

## SCHEDULE

## Article 3

### Modifications in the extension of the provisions of the Act to the Isle of Man

1. Any reference to an Act of Parliament, or to a provision of an Act of Parliament, shall be construed, unless the contrary intention appears, as a reference to that Act or provision as it has effect in the Isle of Man.

2. Any reference to an Act of Tynwald, or to a provision of an Act of Tynwald, shall be construed as including a reference to that Act or provision as amended or replaced by or under any other such Act or provision.

3. For any reference to the United Kingdom, or to a part of the United Kingdom, there shall be substituted a reference to the Isle of Man.

4. In section 1(1) (Extended scope of certain offences)—

(a) for paragraph (b) substitute—

“(b) an offence under section 33 or 35 of the Criminal Code 1872 (an Act of Tynwald) or section 1 of the Criminal Damage Act 1981 (an Act of Tynwald), or”;

(b) for paragraph (d) substitute—

“(d) the offence of fraud or extortion or an offence under section 14 or 23 of the Theft Act 1981 (an Act of Tynwald),”.

5. In section 1A(1) (Increase in penalties for offences committed in relation to nuclear material etc) for “indictment” substitute “information”.

6. In section 1B(4) (Offences relating to damage to environment) for “indictment” substitute “information”.

7. In section 1C (Offences of importing or exporting etc nuclear material: extended jurisdiction)

(a) in subsection (4) omit “(in Scotland, sufficient evidence)”;

(b) in subsection (6) for “indictment” substitute “information”.

8. In section 1D (Offences under section 1C: investigations and proceedings etc)—

(a) in subsection (1)—

(i) for “Commissioners for Her Majesty’s Revenue and Customs” substitute “Treasury”;

(ii) for “CEMA 1979 (see section 1(1) of that Act)” substitute “CEMA 1986 (see section 184(1) of that Act)”;

(b) in subsection (2) for “Section 138 of CEMA 1979” substitute “Section 145 of CEMA 1986”;

(c) in subsection (3) for “Sections 145 to 148 and 150 to 155 of CEMA 1979” substitute “Sections 152 to 155 and 157 to 162 of CEMA 1986”;

(d) for subsection (4) substitute—

“(4) In this section—

“CEMA 1986” means the Customs and Excise Management Act 1986 (an Act of Tynwald);

“the customs and excise Acts”, “shipment” and “stores” have the same meanings as in CEMA 1986 (see section 184(1) of that Act);

“the Treasury” means the Isle of Man Treasury, a department of the government of the Isle of Man.”

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**9.** In section 2(8) (Offences involving preparatory acts and threats) for “indictment” substitute “information”.

**10.** In section 2A (Inchoate and secondary offences: extended jurisdiction)—

(a) in subsection (3)(d) for “section 50(2) or (3), 68(2) or 170(1) or (2) of the Customs and Excise Management Act 1979” substitute “sections 47(2) or (3), 69(2) or 178(1) or (2) of the Customs and Excise Management Act 1986 (an Act of Tynwald)”;

(b) in subsection (4) for paragraphs (a) to (c) substitute—

“(a) an offence under section 23 of the Theft Act 1981 (an Act of Tynwald), or  
(b) an offence of extortion.”

(c) omit subsection (5).

**11.** In section 3 (Supplemental)—

(a) for subsection (1) substitute—

“(1) Proceedings for an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978(1), the Suppression of Terrorism Act 1978(2), the United Nations Personnel Act 1997(3), and the Anti-Terrorism and Crime Act 2003 (an Act of Tynwald)) would not be an offence apart from the preceding provisions of this Act shall not be begun in the Isle of Man except by or with the consent of the Attorney General for the Isle of Man.”;

(b) omit subsection (2).

**12.** In section 4 (Amendments of other Acts)—

(a) in subsection (1)(b), for “subsections (4) and (5)” substitute “subsection (4)”;

(b) for subsection (2), substitute—

“(2) In the Schedule to the Visiting Forces Act 1952(4) (which specifies the offences which are offences against the person and against property for the purposes of section 3 of that Act)—

(a) in paragraph 1, after sub-paragraph (d), there shall be inserted the following sub-paragraph—

“(e) an offence under section 2 of the Nuclear Material (Offences) Act 1983 where the circumstances are that—

(i) in the case of a contravention of subsection (2), the act falling within paragraph (a) or (b) of that subsection would, had it been done, have constituted an offence falling within paragraph (a) or (b) of this paragraph, or

(ii) in the case of a contravention of subsection (3) or (4), the act threatened would, had it been done, have constituted such an offence”; and

(b) in paragraph 2, after sub-paragraph (c) there shall be inserted the following sub-paragraph—

“(d) an offence under section 2 of the Nuclear Material (Offences) Act 1983, where the circumstances are that—

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(1) 1978 c.17. The provisions of this Act extend to the Isle of Man by virtue of [SI 1979/574](#).

(2) 1978 c.26. The provisions of this Act were amended in their application to the Isle of Man by [SI 1978/1530](#).

(3) 1997 c.13. The provisions of this Act extend to the Isle of Man by virtue of [SI 1998/1509](#).

(4) 1952 c.67. The Visiting Forces Act 1952 was extended to the Isle of Man by [S.I. 1962/170](#); the Schedule to that Act, as the Act has effect in the Isle of Man, was substituted by paragraph 7 of Schedule 3 to the Sexual Offences Act 1992 (an Act of Tynwald); the substituted Schedule was subsequently amended as it has effect in the Isle of Man by [SI 1998/1509](#).

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- (i) in the case of a contravention of subsection (2), the act falling within paragraph (a) or (b) of that subsection would, had it been done, have constituted an offence falling within paragraphs 2(a) (i) to (iv) of this paragraph, or
- (ii) in the case of a contravention of subsection (3) or (4), the act threatened would, had it been done, have constituted such an offence.””

(c) omit subsection (3)(5).

**13.** In section 8 (Short title and commencement), omit subsection (2).

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(5) Section 4(3) was repealed as it applied in the United Kingdom by the Northern Ireland (Emergency Provisions) Act 1991 (c.24) (section 70(4), and Part 1 of Schedule 8). That Act did not extend to the Isle of Man.