

2021 No. 1277

IMMIGRATION

The Immigration (Isle of Man) (Amendment) Order 2021

Made - - - - *10th November 2021*

Coming into force - - *11th November 2021*

At the Court at Windsor Castle, the 10th day of November 2021

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 36 of the Immigration Act 1971^(a), section 163(4) of the Nationality, Immigration and Asylum Act 2002^(b), section 63(3) and (3A) of the Immigration, Asylum and Nationality Act 2006^(c), section 76(6) of the Immigration Act 2014^(d) and section 51(3) of the Counter-Terrorism and Security Act 2015^(e), is pleased, by and with the advice and consent of Her Privy Council, to order as follows.

Citation, commencement and extent

- 1.—(1) This Order may be cited as the Immigration (Isle of Man) (Amendment) Order 2021.
- (2) This Order comes into force on the day after the day on which it is made.
- (3) This Order extends to the Isle of Man.

Interpretation of this Order

2. In this Order, the “principal Order” means the Immigration (Isle of Man) Order 2008^(f) and terms defined in that Order have the same meaning in this Order.

Amendment of the principal Order

3. The principal Order is amended as follows.

Article 2 amended

4. In article 2 (interpretation), after the definition of “the 2014 Act” insert—
““the 2015 Act” means the Counter-Terrorism and Security Act 2015;”.

(a) 1971 c. 77.

(b) 2002 c. 41.

(c) 2006 c. 13. Section 63(3A) was inserted by section 54(7) of the Police and Justice Act 2006 (c. 48).

(d) 2014 c. 22.

(e) 2015 c. 6.

(f) S.I. 2008/680, amended by S.I. 2011/1158, S.I. 2011/1408, S.I. 2015/1765, S.I. 2016/156, S.I. 2016/755, S.I. 2019/562, S.I. 2020/1214, S.I. 2020/1322 and S.I. 2020/1576.

Article 20 amended

5. In article 20(2)(a) (extension of the Immigration, Asylum and Nationality Act 2006 to the Isle of Man), after sub-paragraph (l) insert—

- “(la) section 32A (regulations requiring information to be provided to the police);
- (lb) section 32B (penalty for breach of section 32 or 32A);”.

Article 22 amended

6. In article 22(2)(b) (extension of the Immigration Act 2014 to the Isle of Man), after sub-paragraph (j) insert—

- “(k) section 73(6) (transitional and consequential provision) for the purposes of giving effect to paragraph 3 of Schedule 9 to the 2014 Act;
- (l) paragraph 3 (amendments to the 2002 Act) of Schedule 9 to the 2014 Act.”.

Article 22ZA inserted

7. After article 22 insert—

“Extension of the 2015 Act to the Isle of Man

22ZA. The following provisions of the 2015 Act shall extend to the Isle of Man subject to the modifications specified in Schedule 9AA—

- (a) section 25(1) and (2) (aviation, maritime and rail security) for the purposes of giving effect to paragraphs 1, 2, 5, 6, 7 and 8 of Schedule 5 to the 2015 Act;
- (b) paragraphs 1, 2, 5, 6, 7 and 8 of Schedule 5 to the 2015 Act.”.

Schedule 3 amended

8.—(1) Schedule 3 to the principal Order (which sets out the modifications subject to which the 1971 Act extends to the Isle of Man) is amended as follows.

(2) For paragraph 29 (which modifies section 27 of the 1971 Act in its extension to the Isle of Man) substitute—

“**29.**—(1) Section 27 of the 1971 Act is modified as follows.

(2) In subsection (1)—

- (a) for United Kingdom (wherever occurring) substitute “Isle of Man”; and
- (b) for “imprisonment” substitute “custody”.

(3) In subsection (2), omit paragraph (a)(iii).”.

(3) In paragraph 76(c) (which modifies paragraph 27 of Schedule 2 to the 1971 Act in its extension to the Isle of Man)—

(a) after sub-paragraph (4) insert—

“(4A) In sub-paragraph (5)(ba), for “Secretary of State” substitute “Minister.”; and

(b) omit sub-paragraphs (5) and (6).

