

SCHEDULES

SCHEDULE 1

Article 17

Schedule to be inserted as Schedule 9ZA to the principal Order

“SCHEDULE 9ZA

Article 21A

The UK Borders Act 2007

1.—(1) Section 5 of the 2007 Act is modified as follows.

(2) For “Secretary of State”, in each place it occurs, substitute “Minister”(and accordingly in subsection (5)(d) for “Secretary of State’s” substitute “Minister’s”).

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

2.—(1) Section 6 of the 2007 Act is modified as follows.

(2) In subsection (5), for “Secretary of State’s” substitute “Minister’s”.

(3) Omit subsection (6).

3.—(1) Section 7 of the 2007 Act⁽¹⁾ is modified as follows.

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

(3) In subsection (2)(c), for “the United Kingdom” substitute “the Isle of Man”.

4.—(1) Section 8 of the 2007 Act⁽²⁾ is modified as follows.

(2) In subsection (1) —

(a) for “The Secretary of State must” substitute “After consulting the Governor, the Minister must”;

(b) for “the Secretary of State of” substitute “the Governor or the Minister (as the case requires) of”.

(3) In subsection (2), for “the Secretary of State” substitute “the Governor or the Minister”.

(4) In subsection (5) —

(a) for “the Secretary of State”, where it first occurs, substitute “the Governor or the Minister”;

(b) for “the Secretary of State”, where it occurs for the second time, substitute “the Governor or the Minister (as the case requires)”;

(c) in paragraph (b), for “the United Kingdom” substitute “the Isle of Man”.

(5) In subsection (6)(b), for “the Secretary of State” substitute “the Governor or the Minister (as the case requires)”.

(6) In subsection (8) —

(1) Section 7 was amended by s. 11 of 2014 c. 22.

(2) Section 8 was substituted by s. 14(1) of 2014 c. 22.

Status: This is the original version (as it was originally made).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

- (a) in paragraph (a), for “the Secretary of State to the effect that the Secretary of State” substitute “the Governor or the Minister (as the case requires) to the effect that he or she”;
 - (b) for “received by the Secretary of State” substitute “received by the Governor or the Minister (as the case requires)”.
- (7) Omit subsection (9).
- 5.—**(1) Section 9 of the 2007 Act is modified as follows.
- (2) In subsection (1), for “The Secretary of State” substitute “The Governor or the Minister”.
 - (3) In subsection (2)—
 - (a) in paragraph (b), for “the Secretary of State” substitute “the Treasury”;
 - (b) in paragraph (d), for “the Secretary of State” substitute “the Governor or the Minister (as the case requires)”.
 - (4) In subsection (6), for “The Secretary of State” substitute “After consulting the Governor, the Minister”.
- 6.—**(1) Section 10 of the 2007 Act is modified as follows.
- (2) In subsection (1), for “the Secretary of State” substitute “the person who gave P the notice”.
 - (3) In subsection (3), for “the Secretary of State” substitute “the Governor or the Minister (as the case requires)”.
 - (4) In subsection (4) —
 - (a) for “Secretary of State” (where it first occurs) substitute “The recipient of the notice of objection”;
 - (b) in paragraph (b) for “the Secretary of State” substitute “the recipient of the notice of objection”.
- 7.—**(1) Section 11 of the 2007 Act⁽³⁾ is modified as follows.
- (2) In subsection (1), for paragraphs (a) and (b) substitute “the High Bailiff”.
 - (3) In subsection (3), for “court or sheriff” in each place where it occurs substitute “High Bailiff”.
 - (4) In subsection (4)(b), for “the Secretary of State’s decision” substitute “the decision of the Governor or the Minister (as the case requires)”.
 - (5) In subsection (5) —
 - (a) for “court or sheriff” substitute “High Bailiff”;
 - (b) for “the Secretary of State” substitute “the Governor or Minister (as the case requires)”.
- 8.—**(1) Section 12 of the 2007 Act is modified as follows.
- (2) In subsections (1) to (3), for “the Secretary of State”, in each place where it occurs, substitute “the Treasury”.
 - (3) For subsection (5) substitute—

“(5) Money received by the Treasury in respect of a penalty shall be paid into the General Revenue of the Isle of Man.”.
- 9.—**(1) Section 13 of the 2007 Act is modified as follows.
- (2) In subsection (1), for “The Secretary of State” substitute “The Minister”.

(3) There is an amendment to section 11 but it is not relevant for present purposes.

