

1979 No. 1711**EVIDENCE****The Evidence (Proceedings in Other Jurisdictions)
(Isle of Man) Order 1979**

Made - - - - - 19th December 1979

Coming into Operation 1st February 1980

At the Court at Buckingham Palace, the 19th day of December 1979

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 10(3) of the Evidence (Proceedings in Other Jurisdictions) Act 1975(a) 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 Evidence (Proceedings in Other Jurisdictions) (Isle of Man) Order 1979 and shall come into operation on 1st February 1980.

2. The provisions of the Evidence (Proceedings in Other Jurisdictions) Act 1975 shall extend to the Isle of Man subject to the exceptions, adaptations and modifications specified in Schedule 1 to this Order.

3. The provisions of the Evidence (European Court) Order 1976(b) shall extend to the Isle of Man subject to the modifications specified in Schedule 2 to this Order.

Clerk of the Privy Council.

(a) 1975 c. 34.

(b) S.I. 1976/428.

SCHEDULE 1

Article 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF THE EVIDENCE
(PROCEEDINGS IN OTHER JURISDICTIONS) ACT 1975 TO THE ISLE OF MAN

1.—(1) Any reference in the Evidence (Proceedings in Other Jurisdictions) Act 1975—

- (a) to the High Court shall be construed as including a reference to Her Majesty's High Court of Justice of the Isle of Man;
- (b) to an indictment shall be construed as a reference to an information;
- (c) to the United Kingdom shall, except in section 5(1), be construed as including the Isle of Man.

(2) Any reference in the said Act of 1975, as extended to the Isle of Man by this Order, to an enactment of Tynwald shall be construed as a reference to that enactment as amended or replaced by or under any other enactment of Tynwald.

2. Section 4 (Extension of powers of High Court etc. in relation to obtaining evidence for proceedings in that court) shall be omitted.

3. In section 5(1) (Power of United Kingdom Court to assist in obtaining evidence for criminal proceedings in overseas court), for the reference to the United Kingdom there shall be substituted a reference to the Isle of Man.

4. In section 6(2) (Power of United Kingdom court to assist in obtaining evidence for international proceedings), for the enactments referred to therein there shall be substituted a reference to section 1(4) of the Perjury Act 1952 (an Act of Tynwald).

5. In section 7 (Rules of court), for the enactments referred to therein there shall be substituted a reference to section 35 of the Isle of Man Judicature Act 1883 (an Act of Tynwald).

6. In section 9 (Interpretation), subsection (2) shall be omitted.

7. In section 10 (Short title, commencement and extent), subsections (2) and (3) shall be omitted.

8. For Schedule 1 (Consequential Amendments), substitute the following provision:—

"SCHEDULE 1

Section 8(1)

CONSEQUENTIAL AMENDMENTS

The Perjury Act 1952 (an Act of Tynwald)

In the Perjury Act 1952 (an Act of Tynwald) after section 1 there shall be inserted—

'1A. False unsworn statement under Evidence (Proceedings in Other Jurisdictions) Act 1975.

If any person, in giving any testimony (either orally or in writing) otherwise than on oath, where required to do so by an order under section 2 of the Evidence (Proceedings in Other Jurisdictions) Act 1975 (an Act of Parliament extended to the Isle of Man by the Evidence (Proceedings in Other Jurisdictions) (Isle of Man) Order 1979), makes a statement—

- (a) which he knows to be false in a material particular, or
(b) which is false in a material particular and which he does not believe to be true,

he shall be guilty of an offence and shall be liable on conviction on information to imprisonment for a term not exceeding two years or a fine or both.’”.

9. In Schedule 2 (Repeals), the reference to the German Conventions Act 1955, the Northern Ireland Act 1962, the Arbitration (International Investment Disputes) Act 1966, the Civil Evidence Act 1968 and the Civil Evidence Act (Northern Ireland) 1971 shall be omitted.

Article 3

SCHEDULE 2

MODIFICATIONS TO THE EVIDENCE (EUROPEAN COURT) ORDER 1976
IN ITS EXTENSION TO THE ISLE OF MAN

1. In Article 2, after the words “Act 1975” there shall be inserted the words “(as extended to the Isle of Man by the Evidence (Proceedings in Other Jurisdictions) (Isle of Man) Order 1979)”.

2. For Article 3, there shall be substituted the following Article:—

“3. Section 1(4) of the Perjury Act 1952 (an Act of Tynwald) shall have effect in relation to proceedings in the said Court as it has effect in relation to a judicial proceeding in a tribunal of a foreign state.”.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends to the Isle of Man certain provisions of the Evidence (Proceedings in Other Jurisdictions) Act 1975, subject to the modifications made by this Order. The 1975 Act, as so extended, makes fresh provision to enable the High Court of Justice of the Isle of Man to assist in obtaining evidence required for the purposes of proceedings in other jurisdictions.

The Order also extends the Evidence (European Court) Order 1976 to the Isle of Man. By that Order, as so extended, evidence for proceedings before the European Court of Justice may be taken at the request of that Court by the High Court of Justice of the Isle of Man.

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