STATUTORY INSTRUMENTS

1997 No. 275

IMMIGRATION

The Immigration (Isle of Man) Order 1997

Made	-	-	-	-	*12th February 1997*
Coming into force		-	-		*1st April 1997*

At the Court at Buckingham Palace, the 12th day of February 1997

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 36 of the Immigration Act 1971(**1**) and section 15(1) of the Asylum and Immigration Appeals Act 1993(**2**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Immigration (Isle of Man) Order 1997 and shall come into force on 1st April 1997.

2.—(1) Part II (appeals) of the Immigration Act 1971 and Part II of Schedule 2 to that Act shall extend, with the modifications specified in the Schedule to this Order, to the Isle of Man.

(2) Section 7 of the Asylum and Immigration Appeals Act 1993 (curtailment of leave to enter or remain) shall extend, with the following modifications, to the Isle of Man—

(a) for the words "United Kingdom", wherever occurring except in the expression "the United Kingdom's obligations", substitute "Isle of Man";

(b) for the words "Secretary of State", wherever occurring, substitute "Lieutenant-Governor";

(c) in subsection (2) omit the words from "or section 8(2)" to the end of the subsection.

(3) Section 1A of the Immigration (Carriers' Liability) Act 1987 (visas for transit passengers)(**3**) shall extend, with the following modifications, to the Isle of Man—

(a) for the words "Secretary of State" substitute "Lieutenant-Governor";

(b) for the words "United Kingdom", wherever occurring, substitute "Isle of Man";

(c) for subsection (3) substitute—

"(3) An order under this section shall be laid before Tynwald."

(**1**) 1971 c. 77; section 36 is extended by section 2(3) of the Immigration (Carriers' Liability) Act 1987 (c. 24).

(**2**) 1993 c. 23.

(**3**) 1987 c. 24; section 1A was inserted by section 12 of the Asylum and Immigration Appeals Act 1993.

3. In Part I of Schedule 1 to the Immigration (Isle of Man) Order 1991(**4**)—

(a) for paragraph 18(d) there shall be substituted—

"(d) in subsection (4), omit the words from "and an appeal" to the end of the subsection."

(b) the following provisions are revoked—

paragraph 17(b);

paragraph 20(m)(iii) and (iv);

paragraph 20(n)(iii);

paragraph 20(s).

N. H. Nicholls
Clerk of the Privy Council

(**4**)   S.I.1991/2630.

SCHEDULE   Article 2(1)

MODIFICATIONS OF THE IMMIGRATION ACT
1971 IN ITS APPLICATION TO THE ISLE OF MAN

1. For section 12 (Immigration Appeal Tribunal and adjudicators) substitute—

"Adjudicators

   12. The High Bailiff and the Deputy High Bailiff shall each be an adjudicator for the purpose of hearing and determining appeals under this Act."

2. In section 13 (appeals against exclusion)(**5**)—

   (a) for the words "United Kingdom", wherever occurring, substitute "Isle of Man";

   (b) omit subsections (3AA) and (3AB);

   (c) in subsection (5) for the words "Secretary of State", wherever occurring, substitute "Lieutenant-Governor".

3. In section 14 (appeals against conditions)(**6**)—

   (a) for the words "United Kingdom", wherever occurring, substitute "Isle of Man";

   (b) in subsection (3) for the words "Secretary of State" substitute "Lieutenant-Governor";

   (c) for subsection (4) substitute—

      "(4) A person shall not be entitled to appeal under subsection (1) above against any variation made by an instrument of a legislative character, or against any refusal of the Lieutenant-Governor to make such an instrument."

4. In section 15 (appeals in respect of deportation orders)—

   (a) for the words "Secretary of State", wherever occurring, substitute "Lieutenant-Governor";

   (b) in subsections (4), (5) and (6) for the words "United Kingdom", wherever occurring, substitute "Isle of Man";

   (c) omit subsections (7) to (9).

5. In section 16 (appeals against validity of directions for removal) for the words "United Kingdom", wherever occurring, substitute "Isle of Man".

6. In section 17 (appeals against removal on objection to destination)—

   (a) for the words "United Kingdom", wherever occurring, substitute "Isle of Man";

   (b) in subsections (2) and (3) for the words "Secretary of State" substitute "Lieutenant-Governor".

7. In section 18 (notice of matters in respect of which there are rights of appeal)—

   (a) in subsection (1) for the words "Secretary of State" substitute "Lieutenant-Governor";

   (b) in subsection (1)(b) for the words "United Kingdom" substitute "Isle of Man";

   (c) for subsection (3) substitute—

      "(3) Regulations made under this section shall be laid before Tynwald.".

8. In section 19 (determination of appeals by adjudicators)—

(**5**)   Section 13 was amended by the British Nationality Act 1981 (c. 61), section 39(6) and Schedule 4 paragraph 2, by the Immigration Act 1988 (c. 14), section 3(2) and by the Asylum and Immigration Appeals Act 1993, sections 10 and 11(1).
(**6**)   Section 14 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2, by the Immigration Act 1988, section 10 and the Schedule paragraph 3 and by the Asylum and Immigration Appeals Act 1993, section 11(2).

