

1980 No. 399

ISLE OF MAN

The Isle of Man (Transfer of Functions) Order 1980

<i>Made - - - -</i>	<i>19th March 1980</i>
<i>Laid before Parliament</i>	<i>27th March 1980</i>
<i>Coming into Operation</i>	<i>1st April 1980</i>

At the Court at Buckingham Palace, the 19th day of March 1980

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 11(1) of the Isle of Man Act 1979(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 Isle of Man (Transfer of Functions) Order 1980 and shall come into operation on 1st April 1980.

2. The enactments mentioned in Part I of the Schedule to this Order and the Orders in Council mentioned in Part II of that Schedule shall be modified in accordance with the provisions of that Schedule so as to transfer to the authority or person referred to in those provisions the functions of—

- (a) the Lieutenant Governor of the Isle of Man (whether referred to by that title or otherwise) or a deputy governor of the Island, and
- (b) the Commissioners of Customs and Excise or an officer of those Commissioners.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE

TRANSFER OF FUNCTIONS OF THE LIEUTENANT GOVERNOR OF THE ISLE OF MAN
OR THE COMMISSIONERS OF CUSTOMS AND EXCISE

PART I

MODIFICATION OF ENACTMENTS

The Foreign Enlistment Act 1870 (c. 90)

1. In paragraph (1) of section 21 of the Foreign Enlistment Act 1870, there shall be inserted after the words "United Kingdom" the words "(except in the Isle of Man)"; and at the end of that paragraph the following words shall be added:—

"and, in the Isle of Man, any officer of customs of the Isle of Man, or officer of the Isle of Man Harbour Board, subject nevertheless to any special or general instructions from the Governor in Council".

2. In section 26(4) of that Act, for the words "Lieutenant Governor" there shall be substituted the words "Governor in Council".

3. In section 30 of that Act, after the definition of "The Governor" there shall be inserted the following definition:—

"'Governor in Council' means the Governor of the Isle of Man (including the Lieutenant-Governor, Deputy Governor, Deputy Lieutenant-Governor, and the Acting Governor or Acting Lieutenant-Governor) acting on the advice and with the concurrence of the Executive Council of the Isle of Man:".

The Slave Trade Act 1873 (c. 88)

4. In paragraph (a) of section 3 of the Slave Trade Act 1873, for the words "Channel Islands, or Isle of Man" there shall be substituted the words "or Channel Islands, for any member of the Isle of Man Constabulary,".

The Merchant Shipping Act 1894 (c. 60)

5. In section 4(1) of the Merchant Shipping Act 1894:—

(a) in paragraph (a) the words "or Isle of Man," shall be omitted, and

(b) after paragraph (a) there shall be inserted the following paragraph:—

"(aa) At any port in the Isle of Man approved by the Governor in Council for the registry of ships, such officer of the Isle of Man Harbour Board as may be appointed for the purpose by the Governor in Council:".

6. In section 89 of that Act, after the words "British possession" there shall be inserted the words ", except the Isle of Man,".

7. At the end of section 91 of that Act, there shall be added the following words:—
"but the following provisions, in their application to the Isle of Man, shall have effect subject to the following modifications, that is to say:—

(a) in section 10(2), for the words "Commissioners of Customs" there shall be substituted the words "Governor in Council";

(b) in section 17, for the words "Commissioners of Customs" there shall be substituted the words "Isle of Man Harbour Board";

(c) in section 23, for the words "Commissioners of Customs, or to the governor of a British possession" and the words "Commissioners or the governor" there shall, in each place, be substituted the words "Governor in Council";

(d) in section 45, for the words "Commissioners of Customs" and the word "Commissioners" there shall, in each place, be substituted the words "Isle of Man Harbour Board";

(e) in section 60, for the words "Commissioners of Customs" there shall be substituted the words "Governor in Council";

- (f) in section 64(1), for the words "Commissioners of Customs" there shall be substituted the words "Isle of Man Finance Board";
- (g) in section 65, for the words "Commissioners of Customs", wherever they occur, and for the words "said Commissioners" there shall be substituted the words "Isle of Man Harbour Board";
- (h) in section 73(3) and in section 76(1), for the words "officer of customs in Her Majesty's dominions", where they occur in each section, there shall be substituted the words "officer of the Isle of Man Harbour Board";
- (i) in section 85(3), for the words "Customs" there shall be substituted the words "the Isle of Man Harbour Board"; and
- (j) in section 90(1), for the words "governor of a British possession" there shall be substituted the words "Governor in Council".

