
STATUTORY INSTRUMENTS

1991 No. 1719

EXTRADITION

**The Nuclear Material (Offences)
Act 1983 (Isle of Man) Order 1991**

Made - - - - *24th July 1991*

Coming into force - - *2nd October 1991*

At the Court at Buckingham Palace, the 24th day of July 1991

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 7(2) of the Nuclear Material (Offences) Act 1983(1), 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 Nuclear Material (Offences) Act 1983 (Isle of Man) Order 1991 and shall come into force on 2nd October 1991.

2. Sections 1 to 4, 6 and 8 of and the Schedule to the Nuclear Material (Offences) Act 1983(2) shall extend to the Isle of Man with the exceptions, adaptations and modifications specified in the Schedule to this Order.

G. I. de Deney
Clerk of the Privy Council

(1) 1983 c. 18.

(2) Sections 5 and 7(1) were repealed by and re-enacted in the Extradition Act 1989 (c. 33), as was section 5A (inserted by paragraph 95 of Schedule 15 to the Criminal Justice Act 1988 (c. 33) but not brought into force before its reenactment in the 1989 Act); section 6 was amended by section 36(9) of the Extradition Act 1989 (definition of "the Convention").

SCHEDULE

Article 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN
THE EXTENSION OF PROVISIONS OF THE NUCLEAR
MATERIAL (OFFENCES) ACT 1983 TO THE ISLE OF MAN

1. Any reference to an Act of Parliament, or to a provision thereof, 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 thereof, shall be construed as including a reference thereto 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 thereof, there shall be substituted a reference to the Isle of Man.

4. In section 1(1)–

(a) for paragraph (b) there shall be substituted the following paragraph–

“(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”, and

(b) in paragraph (d), for the words from “section 15 or 21” to the end of the paragraph there shall be substituted the words “section 14 or 23 of the Theft Act 1981 (an Act of Tynwald)”

5. In section 2(5), for “indictment” there shall be substituted “information”.

6. In section 3–

(a) in subsection (1), for paragraphs (a) and (b) there shall be substituted the words “in the Isle of Man except by or with the consent of the Attorney General for the Isle of Man”, and

(b) subsection (2) shall be omitted.

7. In section 4–

(a) in subsection (1)(b), for “subsections (4) and (5)” there shall be substituted “subsection (4)”;

(b) for subsection (2), there shall be substituted the following subsection:

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

(a) after paragraph (c) there shall be inserted the following paragraph–

“(d) 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), 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) after paragraph (vi) (at the end of the Schedule) there shall be inserted the following paragraph–

(3) 1952 c. 67; the provisions of that Act extend to the Isle of Man by virtue of S.I.1962/170.

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

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

(1) 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 (i) to (vi) or

(2) 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

(c) subsection (3) shall be omitted.”

8. In section 8, subsection (2) shall be omitted.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Isle of Man sections 1 to 4, 6 and 8 of and the Schedule to the Nuclear Material (Offences) Act 1983 with the exceptions, adaptations and modifications specified in the Schedule to the Order.