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(a) for the words "Secretary of State", wherever occurring, substitute "Lieutenant-Governor";

(b) omit subsection (4).

9. Section 20 (appeal to Tribunal) shall be omitted.

10. For section 21 (reference of cases for further consideration) substitute—

"Reference of cases by Lieutenant-Governor

(1) Where in any case an adjudicator has dismissed an appeal the Lieutenant-Governor
may at any time refer for consideration under this section any matter relating to the case
which was not before the adjudicator.

(2) Any reference under this section shall be to an adjudicator and the adjudicator shall
consider the matter which is the subject of the reference and report to the Lieutenant-
Governor the opinion of the adjudicator."

11. In section 22 (procedure)(**7**)—

(a) in subsection (1), for the words "Lord Chancellor" substitute "Deemsters" and omit the
words "or the Appeal Tribunal";

(b) for subsection (2) substitute—

"(2) Rules of procedure may include provision conferring on adjudicators such
ancillary powers as the Deemsters think necessary for the purposes of the exercise of their
functions.";

(c) in subsection (4) omit the words "or Tribunal", wherever occurring;

(d) omit subsection (5);

(e) in subsection (6) omit the words "or the Tribunal";

(f) for subsection (7) substitute—

"(7) Rules of procedure under this section shall be laid before Tynwald."

12. Section 23 (financial support for organisations) shall be omitted.

13. In Part II of Schedule 2 (effect of appeals)—

(a) in paragraph 28 (stay on directions for removal)(**8**)—

(i) for the words "United Kingdom", wherever occurring, substitute "Isle of Man";

(ii) omit sub-paragraph (5);

(b) in paragraph 29 (grant of bail pending appeal)—

(i) in sub-paragraph (2) omit the words "or, in Scotland, bail bond", "or the Appeal
Tribunal" and "or bail bond";

(ii) for sub-paragraph (3) substitute—

"(3) An adjudicator may release an appellant on his entering into a recognizance
conditioned for his appearance before that or another adjudicator at a time and place
named in the recognizance.";

(iii) omit sub-paragraph (4);

(iv) in sub-paragraph (6) omit the words (wherever occurring) "or the Tribunal", "or
Tribunal" and "or bail bond";

(**7**) Section 22 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 3(1), by the Criminal
Justice Act 1982 (c. 48), sections 38 and 46 and by the Transfer of Functions (Immigration Appeals) Order 1987 (S.I.
1987/465).

(**8**) Paragraph 28 was amended by the Immigration Act 1988, section 10 and the Schedule, paragraph 9(3).

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(c) in paragraph 30 (restrictions on grant of bail)—

    (i) in sub-paragraph (1) for the words "Secretary of State" substitute "Lieutenant-Governor" and for the words "United Kingdom" substitute "Isle of Man";

    (ii) in sub-paragraph (2) omit the words "or (4)", "and the Tribunal" (in both places), "or in Scotland sufficient and satisfactory bail is found if so required", "or the Tribunal, as the case may be" and "or bail bond";

(d) in paragraph 31 (forfeiture of recognizances)—

    (i) in sub-paragraph (1) omit the words "(as it applies in England and Wales or in Northern Ireland)", "or the Tribunal", "or the Tribunal, as the case may be" and the words "or Tribunal" in both places where the words occur;

    (ii) in sub-paragraph (2) omit the words "magistrates' court or, in Northern Ireland,";

    (iii) in sub-paragraph (3) omit the words "or the Tribunal" and "or Tribunal"; and for the words from "clerk of the court" to the end of the sub-paragraph substitute "Clerk to the Justices";

    (iv) for sub-paragraph (4) substitute—

        "(4) Any sum the payment of which is enforceable by a court of summary jurisdiction by virtue of this paragraph shall be treated for the purposes of the Collection of Fines Etc. Act 1985 (an Act of Tynwald) as being due under a recognizance forfeited by such a court.";

    (v) omit sub-paragraph (5);

(e) paragraph 32 (application to Scotland) shall be omitted;

(f) in paragraph 33 (arrest of appellants released on bail)—

    (i) in sub-paragraph (1)(a) omit the words "or bail bond";

    (ii) in sub-paragraph (2) omit the words "or Tribunal", "acting for the petty sessions area in which he is arrested or, in Scotland, the sheriff", "or before the Tribunal" and "or before the Tribunal, as the case may be";

    (iii) in sub-paragraph (3) omit the words "or sheriff", "or, in Scotland, on his original bail or on new bail" and "or bail".

EXPLANATORY NOTE

(This note is not part of the Order)

Subject to the modifications set out in this Order, it extends to the Isle of Man—

(a) the provisions of the Immigration Act 1971 relating to appeals;

(b) related provisions in the Asylum and Immigration Appeals Act 1993; and

(c) section 1A of the Immigration (Carriers' Liability) Act 1987.

The Order also makes consequential amendments to the Immigration (Isle of Man) Order 1991.