8. In paragraph (c) of section 356 of that Act, there shall be inserted after the words "British Islands" the words "(except in the Isle of Man)" and at the end of the paragraph there shall be inserted the words "and in the Isle of Man, the Attorney General for the Island or a person authorised by him".

9. At the end of section 692 of that Act, there shall be inserted the following subsection:—

"(5) In its application to the Isle of Man, this section shall have effect as if for any reference to an officer of customs there were substituted a reference to an officer of the Isle of Man Harbour Board."

10. In section 742 of that Act, after the definition of "Chief Officer of Customs" there shall be inserted the following definition:—

"the Governor in Council" means the Governor of the Isle of Man (including the Lieutenant-Governor, Deputy Governor, Deputy Lieutenant-Governor, and the Acting Governor or Acting Lieutenant-Governor) acting on the advice and with the concurrence of the Executive Council of the Isle of Man;"

The Merchant Shipping Act 1906 (c. 48)

11. In section 51(3) of the Merchant Shipping Act 1906:—

- (a) after the words "a port in a British possession" there shall be inserted the words "(except the Isle of Man)", and
- (b) after the words "Governor of the British possession" there shall be inserted the words ", in the application of this section to a port in the Isle of Man, the Governor in Council."

PART II

MODIFICATION OF ORDERS IN COUNCIL

The Merchant Shipping (Fishing Boats Registry) Order 1927 (S.R. & O. 1927/642)

12. In the Regulations in the Schedule to the Merchant Shipping (Fishing Boats Registry) Order 1927:—

- (a) at the end of Regulation 7, there shall be added the following words "or, in the Isle of Man, by the Registrar"; and
- (b) in the part of Schedule 1 to those Regulations which is headed "CHANNEL ISLANDS AND ISLE OF MAN", in the entries relating to Castletown, Douglas, Peel and Ramsey, for the officer named in the fourth column thereof, there shall be substituted "the Registrar of British Ships for the Isle of Man".

The Immigration (Isle of Man) Order 1972 (S.I. 1972/1720)

13. Paragraph 26 of the Schedule to the Immigration (Isle of Man) Order 1972 shall be amended as follows:—

- (a) the existing sub-paragraph (1) shall be renumbered (1A) and at the beginning of the paragraph there shall be inserted the following sub-paragraph:—

“(1) In paragraph 1(1) of Schedule 2, for the words “Commissioners of Customs and Excise for the employment of officers of customs and excise” there shall be substituted the words “Governor in Council for the employment of officers of customs and excise.”; and

(b) after sub-paragraph (2) there shall be inserted the following sub-paragraph:—

“(2A) At the end of paragraph 1 of Schedule 2 there shall be inserted the following sub-paragraph:—

“(6) In this paragraph the expression “Governor in Council” means the Governor of the Isle of Man (including the Lieutenant-Governor, Deputy Governor, Deputy Lieutenant-Governor, and the Acting Governor or the Acting Lieutenant-Governor) acting on the advice and with the concurrence of the Executive Council of the Isle of Man.”.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order modifies the enactments and Orders in Council specified in the Schedule to the Order. The effect of these modifications is to transfer, in respect of the Isle of Man, the functions conferred by those provisions on the Commissioners of Customs and Excise (or officers of those Commissioners) or the Governor of the Isle of Man to the authorities or persons specified in the Schedule to the Order.