

SCHEDULE 6

Article 14

The Immigration and Asylum Act 1999

Part 1 – immigration: general

1.—(1) Section 10 of the 1999 Act⁽¹⁾ is modified as follows.

(2) In subsection (1)(c), omit “(“the first directions”)” and “(“the other person”)”.

(3) In the heading to section 10 and in subsections (1), (4)(a) and (8), for “United Kingdom” substitute “Isle of Man”.

(4) Omit subsection (2).

(5) In subsections (3) and (9), for “Secretary of State” substitute “Governor”.

(6) In subsection (10)—

(a) for “United Kingdom”, where those words first occur, substitute “Isle of Man”;

(b) after “resident in United Kingdom” insert “and Islands”.

2.—(1) Section 13 of the 1999 Act is modified as follows.

(2) In subsection (1)(a), for “United Kingdom” substitute “Isle of Man”.

(3) In subsections (2) and (3), for “Secretary of State” substitute “Governor”.

(4) In subsection (4), for “Data Protection Act 1998” substitute “Data Protection Act 2002 (an Act of Tynwald)⁽²⁾”.

3.—(1) Section 14 of the 1999 Act is modified as follows.

(2) In the heading to section 14 and in subsection (1) and (3)(a), for “United Kingdom” substitute “Isle of Man”.

(3) In subsections (2) and (3)(c), for “Secretary of State” substitute “Governor”.

4.—(1) Section 16 of the 1999 Act is modified as follows.

(2) In subsections (1), (2)(a), (4)(b), (5) and (8), for “Secretary of State” substitute “Governor”.

(3) In subsection (3), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.

(4) In subsection (8), for “Consolidated Fund” substitute “General Revenue of the Isle of Man”.

5.—(1) Section 17 of the 1999 Act is modified as follows.

(2) In subsection (1), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.

(3) In subsections (2), (3)(b), (4) and (6), for “Secretary of State”, wherever those words occur, substitute “Governor”.

(4) In subsection (6), for “Consolidated Fund” substitute “General Revenue of the Isle of Man”.

6.—(1) Section 24 of the 1999 Act is modified as follows.

(1) Section 10 was amended by: sections 73(2), (3) and (4), 74, 75(4) and 76(7) of and Schedule 9 to the Nationality, Immigration and Asylum Act 2002 (c.41); section 48 of the Immigration, Asylum and Nationality Act 2006 (c.13).

(2) 2002 c.2 (Isle of Man).

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(2) In subsection (1), for paragraphs (a) to (d) substitute “a registrar to whom a notice of marriage has been given under section 20 of the Marriage Act 1984 (an Act of Tynwald)(3).”.

(3) In subsection (2)(a), omit the words from “or, in relation to Scotland” to “Act of 1977”).

(4) In subsection (3), for “Secretary of State” substitute “Governor”.

(5) In subsection (4), for paragraphs (a) to (c) substitute “by the Clerk of the Rolls.”.

(6) In subsection (5)(b), for “United Kingdom” substitute “Isle of Man”.

7.—(1) Section 25 of the 1999 Act is modified as follows.

(2) In subsection (1)—

(a) for “person responsible for the management of a control port (“the manager”)” substitute “Department”;

(b) for “the port” substitute “a control port”.

(3) In subsections (1), (2), (3) and (7), for “Secretary of State”, wherever those words occur, substitute “Governor”.

(4) In subsection (3), for “person appearing to him to be the manager” substitute “Department”.

(5) Omit subsections (4) and (5).

(6) After subsection (6) insert—

“(6A) “Department” means the Department of Transport.”.

8.—(1) Section 26 of the 1999 Act is modified as follows.

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

Part 2 – carriers’ liability

9.—(1) Section 32 of the 1999 Act(4) is modified as follows.

(2) In subsections (1) and (10), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.

(3) In subsections (2), (2A) and (3), for “Secretary of State” substitute “Governor”.

(4) In subsection (10), omit the words from “and includes any” to the end.

10.—(1) Section 32A of the 1999 Act(5) is modified as follows.

(2) For subsection (1) substitute—

“(1) Codes of practice issued by the Secretary of State under this section as it has effect in the United Kingdom shall apply in respect of the Isle of Man with the necessary modifications.”.

(3) In subsection (2), for “Secretary of State” substitute “Governor”.

(4) Omit subsections (3) to (6).

11.—(1) Section 33 of the 1999 Act(6) is modified as follows.

(2) For subsection (1) substitute—

(3) 1984 c.13 (Isle of Man).