(4) In paragraph 77(a) (which modifies paragraph 27B of Schedule 2 to the 1971 Act in its extension to the Isle of Man), after sub-paragraph (3) insert—

(a) Article 20(2) was amended by article 8 of the Immigration (Isle of Man) (Amendment) Order 2011 (S.I. 2011/1408).
(b) Article 22(2) was inserted by article 5 of the Immigration (Isle of Man) (Amendment) Order 2015 (S.I. 2015/1765) and amended by article 5 of the Immigration (Isle of Man) (Amendment) Order 2020 (S.I. 2020/1214).
(c) Paragraph 76 was substituted by paragraph 2(e) of the Schedule to the Immigration (Isle of Man) (Amendment) Order 2011 (S.I. 2011/1408) and amended by article 11(32) of the Immigration (Isle of Man) (Amendment) Order 2019 (S.I. 2019/562).

“(3A) In sub-paragraph (8A), for “Secretary of State” substitute “Minister”.”.

(5) After paragraph 77 insert—

77A.—(1) Paragraph 27BA(b) of Schedule 2 is modified as follows.

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

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

(4) Omit sub-paragraph (7).

77B.—(1) Paragraph 27BB(c) of Schedule 2 is modified as follows.

(2) In sub-paragraph (1), for “Secretary of State” substitute “Minister”.

(3) Omit sub-paragraph (4)(c).

(4) In sub-paragraph (5), for “Consolidated Fund” substitute “General Revenue of the Isle of Man”.

(5) Omit sub-paragraph (6).”.

(6) Paragraph 78 is omitted.

Schedule 7 amended

9.—(1) Schedule 7 to the principal Order (which sets out the modifications subject to which the 2002 Act extends to the Isle of Man) is amended as follows.

(2) In paragraph 2(d) (which modifies section 62 of the 2002 Act in its extension to the Isle of Man)—

(a) after sub-paragraph (2) insert—

“(2A) In subsection (1)(a), after “the person under” insert “section 10 of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the Isle of Man) or”.

(2B) In subsection (1)(b), for “those paragraphs” substitute “those provisions”.”;

(b) after sub-paragraph (3) insert—

“(3A) In subsection (2), for “section 3A of that Act” substitute “section 3A of the Immigration Act 1971”.”;

(c) after sub-paragraph (4) insert—

“(4A) Omit subsections (5) and (6).”.

(3) In paragraph 5 (which modifies section 76 of the 2002 Act in its extension to the Isle of Man), for sub-paragraph (3) substitute—

“(3) In subsections (1), (2) and (3), for “United Kingdom”, wherever occurring, substitute “Isle of Man”.

(4) In subsection (2), omit paragraphs (b) and (c).

(5) After subsection (2) insert—

“(2A) To avoid doubt, subsection (2) applies in relation to indefinite leave obtained before as well as after the coming into force of the Immigration (Isle of Man) (Amendment) Order 2021.”.

(6) In subsection (4), omit the definition of “removed”.”.

(4) In paragraph 9 (which modifies section 82 of the 2002 Act in its extension to the Isle of Man), after sub-paragraph (2) insert—

(a) Paragraph 77 was amended by paragraph 2(f) of the Schedule to the Immigration (Isle of Man) (Amendment) Order 2011 (S.I. 2011/1408) and amended by article 11(33) of the Immigration (Isle of Man) (Amendment) Order 2019 (S.I. 2019/562).

(b) Paragraph 27BA was inserted by paragraph 1 of Schedule 5 to the 2015 Act.

(c) Paragraph 27BB was inserted by paragraph 1 of Schedule 5 to the 2015 Act.

(d) Paragraph 2 was amended by article 14(3) of the Immigration (Isle of Man) (Amendment) Order 2019 (S.I. 2019/562).

“(2A) In subsection (2)(g), for “section 10(1)(a), (b), (ba) or (c)” substitute “section 10”.”

