

SCHEDULE 8

Article 18

The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

- 1.—**(1) Section 2 of the 2004 Act is modified as follows.
- (2) In the heading to section 2 and in the following subsections—
- (a) subsection (3)(a);
 - (b) subsection (4)(b), (d) and (e);
 - (c) subsection (5)(b), (d) and (e);
 - (d) subsection (6);
 - (e) subsection (7)(b)(iii);
 - (f) subsection (12), in the definition of “leave or asylum interview”; and
 - (g) subsection (14),
- for “United Kingdom,” wherever those words occur, substitute “Isle of Man”.
- (3) In subsection (3)(b), for “Secretary of State” substitute “Governor”.
- (4) In subsection (8), omit “or official of the Secretary of State”.
- (5) In subsection (9)—
- (a) for “imprisonment”, wherever that word occurs, substitute “custody”;
 - (b) in paragraph (a), for “indictment” substitute “information”;
 - (c) in paragraph (b), for “twelve” substitute “six”.
- (6) In subsection (12), in the definition of “leave or asylum interview”—
- (a) omit “or an official of the Secretary of State”;
 - (b) in paragraph (b), for “Human Rights Act 1998 (c.42)” substitute “Human Rights Act 2001 (an Act of Tynwald)”.
- (7) Omit subsections (15) to (17).
- 2.—**(1) Section 4 of the 2004 Act is modified as follows.
- (2) In subsections (1), (2) and (3), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.
- (3) In subsection (4)(b), for the words from “Human Organ Transplants Act 1989” to the end substitute “Human Organ Transplants Act 1993 (an Act of Tynwald)(1)”.
- (4) In subsection (5)—
- (a) for “imprisonment”, wherever that word occurs, substitute “custody”;
 - (b) in paragraph (a), for “indictment” substitute “information”;
 - (c) in paragraph (b), for “twelve” substitute “six”.
- 3.—**(1) Section 5 of the 2004 Act is modified as follows.
- (2) In subsection (1)—
- (a) for “United Kingdom”, wherever those words occur, substitute “Isle of Man”;
 - (b) in paragraph (c), omit “a part of”.
- (3) Omit subsections (6) to (13).

(1) 1993 c.3 (Isle of Man).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4.—(1) Section 6 of the 2004 Act is modified as follows.

(2) Omit subsection (2).

5.—(1) Section 14 of the 2004 Act is modified as follows.

(2) For subsection (2) substitute—

“(2) Those offences are—

- (a) the offence of conspiracy under section 330 of the Criminal Code 1872 (an Act of Tynwald)(2) (in relation to conspiracy to defraud),
- (c) an offence under section 70 of the Criminal Code 1872 (an Act of Tynwald) (bigamy),
- (d) an offence under section 3 or 4 of the Perjury Act 1952 (an Act of Tynwald)(3) (false statements),
- (e) an offence under section 7 of that Act (aiding, abetting &c.) if it relates to an offence under section 3 or 4 of that Act,
- (g) an offence under any of the following provisions of the Theft Act 1981 (an Act of Tynwald)(4)—
 - (i) section 1 (theft),
 - (ii) section 14 (obtaining property by deception),
 - (iii) section 15 (obtaining pecuniary advantage by deception),
 - (iv) section 16 (obtaining services by deception),
 - (v) section 19 (false accounting),
 - (vi) section 24 (handling stolen goods),
- (m) an offence under any of the following provisions of the Forgery Act 1952 (an Act of Tynwald)(5)—
 - (i) section 3 (forgery of certain documents with intent to defraud or deceive),
 - (ii) section 6 (uttering),
- (p) an offence under section 4 of this Act.”.

(3) Omit subsection (4).

6.—(1) Section 17 of the 2004 Act is modified as follows.

(2) For “Secretary of State”, wherever those words occur, substitute “Governor”.

(3) In paragraph (a), for “United Kingdom” substitute “Isle of Man”.

7.—(1) Section 19 of the 2004 Act is modified as follows.

(2) For the heading to section 19 substitute “Procedure for marriage”.

(3) In subsection (1)(a), for the words from “superintendent registrar” to the end substitute “registrar under Part 3 of the Marriage Act 1984 (an Act of Tynwald), and ”.

(4) In subsection (2), for the words from “section 27” to the end substitute “section 20 of the Marriage Act 1984 (an Act of Tynwald) shall be delivered to the registrar or registrars in person by the two parties to the marriage”.