- (3) In subsection (2), for “the Secretary of State” substitute “the Governor or the Minister”.
- (4) In subsection (3), for the words preceding “when considering” substitute “The High Bailiff shall”.
- (5) In subsection (4), for “The Secretary of State” substitute “The Minister”.
- (6) For subsection (5), substitute—
- “(5) Before issuing or reissuing the code, the Minister must—
- (a) consult the Governor,
 - (b) publish proposals, and
 - (c) consult members of the public.
- (5A) On issuing or reissuing the code, the Minister must lay a copy before Tynwald.”.
- 10.**—(1) Section 14 of the 2007 Act is modified as follows.
- (2) In subsection (1), for the words following “prescribed by” substitute “the Minister by order, after consulting the Governor”.
- (3) Omit subsections (2) and (3).
- 11.**—(1) Section 15 of the 2007 Act is modified as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “the United Kingdom” substitute “the Isle of Man”;
 - (b) omit paragraphs (b) and (c);
 - (c) in paragraph (g), for “the Secretary of State” substitute “the Minister”.
- (3) In subsection (1A)(b)(4), for “the Secretary of State” substitute “the Minister”.
- 12.**—(1) Section 61 of the 2007 Act is modified as follows.
- (2) In subsection (2) —
- (a) omit paragraph (c); and
 - (b) at the end add “as each of those Acts applies to the Isle of Man.”.

SCHEDULE 2

Article 19

Schedule to be inserted as Schedule 9B to the principal Order

“SCHEDULE 9B

Article 22A(1)

The Immigration Act 2016

- 1.**—(1) Section 55 of the 2016 Act is modified as follows.
- (2) In subsection (2), for “Secretary of State” substitute “Minister or Governor”.
- (3) For subsection (3) substitute—
- “(3) For everything following “held by” substitute “a public authority or a specified person for purposes specified in relation to that authority or person”.
- (4) Omit subsection (5).

(4) Subsections (1A) to (1C) were inserted by s. 12(3) of 2014 c. 22.

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- (5) In subsection (6)—
- (a) in the inserted subsection (2B) for “Secretary of State” substitute “Minister”;
 - (b) after “article.” insert—
 - “(2C) The Governor may—
 - (a) retain for nationality purposes a document or article supplied to him under subsection (2), and
 - (b) dispose of a document or article supplied to him under subsection (2) in such manner as he thinks appropriate (and the reference to use in subsection (2) includes a reference to disposal).
 - (2D) Subsection (2C)(a) does not affect any other power of the Governor to retain a document or article.”.
- (6) In subsection (7), for “after paragraph (d) insert” substitute “omit paragraph (d) and, at the point where that paragraph was, insert”;
- (7) In subsection (8), for the text of the inserted subsection (3A) substitute—
- “(3A) “Public authority” means—
- (a) a Department (within the meaning of the Government Departments Act 1987 of Tynwald (AT 13 of 1987); or
 - (b) the Secretary of State.”.
- (8) In subsection (11), in the text of the inserted section 20A of the 1999 Act —
- (a) for “Secretary of State”, wherever occurring, including in the section heading, substitute “Minister”;
 - (b) in subsections (2)(a), (8)(a) and (14)(b) for “the United Kingdom” substitute “the Isle of Man”;
 - (c) for subsection (13) substitute—
 - “(13) Regulations under subsection (12) may not amend Schedule A1 so as to apply this section Tynwald, either Branch of Tynwald or a person exercising functions in connection with proceedings in Tynwald.”.
- (9) Omit subsection (12).
2. For the text of Schedule A1 to the 1999 Act substitute the following—

“SCHEDULE A1

Section 20A

Persons to whom section 20A applies

Law enforcement

1. The chief constable of the Isle of Man Constabulary.

Local government

2. The Douglas Corporation.
3. The Commissioners of a parish district.
4. The Commissioners of a town district.
5. The Commissioners of a village district.
6. A joint board.

7. A joint committee.

Education bodies

8. The proprietor of a school, college, university or institution of higher education.
9. The governing body of a school, college, university or institution of higher education.

Registration officials

10. The Registrar General appointed under section 4(2) of the Central Registry Act 2018 (an Act of Tynwald: AT 13 of 2018) and any person serving in the Civil Registry within the meaning of section 4(10) of that Act.

Interpretation

11. In this Schedule—
 - (a) terms used paragraphs 1 to 7 which are defined in the Local Government Act 1985 (an Act of Tynwald: AT 24 of 1985) have the same meanings here as in that Act;
 - (b) terms used in paragraphs 8 and 9 which are defined in the Education Act 2001 (an Act of Tynwald: AT 9 of 2001) have the same meanings here as in that Act.”.”