Schedule 9 amended

10.—(1) Schedule 9 to the principal Order (which sets out the modifications subject to which the 2006 Act extends to the Isle of Man) is amended as follows.

(2) After paragraph 4A insert—

4AA. —(1) Section 32A(a) is modified as follows.

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

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

(4) For subsection (3) substitute—

“(3) Regulations may impose a requirement to provide the information only if the Minister thinks it is necessary for police purposes.

In this subsection, “police purposes” has the same meaning as in section 32.”

(5) Omit paragraphs (c) and (d) of subsection (6).

4AB. —(1) Section 32B(b) is modified as follows.

(2) In subsection (1), for “Secretary of State” substitute “Minister”.

(3) Omit paragraph (c) of subsection (4);

(4) In subsection (5), for “Consolidated Fund” substitute “General Revenue of the Isle of Man”; and

(5) Omit subsection (6).”.

(3) In paragraph 4B(c) (which modifies section 34 of the Immigration, Asylum and Nationality Act 2006 in its extension to the Isle of Man)—

(a) for sub-paragraph (2), substitute—

“(2) In subsection (1), for “imposed under section 32(2) or (3)” substitute—

“imposed—

(a) under section 32(2) or (3), or

(b) by regulations made under section 32A”;

(b) after sub-paragraph (2) insert—

“(2A) In subsection (1A)—

(a) at the end of paragraph (a)(i) insert “or”;

(b) at the end of paragraph (a)(ii) for “, or” substitute “; or”; and

(c) omit paragraph (a)(iii).”.

(4) In paragraph 4C(d) (which modifies section 36 of the Immigration, Asylum and Nationality Act 2006 in its extension to the Isle of Man)—

(a) after sub-paragraph (4) insert—

“(4A) After subsection (2) insert—

“(2A) Information to which subsection (4) applies may be shared with a UK authority by a person specified in subsection (1) who—

(a) Section 32A was inserted by paragraph 7 of Schedule 5 to the 2015 Act.

(b) Section 32B was inserted by paragraph 7 of Schedule 5 to the 2015 Act.

(c) Paragraph 4B was inserted by paragraph 9(b) of the Schedule to the Immigration (Isle of Man) (Amendment) Order 2011 (S.I. 2011/1408).

(d) Paragraph 4C was inserted by paragraph 9(b) of the Schedule to the Immigration (Isle of Man) (Amendment) Order 2011 (S.I. 2011/1408) and amended by article 16(3) of the Immigration (Isle of Man) (Amendment) Order 2019 (S.I. 2019/562).

- (a) obtains or holds the information in the course of their functions, and
 - (b) considers that the information is likely to be of use—
 - (i) for immigration purposes, or
 - (ii) for the UK authority’s purpose.”.”;
- (b) for sub-paragraph (6) substitute—
- “(6) In subsection (5)—
- (a) for “shared only if satisfied” substitute “shared in accordance with subsection (2) or subsection (2A), or both, only if satisfied”;
 - (b) in sub-paragraph (a)(iii), for “Revenue and Customs” substitute “customs”;
 - (c) in sub-paragraph (a)(iii), at the end insert “or”;
 - (d) after sub-paragraph (a)(iii) insert—
 - “(iv) the UK authority’s purpose,” and
 - (e) in sub-paragraph (b), for “Human Rights Act 1998 (c.42)” substitute “Human Rights Act 2001 (an Act of Tynwald)”.”;
- (c) in sub-paragraph (9), after the definition of “police purposes” in substituted subsection (9), insert—
- ““UK authority” means a person or body to which section 36(1) of the Immigration, Nationality and Asylum Act 2006 (as that Act has effect in the United Kingdom) applies; and
- “UK authority’s purpose” means an “immigration purpose”, a “police purpose” or a “Revenue and Customs purpose” (as the context requires), as those terms are defined in section 36(9) of the Immigration, Nationality and Asylum Act 2006 (as that Act has effect in the United Kingdom).”.
- (5) In paragraph 4D(a) (which modifies section 37 of the Immigration, Asylum and Nationality Act 2006 in its extension to the Isle of Man), after sub-paragraph (2) insert—
- “(2A) In subsection (1)—
- (a) for “and the Treasury” substitute “, the Chief Constable and the Treasury”;
 - (b) in paragraph (a), after “section 36(2)” insert “or section 36(2A), or both”.”.

