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STATUTORY INSTRUMENTS

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**1996 No. 727**

**DEFENCE**

**The Naval Discipline Act 1957 (Isle of Man) Order 1996**

*Made* - - - - *13th March 1996*

*Coming into force* - - *1st June 1996*

At the Court at Buckingham Palace, the 13th day of March 1996

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 125(1) of the Naval Discipline Act 1957<sup>(1)</sup>, including that section as applied by section 24(5) of the Armed Forces Act 1991<sup>(2)</sup>, 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 Naval Discipline Act 1957 (Isle of Man) Order 1996 and shall come into force on 1st June 1996.

**2.—(1)** The Naval Discipline Act 1957 (“the 1957 Act”) shall have effect in the Isle of Man subject to the modifications specified in Part I of the Schedule to this Order.

(2) The provisions<sup>(3)</sup> of—

- (a) the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947<sup>(4)</sup>, and
- (b) section 10 and Part III of the Armed Forces Act 1991 (“the 1991 Act”),

shall have effect subject to the modifications specified in Parts II and III respectively of the Schedule to this Order.

**3.** In relation to any reference to a law for the time being in force in the Isle of Man, the modifications made by this Order have effect for all purposes of the 1957 Act (and not only in the application of that Act to the Isle of Man).

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(1) 1957 c. 53; section 125(1) was substituted by section 24(2) of the Armed Forces Act 1991 (c. 62).

(2) 1991 c. 62.

(3) The provisions listed in this paragraph are, by section 24(5) of the 1991 Act, deemed to be comprised in the 1957 Act for the purposes of section 125 of that Act.

(4) 1947 c. 24.

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**Status:** This is the original version (as it was originally made).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

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*N. H. Nicholls*  
Clerk of the Privy Council

SCHEDULE

Article 2

PART I

modifications subject to which the naval discipline act 1957 has effect in the isle of man

1. In section 43AA(6)(5), at the end insert—
  - “(d) where the offender is in or removed to the Isle of Man, any place in which he could have been detained if he had been ordered (in whatever terms) to be detained in custody by a court in the Isle of Man.”.
- 2.—(1) In section 101(5)(6)—
  - (a) after “1920” insert “or Schedule 2 to the Maintenance Orders (Reciprocal Enforcement) Act 1995 (an Act of Tynwald)”; and
  - (b) after “1972” insert “or Part 1 of the said Act of 1995”.(2) Until the coming into force of the Maintenance Orders (Reciprocal Enforcement) Act 1995 (an Act of Tynwald)—
  - (a) the reference in sub-paragraph (1)(a) above to Schedule 2 to that Act shall be construed as a reference to the Maintenance Orders (Facilities for Enforcement) Act 1921 (an Act of Tynwald); and
  - (b) the reference in sub-paragraph (1)(b) above to Part 1 of that Act shall be construed as a reference to Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1978 (an Act of Tynwald).
3. In section 128F(7) at the end insert—
  - “(11A) Where it appears to the Defence Council or an officer authorised by them that the person against whom a financial penalty enforcement order is made resides or is likely to reside in the Isle of Man, the order shall be registered in the Isle of Man by the Clerk to the Justices; and where such an order has been so registered—
    - (a) a justice of the peace may issue a summons to the person against whom it has been registered requiring him to appear before a court of summary jurisdiction or a warrant for the arrest of that person; and
    - (b) a court of summary jurisdiction may exercise the like powers as are conferred on it by Part VIII of the Summary Jurisdiction Act 1989 (an Act of Tynwald).”.
- 4.—(1) Schedule 4A(8) shall be modified as follows.
  - (2) In paragraph 10(6)—
    - (a) after paragraph (c) insert—

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- (5) Section 43AA was inserted by section 2(2) of the Armed Forces Act 1981 (c. 55) and amended by paragraph 6 of Schedule 9 to the Criminal Justice Act 1991 (c. 53).
  - (6) Section 101(5) was amended by paragraph 3 of the Schedule to the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18).
  - (7) Section 128F was inserted by paragraph 3 of Schedule 8 to the Armed Forces Act 1976 (c. 52); subsection (11) was inserted by paragraph 7(4) of Schedule 1 to the Armed Forces Act 1986 (c. 21).
  - (8) Schedule 4A was inserted by paragraph 3 of Schedule 4 to the Armed Forces Act 1976; paragraph 11(4B) was inserted by section 9(4) of the Armed Forces Act 1991 and paragraph 10 was amended by paragraph 8 of Schedule 9 to the Criminal Justice Act 1991.

- “(d) where the offender is removed to the Isle of Man, any place in which he could have been detained if he had been ordered (in whatever terms) to be detained in custody by a court in the Isle of Man;”;
- (b) at the end insert “and in relation to an offender who is removed to the Isle of Man, includes an Act of Tynwald”.
- (3) In paragraph 11(4B)(b), at the end insert “or paragraph 2 of Schedule 5 to the Road Traffic Act 1985 (an Act of Tynwald)”.

## PART II

modifications subject to which provisions of the naval forces (enforcement of maintenance liabilities) act 1947 have effect in the isle of man

1. In section 1(2A)(9), in paragraph (b), after “extends” insert “, and also includes a reference to an order registered in the Isle of Man under Part 1 of the Maintenance Orders (Reciprocal Enforcement) Act 1995 (an Act of Tynwald) or under an enactment corresponding to Part I of the Civil Jurisdiction and Judgments Act 1982(10)”.
2. Until the coming into force of the Maintenance Orders (Reciprocal Enforcement) Act 1995 (an Act of Tynwald), the above reference to Part 1 of that Act shall be construed as a reference to Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1978 (an Act of Tynwald).

## PART III

modifications subject to which provisions of the armed forces act 1991 have effect in the isle of man

1. In section 21(4)(b), after “1968” in the second place where it occurs insert “and the Children and Young Persons Act 1966 (an Act of Tynwald)”.
- 2.—(1) In section 23(1), in the definition of “contact order”, at the end insert “or section 9(1) of the Family Law Act 1991 (an Act of Tynwald) as the case may require”.
  - (2) In section 23(3)(a), after “law of Scotland” insert “or section 5 of the Family Law Act 1991 (an Act of Tynwald) as part of the law of the Isle of Man”.
- 3.—(1) Schedule 1(11) shall be modified as follows.
  - (2) In paragraph 1, after sub-paragraph (b) insert—
 

“(ba) an advocate in the Isle of Man;”.
  - (3) In paragraph 6, at the end insert “and
    - (e) in the case of a person who qualifies for appointment under paragraph 1(d) above by virtue of holding or having held judicial office in the Isle of Man, with the consent of Her Majesty’s First Deemster.”.

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(9) Section 1(2A) was inserted by section 15(3) of the Armed Forces Act 1991.

(10) 1982 c. 27.

(11) Schedule 1 has effect by virtue of section 10(7).

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

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order modifies certain provisions of the Naval Discipline Act 1957 and the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947, as amended, and the Armed Forces Act 1991 in their application to the Isle of Man.