(2) Statutes vol.IV p.160 (Isle of Man).

(3) Statutes vol.XVIII p.86 (Isle of Man).

(4) 1981 c.21 (Isle of Man).

(5) Statutes vol.XVIII p.6 (Isle of Man).

- (5) In subsection (3)—
 - (a) omit “superintendent”;
 - (b) in paragraphs (a) and (b), for “United Kingdom” substitute “Isle of Man”;
 - (c) in paragraphs (b) and (c), for “Secretary of State” substitute “Governor”.
- (6) In subsection (4)—
 - (a) in paragraph (a)(ii), for “United Kingdom” substitute “Isle of Man”;
 - (b) in paragraph (d), for “Registrar General” substitute “Chief Registrar”.

8.—(1) Section 20 of the 2004 Act is modified as follows.

- (2) For the heading to section 20 substitute “Procedure for marriage: supplemental”.
- (3) In subsection (1), for “Marriage Act 1949 (c.76)” substitute “Marriage Act 1984 (an Act of Tynwald)”.
- (4) In subsection (2)—
 - (a) in paragraph (a), for “section 28(1)(b)” substitute “section 21(1)(b)”;
 - (b) omit “(a)” and the words from “and (b)” to the end.
 - (c) In subsection (3)—
 - (d) for “Secretary of State” substitute “Governor”;
 - (e) for “section 19(2)(a) or (3)(c)” substitute “section 19(3)(c)”;
 - (f) omit “(a)” and the words from “or (b)” to the end.
- (5) Omit subsections (4) and (6).
- (6) In subsection (5), for “Marriage Act 1949 (c.76)” substitute “Marriage Act 1984 (an Act of Tynwald)”.

9.—(1) Section 25 of the 2004 Act is modified as follows.

- (2) For section 25 substitute—

“25 Application for permission under section 19(3)(b)

- (1) The Governor may make regulations which—
 - (a) require a person seeking permission under section 19(3)(b) to make an application in writing, or
 - (b) specify the information to be contained in, or provided with, the application, and how and to whom the fee in respect of that application is to be paid.
- (2) In such regulations, the reference to the fee to be paid shall be taken to be a reference to the fee to be paid in connection with such an application payable by virtue of an order made under section 51(1) of the Immigration, Asylum and Nationality Act 2006.”.

10.—(1) Section 26 of the 2004 Act is modified as follows.

- (2) In subsection (6), for “that Act” substitute “the Nationality, Immigration and Asylum Act 2002”.

11.—(1) Section 35 of the 2004 Act is modified as follows.

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

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(3) In subsections (1)(b) and (7), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.

(4) In subsection (4)—

- (a) in paragraph (a), for “indictment” substitute “information”;
- (b) in paragraphs (a) and (b), for “imprisonment” substitute “custody”;
- (c) in paragraph (b), for “twelve” substitute “six”.

(5) In subsection (7), in the definition of “removal from the Isle of Man”—

- (a) at the end of paragraph (a) insert “or”;
- (b) at the end of paragraph (b) omit “or”;
- (c) omit paragraph (c).

(6) Omit subsection (8) to (11).

12.—(1) Section 36 of the 2004 Act is modified as follows.

(2) In subsection (1)(d)—

- (a) in subparagraph (i), omit “or bail bond”;
- (b) in subparagraph (ii)—
 - (i) for “the sheriff, the Asylum and Immigration Tribunal, the Secretary of State” substitute “the Governor”;
 - (ii) at the end, omit “and”;
- (c) omit subparagraph (iii).

(3) In subsection (4), omit “or bail bond”.

(4) In subsections (8) and (10)(b), for “Secretary of State” substitute “Governor”.

(5) Omit subsections (11)(c) and (d) and (12).

13.—(1) Section 42 of the 2004 Act(6) is modified as follows.

(2) In subsections (1), (1)(b), (5)(b) and (6), for “Secretary of State” substitute “Governor”.

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

(4) Omit subsection (3).

(5) In subsection (4), omit “or (3)(b)”.

(6) After subsection (6) insert—

“(6A) In relation to an application for or relating to a work permit, the references in this section to the Governor shall be construed as references to the Department of Trade and Industry.”.

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

14.—(1) Section 45 of the 2004 Act is modified as follows.

(2) For “Secretary of State” substitute “Governor”.

(6) Section 42 was amended by paragraph 6 of Schedule 2 to the Immigration, Asylum and Nationality Act 2006 (c.13).