

## SCHEDULE

### AMENDMENTS TO THE IMMIGRATION (ISLE OF MAN) ORDER 2008

#### **Extension of the Immigration, Asylum and Nationality Act 2006(1) to the Isle of Man**

**9.** In Schedule 9 (the Immigration, Asylum and Nationality Act 2006)—

(a) for paragraph 1 substitute—

“**1.**—(1) Section 4 of the 2006 Act is modified as follows.

(2) Omit subsections (2) and (3).

**1A.**—(1) Section 7 of the 2006 Act is modified as follows.

(2) Omit subsection (2).”;

(b) after paragraph 4 insert—

“**4A.**—(1) Section 32 of the 2006 Act is modified as follows.

(2) For “United Kingdom”, in each place it occurs, substitute “Isle of Man”.

(3) For “Secretary of State”, in each place it occurs, substitute “Governor”.

(4) In subsection (4), for the words from “necessary” to the end substitute “necessary for police purposes”.

(5) In subsection (5), for paragraphs (b) and (c) substitute—

“(b) “police purposes” means any of the following—

(i) the prevention, detection, investigation or prosecution of criminal offences;

(ii) safeguarding national security;

(iii) such other purposes as may be specified in an order made by the Governor;

(c) “constable” means any officer or member of the Isle of Man Constabulary.”.

(6) In subsection (7), for “Human Rights Act 1998 (c.42)” substitute “Human Rights Act 2001 (an Act of Tynwald)”.

(7) In subsection (8)—

(a) at the end of paragraph (b) insert “and”;

(b) at the end of paragraph (c), for the comma substitute a full-stop; and

(c) omit paragraphs (d) and (e).

**4B.**—(1) Section 34 of the 2006 Act is modified as follows.

(2) In subsection (1), omit “or 33(2)”.

(3) Omit subsections (2) and (4).

(4) For subsection (3) substitute—

“(3) A person who is guilty of an offence under subsection (1) shall be liable on summary conviction to—

(a) custody for a term not exceeding 6 months,

*Status: This is the original version (as it was originally made).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

- (b) a fine not exceeding level 4 on the standard scale, or
- (c) both.”.

**4C.—**(1) Section 36 of the 2006 Act is modified as follows.

- (2) For “Secretary of State”, in each place it occurs, substitute “Governor”.
- (3) In subsection (1), for paragraphs (b) and (c) substitute—
  - “(b) the Chief Constable; and
  - (c) the Treasury.”.
- (4) In subsection (2), for paragraph (c) substitute—
  - “(c) customs purposes.”.
- (5) Omit subsection (3).
- (6) In subsection (5)—
  - (a) in subparagraph (a)(iii) for “Revenue and Customs” substitute “customs”; and
  - (b) in subparagraph (b), for “Human Rights Act 1998 (c.42)” substitute “Human Rights Act 2001 (an Act of Tynwald)”.
- (7) In subsection (6)(b), for “Revenue and Customs” substitute “customs”.
- (8) Omit subsections (7) and (8).
- (9) For subsection (9) substitute—
  - “(9) In this section—
    - “customs purposes” means any of the Treasury’s functions in relation to—
      - (a) the prevention, detection, investigation or prosecution of criminal offences under the Acts specified in subsection (9A);
      - (b) the prevention, detection or investigation of conduct in respect of which penalties which are not criminal penalties are provided for by or under any of those Acts;
      - (c) the assessment or determination of penalties under those Acts which are not criminal penalties;
      - (d) checking the accuracy of information relating to, or provided for purposes connected with, any matter which by virtue of any of those Acts is under the care and management of the Treasury or any assigned matter (as defined by section 184 of the Customs and Excise Management Act 1986 (an Act of Tynwald));
      - (e) amending or supplementing any such information (where appropriate);
      - (f) legal or other proceedings relating to anything mentioned in paragraphs (a) to (e);
      - (g) safeguarding national security; and
      - (h) such other purposes as may be specified in an order made by the Governor;
    - “immigration purposes” means any of the following—
      - (a) the administration of immigration control under the Immigration Acts;
      - (b) the prevention, detection, investigation or prosecution of criminal offences under those Acts;
      - (c) the imposition of penalties or charges under Part II of the Immigration and Asylum Act 1999 (c.33);

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

(d) such other purposes as may be specified in an order made by the Governor;  
“police purposes” has the same meaning as in section 32.

(9A) The Acts referred to in the definition of “customs matters” in subsection (9) are—

- (a) the customs and excise Acts (as defined by section 184 of the Customs and Excise Management Act 1986 (an Act of Tynwald)), and
- (b) the Value Added Tax Act 1996 (an Act of Tynwald).”.

**4D.**—(1) Section 37 of the 2006 Act is modified as follows.

(2) For “Secretary of State”, in each place it occurs, substitute “Governor”.

(3) In subsection (2)(a), for “Parliament” substitute “Tynwald”.

(4) Omit subsection (4).

**4E.**—(1) Section 39 of the 2006 Act is modified as follows.

(2) For subsections (1) and (2) substitute—

“(1) The Chief Constable may disclose information obtained in accordance with section 32 to—

- (a) the chief officer of police of a police force maintained under the Police Act 1996 (c.16);
- (b) the chief constable of a police force maintained under the Police (Scotland) Act 1967 (c.77);
- (c) the chief constable of the Police Service of Northern Ireland;
- (d) the States of Jersey police force;
- (e) the salaried police force of the Island of Guernsey;
- (f) any other foreign law enforcement agency.

(2) In subsection (1) “foreign law enforcement agency” means a person outside the Isle of Man with functions similar to functions of the Isle of Man Constabulary.”.

(3) Omit subsection (3).”; and

(c) for paragraph 5(3) substitute—

“(3) Omit subsections (3) and (6).”.