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STATUTORY INSTRUMENTS

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**2021 No. 1277**

**The Immigration (Isle of Man) (Amendment) Order 2021**

**Schedule 9 amended**

**10.**—(1) Schedule 9 to the principal Order (which sets out the modifications subject to which the 2006 Act extends to the Isle of Man) is amended as follows.

(2) After paragraph 4A insert—

“**4AA.**—(1) Section 32A(1) is modified as follows.

(2) For “Secretary of State”, wherever occurring, substitute “Minister”.

(3) For “United Kingdom”, wherever occurring, substitute “Isle of Man”.

(4) For subsection (3) substitute—

“(3) Regulations may impose a requirement to provide the information only if the Minister thinks it is necessary for police purposes.

In this subsection, “police purposes” has the same meaning as in section 32.”

(5) Omit paragraphs (c) and (d) of subsection (6).

**4AB.**—(1) Section 32B(2) is modified as follows.

(2) In subsection (1), for “Secretary of State” substitute “Minister”.

(3) Omit paragraph (c) of subsection (4);

(4) In subsection (5), for “Consolidated Fund” substitute “General Revenue of the Isle of Man”; and

(5) Omit subsection (6).”.

(3) In paragraph 4B(3) (which modifies section 34 of the Immigration, Asylum and Nationality Act 2006 in its extension to the Isle of Man)—

(a) for sub-paragraph (2), substitute—

“(2) In subsection (1), for “imposed under section 32(2) or (3)” substitute—

“imposed—

(a) under section 32(2) or (3), or

(b) by regulations made under section 32A”;

(b) after sub-paragraph (2) insert—

“(2A) In subsection (1A)—

(a) at the end of paragraph (a)(i) insert “or”;

(b) at the end of paragraph (a)(ii) for “, or” substitute “; or”; and

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(1) Section 32A was inserted by paragraph 7 of Schedule 5 to the 2015 Act.

(2) Section 32B was inserted by paragraph 7 of Schedule 5 to the 2015 Act.

(3) Paragraph 4B was inserted by paragraph 9(b) of the Schedule to the Immigration (Isle of Man) (Amendment) Order 2011 (S.I. 2011/1408).

(c) omit paragraph (a)(iii).”.

(4) In paragraph 4C(4) (which modifies section 36 of the Immigration, Asylum and Nationality Act 2006 in its extension to the Isle of Man)—

(a) after sub-paragraph (4) insert—

“(4A) After subsection (2) insert—

“(2A) Information to which subsection (4) applies may be shared with a UK authority by a person specified in subsection (1) who—

(a) obtains or holds the information in the course of their functions, and

(b) considers that the information is likely to be of use—

(i) for immigration purposes, or

(ii) for the UK authority’s purpose.”.”;

(b) for sub-paragraph (6) substitute—

“(6) In subsection (5)—

(a) for “shared only if satisfied” substitute “shared in accordance with subsection (2) or subsection (2A), or both, only if satisfied”;

(b) in sub-paragraph (a)(iii), for “Revenue and Customs” substitute “customs”;

(c) in sub-paragraph (a)(iii), at the end insert “or”;

(d) after sub-paragraph (a)(iii) insert—

“(iv) the UK authority’s purpose,” and

(e) in sub-paragraph (b), for “Human Rights Act 1998 (c.42)” substitute “Human Rights Act 2001 (an Act of Tynwald)”.”;

(c) in sub-paragraph (9), after the definition of “police purposes” in substituted subsection (9), insert—

““UK authority” means a person or body to which section 36(1) of the Immigration, Nationality and Asylum Act 2006 (as that Act has effect in the United Kingdom) applies; and

“UK authority’s purpose” means an “immigration purpose”, a “police purpose” or a “Revenue and Customs purpose” (as the context requires), as those terms are defined in section 36(9) of the Immigration, Nationality and Asylum Act 2006 (as that Act has effect in the United Kingdom).”.

(5) In paragraph 4D(5) (which modifies section 37 of the Immigration, Asylum and Nationality Act 2006 in its extension to the Isle of Man), after sub-paragraph (2) insert—

“(2A) In subsection (1)—

(a) for “and the Treasury” substitute “, the Chief Constable and the Treasury”;

(b) in paragraph (a), after “section 36(2)” insert “or section 36(2A), or both”.”.

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(4) Paragraph 4C was inserted by paragraph 9(b) of the Schedule to the Immigration (Isle of Man) (Amendment) Order 2011 (S.I. 2011/1408) and amended by article 16(3) of the Immigration (Isle of Man) (Amendment) Order 2019 (S.I. 2019/562).

(5) Paragraph 4D was inserted by paragraph 9(b) of the Schedule to the Immigration (Isle of Man) (Amendment) Order 2011 (S.I. 2011/1408) and amended by article 16(4) of the Immigration (Isle of Man) (Amendment) Order 2019 (S.I. 2019/562).