(4) Section 32 was amended by paragraphs 1 and 2 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

(5) Section 32A was inserted by paragraphs 1 and 3 of Schedule 8 the Nationality, Immigration and Asylum Act 2002 (c.41).

(6) Section 33 was amended by paragraphs 1, 4 and 5 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

“(1) Codes of practice issued by the Secretary of State under this section as it has effect in the United Kingdom shall apply in respect of the Isle of Man with the necessary modifications.”.

(3) Omit subsections (2) to (6).

12.—(1) Section 34 of the 1999 Act(7) is modified as follows.

(2) In subsection (3)(c), omit the first “that”.

(3) In subsection (4), for “issued by the Secretary of State under” substitute “having effect in the Isle of Man by virtue of”.

(4) Omit subsection (5).

13.—(1) Section 35 of the 1999 Act(8) is modified as follows.

(2) In subsections (1), (2)(d)(ii), (4), (6), (7), (9), (10) and (13), for “Secretary of State” substitute “Governor”.

(3) In subsection (2)(a), for “Secretary of State’s” substitute “Governor’s”.

(4) In subsection (10), for “Secretary of State as a debt due to him” substitute “Treasury as a debt due to it”.

(5) In subsection (12), for “United Kingdom” substitute “Isle of Man”.

14.—(1) Section 35A of the 1999 Act(9) is modified as follows.

(2) In subsection (3), for “Secretary of State’s” substitute “Governor’s”.

(3) In subsection (3)(c), for “Secretary of State” substitute “Governor”.

(4) In subsection (4), for “Civil Procedure Rules” substitute “rules of court”.

15.—(1) Section 36 of the 1999 Act(10) is modified as follows.

(2) In subsections (1), (2)(b) and (5), for “Secretary of State” substitute “Governor”.

(3) In subsection (2B), for “small ship, small aircraft or rail freight wagon” substitute “small ship or small aircraft”.

(4) In subsection (2C)(b)—

(a) for “ship, aircraft or wagon” substitute “ship or aircraft”;

(b) for “United Kingdom” substitute “Isle of Man”.

16.—(1) Section 36A of the 1999 Act(11) is modified as follows.

(2) In subsections (2) and (6), for “Secretary of State” substitute “Governor”.

(3) In subsection (2), for “small ship, small aircraft or rail freight wagon” substitute “small ship or small aircraft”.

(4) In subsection (6), for “ship, aircraft or wagon” substitute “ship or aircraft”.

17.—(1) Section 37 of the 1999 Act(12) is modified as follows.

(2) In subsections (4) and (5), for “Secretary of State” substitute “Governor”.

(7) Section 34 was amended by paragraphs 1 and 6 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

(8) Section 35 was amended by paragraphs 1 and 7 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

(9) Section 35A was inserted by paragraphs 1 and 8 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

(10) Section 36 was amended by paragraphs 1 and 9 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

(11) Section 36A was inserted by paragraphs 1 and 10 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

(12) Section 37 was amended by paragraphs 1 and 11 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

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18.—(1) Section 40 of the 1999 Act(**13**) is modified as follows.

(2) In subsections (1), (4) and (6)(a), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.

(3) In subsections (2), (3) and (10), for “Secretary of State” substitute “Governor”.

(4) In subsection (6)—

(a) At the end of paragraph (a), omit “or”;

(b) omit paragraph (b).

(5) Omit subsections (7) and (8).

19.—(1) Section 40A of the 1999 Act(**14**) is modified as follows.

(2) In subsections (1), (2), (3), (5), (6) and (7), for “Secretary of State”, wherever those words occur, substitute “Governor”.

(3) In subsection (2)(a), for “Secretary of State’s” substitute “Governor’s”.

(4) In subsection (7), for “Secretary of State as a debt due to him” substitute “Treasury as a debt due to it”.

20.—(1) Section 40B of the 1999 Act(**15**) is modified as follows.

(2) In subsection (3)—

(a) in paragraph (a), for “Secretary of State’s” substitute “Governor’s”;

(b) in paragraph (b), for “Secretary of State” substitute “Governor”.

(3) In subsection (4), for “Civil Procedure Rules” substitute “rules of court”.

21.—(1) Section 43 of the 1999 Act(**16**) is modified as follows.

(2) In subsection (1)—

(a) for the definition of “court” substitute—

““court” means the High Court;”;

(b) in the definition of “owner”, omit “(a)” and the words from “and (b)” to the end.

Part 7 – power to arrest, search and fingerprint

22.—(1) Section 141 of the 1999 Act(**17**) is modified as follows.

(2) In subsection (4), omit the words from “(a) an officer” to “(b)”.

