

Statutory Document No. 2020/0491



Immigration and Asylum Act 1999

IMMIGRATION AND NATIONALITY (SUPPLY OF INFORMATION) (SPECIFIED PERSONS) (NO.2) ORDER 2020

Laid before Tynwald: 15 December 2020
Coming into Operation: 29 December 2020

The Minister for the Cabinet Office, with the consent of the Lieutenant Governor, makes the following Order under section 20(5) of the Immigration and Asylum Act 1999 (of Parliament) as it has effect in the Island¹.

1 Title

This Order is the Immigration and Nationality (Supply of Information) (Specified Persons) (No.2) Order 2020.

2 Commencement

This Order comes into operation on 29 December 2020.

3 Interpretation

In this Order —

“**the 1999 Act**” means the Immigration and Asylum Act 1999 (of Parliament) as that Act has effect in the Island;

“**Assessor**” means the Assessor of Income Tax for the time being appointed under section 105 of the Income Tax Act 1970²;

“**Chief Constable**” has the same meaning as in the Interpretation Act 2015³;

“**customs purposes**” has the same meaning as in section 21(6) of the 1999 Act;

“**immigration purposes**” has the same meaning as in section 20(3) of the 1999 Act;

¹ 1999 c.33 as it has effect in the Island – see the Immigration (Isle of Man) Order 2008 (SI 2008/680 (as amended)).

² AT 3 of 1970.

³ AT 11 of 2015.

“**nationality purposes**” has the same meaning as in section 20(9) of the 1999 Act;

“**police purposes**” has the same meaning as in section 21(3) of the 1999 Act;

“**public authority**” has the same meaning as in section 20(3A) of the 1999 Act.

4 Supply of information to the Minister and the Governor

(1) The following persons are specified for the purpose of section 20(1) of the 1999 Act (information that may be supplied by the person to the Minister for use for immigration purposes and to the Governor for use for nationality purposes)—

- (a) the Chief Constable, in relation to information held for police purposes; and
- (b) the Assessor, in relation to information held in connection with the performance and discharge of the Assessor’s functions.

(2) In relation to the supply of information to the Minister or the Governor by a public authority under section 20(1) of the 1999 Act, the information may be supplied if it is held by the public authority for purposes in connection with the performance and discharge of the authority’s functions.

5 Supply of information by the Minister or the Governor

The following persons are specified for the purpose of section 21(2)(f) of the 1999 Act (supply of information held by the Minister for immigration purposes or by the Governor for nationality purposes) –

- (a) the Assessor, for use in connection with the performance and discharge of the Assessor’s functions; and
- (b) a public authority, for use in connection with the performance and discharge of the authority’s functions.

6 Revocation

The Immigration and Nationality (Supply of Information) (Specified Persons) Order 2020⁴ is revoked.

⁴ SD 2020/0117

MADE 17 NOVEMBER 2020

HOWARD QUAYLE
Minister for the Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Chief Constable and the Assessor of Income Tax as specified persons under section 20 of the Immigration and Asylum Act 1999 (as extended to the Island). Information held by a specified person may be supplied to the Minister for the Cabinet Office for immigration purposes and to the Lieutenant Governor for nationality purposes.

This Order also provides that information held by a public authority (a Department of the Isle of Man Government or the UK Secretary of State) may be supplied to the Minister for the Cabinet Office or to the Lieutenant Governor if it is held by the public authority for purposes in connection with the performance and discharge of the authority's functions.

Section 20 does not limit the circumstances in which information may otherwise be supplied and does not authorise a supply that would contravene a restriction on the disclosure of information (however imposed).

This Order also designates the Assessor of Income Tax and each public authority as a specified person for immigration purposes for the purpose of section 21 of the 1999 Act (as extended to the Island). Information held by the Minister for the Cabinet Office for immigration purposes or by the Lieutenant Governor for nationality purposes may be disclosed to the Assessor or to a public authority for use in connection with the performance and discharge of the Assessor's or the authority's functions (as the case may be).

This Order revokes and replaces the Immigration and Nationality (Supply of Information) (Specified Persons) Order 2020.