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STATUTORY INSTRUMENTS

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**2020 No. 1576**

**IMMIGRATION**

**The Immigration (Isle of Man)  
(Amendment) (No. 3) Order 2020**

*Made - - - - 16th December 2020*

*Coming into force in accordance with article 1(2)*

At the Court at Windsor Castle, the 16th day of December 2020

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 36 of the Immigration Act 1971<sup>(1)</sup>, section 12(5) of the Immigration Act 1988<sup>(2)</sup>, section 163(4) of the Nationality, Immigration and Asylum Act 2002<sup>(3)</sup>, section 60(4) of the UK Borders Act 2007<sup>(4)</sup> and section 8(2), (3) and (4) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020<sup>(5)</sup>, is pleased by and with the advice and consent of her Privy Council, to order as follows.

**Citation and commencement**

1.—(1) This Order may be cited as the Immigration (Isle of Man) (Amendment) (No. 3) Order 2020.

(2) This Order comes into force on such day or days as the Minister may by order appoint.

(3) Section 34 of the Legislation Act 2015<sup>(6)</sup> (an Act of Tynwald) (Tynwald procedure: laying only) applies to an order under paragraph (2).

**Interpretation of this Order**

2. In this Order, “the principal Order” means the Immigration (Isle of Man) Order 2008<sup>(7)</sup> and terms defined in that Order have the same meaning in this Order.

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(1) 1971 c.77.

(2) 1988 c.14.

(3) 2002 c.41.

(4) 2007 c.30.

(5) 2020 c.20.

(6) AT 10 of 2015.

(7) S.I. 2008/680. Relevant amendments are made by S.I. 2011/1158 and 1408, S.I. 2015/1765, S.I. 2016/156 and 755, S.I. 2019/562, S.I. 2020/1214 and 1322.

### **Amendment of principal Order**

3. The principal Order is amended as follows.

#### **Article 2 amended (interpretation)**

4. In article 2, after the definition of “the 2016 Act” insert—  
““the 2020 Act” means the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.”.

#### **Article 10 amended (extension of the Immigration Act 1988)**

5. In article 10(2), omit sub-paragraph (d).

#### **Article 16 amended (extension of the Nationality, Immigration and Asylum Act 2002)**

6. In article 16(2), omit sub-paragraph (c)(viii).

#### **Article 23 inserted (extension of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020)**

7. After article 22A insert—

##### **“Extension of the 2020 Act to the Isle of Man**

**23.—**(1) The following provisions of the 2020 Act shall extend to the Isle of Man subject to the modifications specified in Schedule 10.

(2) The provisions are—

- (a) section 1 (repeal of the main EU law relating to free movement etc);
- (b) section 2 (Irish citizens: entitlement to enter or remain without leave);
- (c) section 4 (meaning of “the Immigration Acts” etc);
- (d) section 5 (consequential etc provision);
- (e) section 10 (short title);
- (f) paragraph 6 of Schedule 1 (EU-derived rights etc).”.

#### **Schedule 3 amended (modifications subject to which the Immigration Act 1971 applies)**

8. In Schedule 3 to the principal Order, after paragraph 4 insert—

**“4A.—**(1) Section 3ZA of the 1971 Act<sup>(8)</sup> is modified as follows.

(2) For “Secretary of State” wherever occurring, substitute “Minister”.

(3) For “United Kingdom” wherever occurring, substitute “Isle of Man”.”.

#### **Schedule 4 amended (modifications subject to which the Immigration Act 1988 applies)**

9. In Schedule 4 to the principal Order, omit paragraph 2 (which states the modifications to section 7 of that Act).

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<sup>(8)</sup> Section 3ZA was inserted by section 2 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.

**Schedule 7 amended (modifications subject to which the Nationality, Immigration and Asylum Act 2002 applies)**

**10.**—(1) Schedule 7 to the principal Order is amended as follows.

(2) In paragraph 29(3) after “or 83” insert “and also omit “or by virtue of section 109””.

(3) Omit paragraph 31 (which states the modifications to section 109 of that Act).

*Richard Tilbrook*  
Clerk of the Privy Council

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

## SCHEDULE

Schedule to be inserted as Schedule 10 to the principal Order

### “SCHEDULE 10

Article 23

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020

1. The 2020 Act is modified as follows.

2.—(1) Section 1 is modified as follows.

(2) For section 1 substitute—

**“1 1. Repeal of the main retained EU law relating to free movement etc.**

(1) Section 7 of the Immigration Act 1988 is repealed.

(2) Section 109 of the Nationality, Immigration and Asylum Act 2002 is repealed.

(3) In section 106(1) of the 2002 Act<sup>(9)</sup> omit “or by virtue of section 109” in both places where the expression occurs.”.

3.—(1) Section 2 is modified as follows.

(2) For “Secretary of State” wherever occurring in the inserted section 3ZA of the Immigration Act 1971 substitute “Minister”.

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

(4) In subsection (4) for “integration with UK law of immigration law of the Islands” substitute “integration with Isle of Man law of immigration law of the United Kingdom and of the Channel Islands”.

4.—(1) Section 4 is modified as follows.

(2) Omit subsection (2).

5.—(1) Section 5 is modified as follows.

(2) In subsection (1)—

(a) for “Secretary of State” wherever occurring, substitute “Minister”; and

(b) omit “made by statutory instrument”.

(3) For subsection (2) substitute—

“(2) The power to make regulations under subsection (1) may (among other things) be exercised by modifying any provision—

(a) extended by, or made by or under an Order in Council which extends legislation of the United Kingdom to the Isle of Man and which was made before the coming into force of the Immigration (Isle of Man) (Amendment) (No. 3) Order 2020;

(b) made by or under an Act of Tynwald passed before the Tynwald Day next following the passing of this Act.

In paragraph (b), “Tynwald Day” has the meaning given by section 47 of the Interpretation Act 2015<sup>(10)</sup> (an Act of Tynwald).”.

<sup>(9)</sup> Section 106(1) was repealed in relation to the UK by [S.I. 2010/21](#), but remains in operation in the Isle of Man.

<sup>(10)</sup> AT 11 of 2015.

- (4) In subsection (4)—
    - (a) for “paragraph 1 of Schedule 1” substitute “section 1”; and
    - (b) for “United Kingdom” substitute “Isle of Man”.
  - (5) For subsection (6) substitute—

“(6) In this section, “modify” includes amend, repeal and revoke.”.
  - (6) For subsection (7) substitute—

“(7) Section 32 of the Legislation Act 2015 (an Act of Tynwald) (Tynwald procedure: negative) applies to regulations made under subsection (1).”.
  - (7) Omit subsections (8) to (10).
- 6.—**(1) Paragraph 6 of Schedule 1 is modified as follows.
- (2) In subparagraph (2), for “section 4 of the European Union (Withdrawal) Act 2018” substitute “section 8 of the European Union and Trade Act 2019<sup>(11)</sup>”.
  - (3) Omit subparagraph (2)(b) and the word “and” immediately preceding it.”

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## EXPLANATORY NOTE

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

This Order amends the Immigration (Isle of Man) Order 2008 ([S.I. 2008/680](#)) so as to extend certain provisions of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 to the Isle of Man to reflect the withdrawal of the United Kingdom from the European Union, principally ending rights to free movement of persons under retained EU law and for connected purposes.

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<sup>(11)</sup> AT 2 of 2019.