or a specified person for purposes specified in relation to that authority or person.”.

(4) Omit subsection (1B)(4).

(5) In subsection (2)(5) at the end add “and to the Governor for use for nationality purposes”.

(6) After subsection (2B)(6) insert—

“(2C) The Governor may—

- (a) retain for nationality purposes a document or article supplied to him under subsection (2), and

(1) 1999 c. 33.

(2) Section 20 has been amended by s. 132 of 2002 c.41 and s. 55 of 2016 c.19.

(3) Subsection (1) has been amended by s. 55(3) of 2016 c. 19.

(4) Subsection (1B) was added by s. 55(5) of 2016 c. 19.

(5) Subsection (2) was amended by s.132 of 2002 c.41.

(6) Subsection (2B) was added by s. 55(6) of 2016 c.19.

- (b) dispose of a document or article supplied to him under subsection (2) in such manner as he thinks appropriate (and the reference to use in subsection (2) includes a reference to disposal).
- (2D) Subsection (2C)(a) does not affect any other power of the Governor to retain a document or article.”.
- (7) In subsection (3)(7) —
- (a) at the end of paragraph (a) add “(as they apply in any part of the British Islands)”; and
- (b) omit paragraph (d).
- (8) For subsection (3A)(8) substitute —
- “(3A) “Public authority” means —
- (a) a Department (within the meaning of the Government Departments Act 1987 (AT 13 of 1987); or
- (b) the Secretary of State.”.
- (9) In subsection (5) (as modified by sub-paragraph (2) above), at the end add “with the consent of the Governor”.
- (10) After subsection (7) insert—
- “(8) The Minister and the Governor may supply information to each other for immigration or nationality purposes.
- (9) In this section “nationality purposes” means any of the following—
- (a) determining whether an applicant for naturalisation under the British Nationality Act 1981 (c.61) is of good character;
- (b) determining whether, for the purposes of an application referred to in section 41A(9) of the British Nationality Act 1981, the person for whose registration the application is made is of good character;
- (c) determining whether, for the purposes of an application under section 1 of the Hong Kong (War Wives and Widows) Act 1996(10), the woman for whose registration the application is made is of good character;
- (d) determining whether, for the purposes of an application under section 1 of the British Nationality (Hong Kong) Act 1997(11) for the registration of an adult or young person within the meaning of subsection (5A) of that section, the person is of good character;
- (e) determining whether to make an order in respect of a person under section 40 of the British Nationality Act 1981 (deprivation of citizenship); and
- (f) doing anything else in connection with the exercise of nationality functions.”
- 5B.**—(1) Section 20A of the 1999 Act (12) (duty to supply nationality documents to the Secretary of State) is modified as follows.
- (2) For “Secretary of State” (wherever occurring, including in the section heading) substitute “Minister”.

(7) Subsection (3) was amended by s. 55(7) of 2016 c. 19.

(8) Subsection (3A) was inserted by s. 55(8) of 2016 c. 19.

(9) Section 41A was inserted by s. 47(1) of 2009 c. 11 and amended by para 70(3) of Sch. 9 to 2014 c.22.

(10) 1996 c. 41.

(11) 1997 c.20.

(12) Section 20A was inserted by s. 55(11) of 2016 c.19.

(3) In subsections (2)(a), (8)(a) and (14)(b), for “United Kingdom” substitute “Isle of Man”.

(4) For subsection (13) substitute—

“(13) Regulations under subsection (12) may not amend Schedule A1 so as to apply this section to Tynwald, either Branch of Tynwald or a person exercising functions in connection with proceedings in Tynwald.”.

5C.—(1) Section 21 of the 1999 Act is modified as follows.

(2) In the heading, for “Secretary of State” substitute “Minister”,

(3) For subsection (1) substitute—

“(1) This section applies to information held—

- (a) by the Governor for nationality purposes; or
- (b) by the Minister for immigration purposes.

(1A) Information held under subsection (1) may be supplied—

- (a) by the Governor to the Minister for immigration purposes;
- (b) by the Minister to the Governor for nationality purposes;
- (c) by the Governor or the Minister to the Secretary of State for any purpose of the Immigration Acts.

Nothing in this subsection limits the supply of information under any of the following provisions of this section.”.

(4) In subsection (2)—

(a) for paragraphs (a) to (e) substitute —

- “(a) the Chief Constable, for police purposes;
- (b) the Attorney General for use in connection with his prosecution functions;
- (c) the Financial Intelligence Unit (established by the Financial Intelligence Unit Act 2016 (an Act of Tynwald)(**13**);
- (d) the Treasury, the Collector of Customs and Excise, or a person providing services to the Treasury or the Collector of Customs and Excise for customs purposes;
- (e) the Secretary of State for immigration and nationality purposes;
- (f) any specified person, for use for purposes specified in relation to that person.”.

(5) In subsection (3)(b), at the end add “(whether of the Isle of Man or the United Kingdom)”.

(6) In subsection (6)—

- (a) for “the Commissioners’ functions” substitute “the functions of the Treasury, or of the Collector of Customs”;
- (b) for the words following “care and management” substitute “of the Treasury so far as relating to customs, or of the Collector of Customs or any assigned matter (as defined by section 184(1) of the Customs and Excise Management Act 1986 (an Act of Tynwald)(**14**);”;

(13) AT 5 of 2016.

(14) AT 34 of 1986.