(3) Omit subsections (5)(d) and (e), (6), (7)(e), (8)(e), (9)(e), (12)(d) and (15).

(4) In subsection (5), at the end of paragraph (b) insert “or”.

(5) In subsection (7)(a) and (b), (9)(a) and (b) and (14)(b), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.

(6) In subsection (12)(a), omit “of his police force”.

(7) In subsection (12)(b), omit “or (e)”.

(13) Section 40 was amended by paragraphs 1 and 13 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

(14) Section 40A was inserted by paragraphs 1 and 13 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

(15) Section 40B was inserted by paragraphs 1 and 13 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

(16) Section 43 was amended by paragraphs 1 and 15 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c.41).

(17) Section 141 was amended by section 15 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19) and by section 28(1) to (3) of the Immigration, Asylum and Nationality Act 2006 (c.13).

23.—(1) Section 142 of the 1999 Act(**18**) is modified as follows.

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

(3) Omit subsection (2A).

24.—(1) Section 143 of the 1999 Act is modified as follows.

(2) In subsection (2)(b), for “United Kingdom” substitute “Isle of Man”.

(3) Omit subsections (3) to (8) and (14).

(4) In subsection (9), after “F” insert “(within the meaning of section 141(7))”.

(5) In subsections (11), (12) and (15)(a), for “Secretary of State” substitute “Governor”.

25.—(1) Section 144 of the 1999 Act(**19**) is modified as follows.

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

26.—(1) Section 145 of the 1999 Act(**20**) is modified as follows.

(2) In subsection (4), for “Secretary of State” substitute “Governor”.

(3) In subsection (6), for paragraphs (a) and (b) substitute “any code of practice for the time being in force under the Police Powers and Procedures Act 1998 (an Act of Tynwald)(**21**).”.

(4) Omit subsection (7).

Part 10 – miscellaneous and supplemental

27.—(1) Section 166 of the 1999 Act is modified as follows.

(2) Omit subsections (1), (2), (5) and (6).

(3) In subsection (3), for “Any statutory instrument” to “subsection (1)” substitute “Any rules, regulations or orders made under the Immigration Acts”.

(4) For subsection (4) substitute—

“(4) Rules, regulations and orders made under the Immigration Acts by the Governor, the Council of Ministers, the Deemsters, the Clerk of the Rolls or any Department of the Isle of Man Government shall be laid before Tynwald as soon as practicable after they are made, and if Tynwald at the sitting at which they are laid or at the next following sitting resolves that they shall be annulled, they shall cease to have effect.”.

28.—(1) Section 167 of the 1999 Act is modified as follows.

(2) In subsection (1)—

(a) for the definition of “adjudicator” substitute—

““adjudicator” means an adjudicator designated by section 81 of the Nationality, Immigration and Asylum Act 2002;”;

(b) omit the definitions of “Chief Adjudicator”, “claim for asylum”, “the Commission”, “the Immigration Acts”, “the Refugee Convention” and “voluntary organisations”;

(c) in the definition of “the Human Rights Convention”, for “United Kingdom” substitute “Isle of Man”;

(d) in the definition of “prescribed”, for “Secretary of State” substitute “Governor”.

(18) Section 142 was amended by section 29 of the Immigration, Asylum and Nationality Act 2006 (c.13).

(19) Section 144 was amended by section 128(1) of the Nationality, Immigration and Asylum Act 2002 (c.41).

(20) Section 145 was amended by section 128(2) of the Nationality, Immigration and Asylum Act 2002 (c.41).

(21) 1998 c.9 (Isle of Man).

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29.—(1) Section 168 of the 1999 Act is modified as follows.

(2) In subsection (1)—

(a) for “Parliament” substitute “Tynwald”;

(b) in paragraph (a), for “Secretary of State or the Lord Chancellor” substitute “Governor”.

(3) For subsection (2) substitute—

“(2) Sums received under this Act shall be paid into the General Revenue of the Isle of Man.”.

30.—(1) Section 170 of the 1999 Act is modified as follows.

(2) Omit subsections (2) to (7).

Schedule 1 - sale of transporters

31.—(1) Schedule 1 of the 1999 Act⁽²²⁾ is modified as follows.

(2) In paragraphs 1(2)(c), 2, 3, 4(a) and 5(2)(c), for “Secretary of State”, wherever those words occur, substitute “Governor”.

(3) In paragraphs 1(2)(a) and 5(2)(d), omit “or charge”.

(4) In paragraph 5(1), omit “or 42”.

(22) Schedule 1 was amended by paragraphs 1 and 16 of Schedule 8 and by Schedule 9 to the Nationality, Immigration and Asylum Act 2002 (c.41).