Schedule 9AA inserted

11. After Schedule 9A insert, as Schedule 9AA, the Schedule set out in the Schedule to this Order.

Ceri King
Deputy Clerk of the Privy Council

(a) Paragraph 4D was inserted by paragraph 9(b) of the Schedule to the Immigration (Isle of Man) (Amendment) Order 2011 (S.I. 2011/1408) and amended by article 16(4) of the Immigration (Isle of Man) (Amendment) Order 2019 (S.I. 2019/562).

SCHEDULE

Article 11

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

“SCHEDULE 9AA

Article 22ZA

The Counter-Terrorism and Security Act 2015

1. The 2015 Act is modified as follows.
 - 2.—(1) Paragraph 1 of Schedule 5 is modified as follows.
 - (2) For “Secretary of State”, wherever occurring in any text inserted by paragraph 1, substitute “Minister”.
 - (3) For “United Kingdom”, wherever occurring in any text inserted by paragraph 1, substitute “Isle of Man”.
 - (4) In sub-paragraph (4)—
 - (a) omit sub-paragraph (7) of inserted paragraph 27BA;
 - (b) omit sub-paragraph (4)(c) of inserted paragraph 27BB;
 - (c) in sub-paragraph (5) of inserted paragraph 27BB, for “Consolidated Fund” substitute “General Revenue of the Isle of Man”; and
 - (d) omit sub-paragraph (6) of inserted paragraph 27BB.
 - 3.—(1) Paragraph 2 of Schedule 5 is modified as follows.
 - (2) Omit paragraph (a)(iii) of inserted section 27(2).
 - 4.—(1) Paragraph 7 of Schedule 5 is modified as follows.
 - (2) For “Secretary of State”, wherever occurring in any text inserted by paragraph 7, substitute “Minister”.
 - (3) For “United Kingdom”, wherever occurring in any text inserted by paragraph 7, substitute “Isle of Man”.
 - (4) For inserted section 32A(3) substitute—

“(3) Regulations may impose a requirement to provide the information only if the Minister thinks it necessary for police purposes.

In this section, “police purposes” has the same meaning as in section 32.”.
 - (5) Omit paragraphs (c) and (d) of inserted section 32A(6).
 - (6) Omit paragraph (c) of inserted section 32B(4).
 - (7) In inserted section 32B(5), for “Consolidated Fund” substitute “General Revenue of the Isle of Man”.
 - (8) Omit subsection (6) of inserted section 32B.
- 5.—(1) Paragraph 8 of Schedule 5 is modified as follows.
 - (2) In sub-paragraph (2), omit “or 33(2)” on both occasions it occurs.
 - (3) In sub-paragraph (3), in inserted subsection (1A) of section 34—
 - (a) at the end of paragraph (a)(i) insert “or”;
 - (b) at the end of paragraph (a)(ii) for “, or” substitute “; or”; and
 - (c) omit paragraph (a)(iii).
 - (4) Omit sub-paragraph (4).”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Isle of Man) Order 2008 (S.I. 2008/680).

It extends a provision in Schedule 9 to the Immigration Act 2014 (c. 22) which contains an amendment to section 76 (revocation of leave to enter or remain) of the Nationality, Immigration and Asylum Act 2002 (c. 41).

It also extends with modifications certain provisions of Schedule 5 to the Counter-Terrorism and Security Act 2015 (c. 6) which amend the Immigration Act 1971 (c. 77) and the Immigration, Asylum and Nationality Act 2006 (c. 13). The amendments relate to the requirement to provide information in relation to ships or aircraft arriving in, or leaving, the Isle of Man.

© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

<http://www.legislation.gov.uk/id/uksi/2021/1277>

ISBN 978-0-34-822919-6



9 780348 229196