- (c) in paragraph (g) at the end add “(whether of the Isle of Man or of the United Kingdom)”.
- (7) For subsection (7) substitute—
“(7) In this section “immigration purposes”, “nationality purposes” and “specified” have the same meanings as in section 20.””.
- (8) In paragraph 6—
(a) in sub-paragraph (4) for “Governor” substitute “Minister”; and
(b) in sub-paragraph (5) for “Clerk of the Rolls” substitute “Minister for Enterprise”.
- (9) In paragraph 6A, in the text of section 24A as inserted—
(a) in subsection (3)(15), for “Governor” substitute “Minister”; and
(b) in subsection (4), for “Clerk of the Rolls” substitute “Minister for Enterprise”.
- (10) In paragraph 7—
(a) in sub-paragraphs (2) and (4), for “Department” substitute “Department of Infrastructure.”;
(b) in sub-paragraph (3), for “Governor” substitute “Minister”; and
(c) omit sub-paragraph (6)(16).
- (11) In paragraph 8(2), for “Governor” substitute “Minister”.
- (12) In paragraph 9(3), for “Governor” substitute “Minister”.
- (13) In paragraph 10(3), for “Governor” substitute “Minister”.
- (14) In paragraph 13—
(a) in sub-paragraph (2), for “Governor” substitute “Minister”; and
(b) in sub-paragraph (3), for “Governor’s” substitute “Minister’s”.
- (15) In paragraph 14—
(a) in sub-paragraph (2), for “Governor’s” substitute “Minister’s”; and
(b) in sub-paragraph (3), for “Governor” substitute “Minister”.
- (16) In paragraph 15(2), for “Governor” substitute “Minister”.
- (17) In paragraph 16(2), for “Governor” substitute “Minister”.
- (18) In paragraph 17(2), for “Governor” substitute “Minister”.
- (19) In paragraph 18(3), for “Governor” substitute “Minister”.
- (20) In paragraph 19—
(a) in sub-paragraph (2), for “Governor” substitute “Minister”; and
(b) in sub-paragraph (3), for “Governor’s” substitute “Minister’s”.
- (21) In paragraph 20(2)—
(a) in paragraph (a), for “Governor’s” substitute “Minister’s”; and
(b) in paragraph (b), for “Governor” substitute “Minister”.
- (22) In paragraph 23(2), for “Governor” substitute “Minister”.
- (23) In paragraph 24(5), for “Governor” substitute “Minister”.
- (24) In paragraph 25(2), for “Governor” substitute “Minister”.

(15) Para. 6A was inserted by para. 5(a) of Sch. 1 to [S.I. 2011/1408](#).

(16) Para. 7 was amended by para. 5(b) of Sch. 1 to [S.I. 2011/1408](#).

(25) In paragraph 26(2), for “Governor” substitute “Minister”.

(26) For paragraph 27(4) substitute—

“(4) For subsection (4) substitute—

“(4) Except as otherwise provided, any rules, regulations and orders made under the Immigration Acts by a Manx authority shall be subject to the procedures set out in section 32 (Tynwald procedure — “negative”) of the Legislation Act 2015 (an Act of Tynwald)(17).

(4A) Subsection (4) does not apply to the statement of immigration rules made by the Minister in accordance with section 1(4) of the 1971 Act which shall be approved in accordance with the procedure set out in section 3(2) of that Act.

(4B) Section 87 of the Interpretation Act 2015 (an Act of Tynwald)(18) (additional powers implied by power to make public document) applies to rules, regulations and orders made by a Manx authority under the Immigration Acts.

(4C) Section 88 of the Interpretation Act 2015 (public documents may apply generally or differentially) applies to rules, regulations and orders of a general character made by a Manx authority under the Immigration Acts.

(4D) In this section “a Manx authority” means any one or more of the following—

- (a) the Governor;
- (b) the Clerk of the Rolls;
- (c) the Council of Ministers;
- (d) the Minister.”.”.

(27) In paragraph 28(2)(d), for “Governor” substitute “Minister”.

(28) In paragraph 29(2)(b) for “Governor” substitute “Minister”.

(29) After paragraph 30 insert—

“**30A.**—(1) Schedule A1(19) to the 1999 Act is modified as follows.

(2) For the list of persons to whom section 20A applies substitute—

“**Law enforcement**

1. The chief constable of the Isle of Man Constabulary.

Local government

2. The Douglas Corporation.
3. The Commissioners of a parish district.
4. The Commissioners of a town district.
5. The Commissioners of a village district.
6. A joint board.
7. A joint committee.

(17) AT 10 of 2015.

(18) AT 11 of 2015.

(19) Schedule A1 was inserted by para. 1 of Sch. 9 to 2016 c. 19.

Education bodies

8. The proprietor of a school, college, university or institution of higher education.
9. The governing body of a school, college, university or institution of higher education.

Registration officials

10. The Registrar General appointed under section 4(2) of the Central Registry Act 2018 (an Act of Tynwald: AT 13 of 2018) and any person serving in the Civil Registry within the meaning of section 4(10) of that Act.

Interpretation

11. In this Schedule—
 - (a) terms used paragraphs 1 to 7 which are defined in the Local Government Act 1985 (an Act of Tynwald: AT 24 of 1985) have the same meanings here as in that Act;
 - (b) terms used in paragraphs 8 and 9 which are defined in the Education Act 2001 (an Act of Tynwald: AT 9 of 2001) have the same meanings here as in that Act.”.”.
- (30) In paragraph 31(2) for “Governor” substitute “Minister”.