
STATUTORY INSTRUMENTS

2019 No. 562

IMMIGRATION

The Immigration (Isle of Man) (Amendment) Order 2019

Made - - - - *13th March 2019*

Coming into force - - *14th March 2019*

At the Court at Buckingham Palace, the 13th day of March 2019

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⁽¹⁾, section 12(5) of the Immigration Act 1988⁽²⁾, section 170(7) of the Immigration and Asylum Act 1999⁽³⁾, section 163(4) of the Nationality, Immigration and Asylum Act 2002⁽⁴⁾, section 49(3) of the Asylum and Immigration (Treatment of Claimants) Act 2004⁽⁵⁾, section 63(3) and (3A)⁽⁶⁾ of the Immigration, Asylum and Nationality Act 2006⁽⁷⁾, section 60(4) of the UK Borders Act 2007⁽⁸⁾, section 76(6) of the Immigration Act 2014⁽⁹⁾, section 95(5) and (6) of the Immigration Act 2016⁽¹⁰⁾, section 214(6) of the Data Protection Act 2018⁽¹¹⁾, and section 63(3) and (6) of the Sanctions and Anti-Money Laundering Act 2018⁽¹²⁾, is pleased, by and with the advice of Her Privy Council, to order as follows.

Citation and commencement

1. This Order may be cited as the Immigration (Isle of Man) (Amendment) Order 2019 and comes into force on 14th March 2019.

(1) 1971 c. 77: s. 36 is extended by s. 53(5) of 1981 c. 61, applied by s. 2(3) of 1987 c. 24 and by s. 12(5) of 1988 c. 14.
(2) 1988 c. 14.
(3) 1999 c. 33.
(4) 2002 c. 41.
(5) 2004 c. 19.
(6) Subsection (3A) was inserted by s. 54(7) of 2006 c. 48.
(7) 2006 c. 13.
(8) 2007 c. 30.
(9) 2014 c. 22.
(10) 2016 c. 19.
(11) 2016 c. 12.
(12) 2018 c. 13.

Interpretation of this Order

2. In this Order “the principal Order” means the Immigration (Isle of Man) Order 2008(13).

Amendment of the principal Order

3. The principal Order is amended as follows.

Interpretation — Article 2 amended

4. In article 2—
 - (a) after the definition of “the 2006 Act”, insert—

““the 2007 Act” means the UK Borders Act 2007(14);”;
 - (b) after the definition of “the 2014 Act”(15), insert—

““the 2016 Act” means the Immigration Act 2016(16).”.

General modifications — Article 5 amended

- 5.—(1) Article 5 is amended as follows.
 - (2) In paragraph (b), for “the Interpretation Act 1976 (an Act of Tynwald)” substitute “the Interpretation Act 2015 (an Act of Tynwald)(17)”.
 - (3) After paragraph (c) insert—
 - “(d) any reference to “the Minister” is a reference to the Minister for the Cabinet Office(18); and
 - (e) any reference to a Minister of a named Department is a reference to the Minister of that Department of the Government of the Isle of Man.”.

Keeling Schedule deleted

6. Omit Articles 7, 11, 13, 15, 17, 19, 21 and 23 and Schedule 10.

Provisions of the 1999 Act extended to the Isle of Man — article 14 amended

7. In article 14(2)—
 - (a) for sub-paragraph (a)(vi) substitute—

“(vi) section 16 (security on grant of entry clearance);”;
 - (b) after sub-paragraph (a)(vii), insert—

“(vii) sections 20, 20A(19) and 21 (power to supply information to the Secretary of State, duty to supply nationality documents to Secretary of State and supply of information by Secretary of State);”;
 - (c) after sub-paragraph (a)(ix), insert—

(13) S.I. 2008/680. Relevant amendments are made by S.I. 2011/1158 and 1408, S.I. 2015/1765 and S.I. 2016/156 and 755.

(14) 2007 c.30.

(15) The definition of “the 2014 Act” was added by S.I. 2015/1765.

(16) 2016 c. 19.

(17) AT 11 of 2015.

(18) The Cabinet Office is a Department of the Isle of Man Government, and its Minister is also the Chief Minister of the Isle of Man.

(19) Section 20A was inserted by s. 55(11) of 2016 c. 19.

“(ixa) section 24A(20) (duty to report suspicious civil partnerships);”.

Insertion of Article 21A

8. After Article 21 insert—

“Extension of the 2007 Act to the Isle of Man

21A.—(1) The following provisions of the 2007 Act shall extend to the Isle of Man subject to the modifications specified in Schedule 9ZA.

(2) The provisions are—

- (a) section 5 (registration regulations);
- (b) section 6 (regulations: supplemental);
- (c) section 7 (effect of non-compliance);
- (d) section 8 (use and retention of biometric information);
- (e) section 9 (penalty);
- (f) section 10 (penalty: objection);
- (g) section 11 (penalty: appeal);
- (h) section 12 (penalty: enforcement);
- (i) section 13 (penalty: code of practice);
- (j) section 14 (penalty: prescribed matters);
- (k) section 15 (interpretation);
- (l) section 61 (citation).”.

Immigration Act 2014 – Article 22 amended

9. For article 22(2)(21) substitute—

“(2) The provisions are —

- (a) section 8 (provision of biometric information with immigration applications);
- (b) section 11 (biometric immigration documents);
- (c) section 12 (meaning of “biometric information”) and Schedule 2 (which supplements that section by consequentially amending other enactments);
- (d) section 13 (safeguards for children);
- (e) section 14 (use and retention of biometric information);
- (f) section 68 (fees);
- (g) section 69 (fees orders and fees regulations: supplemental);
- (h) section 70 (power to charge fees for attendance services in particular cases).”.

Immigration Act 2016 — Article 22A inserted

10. After article 22 insert—

(20) Section 24A was inserted by 2004 c. 33Sch. 27 para 162.

(21) Article 22 was added by art. 5 of S.I. 2015/765.

“Extension of the Immigration Act 2016 to the Isle of Man

22A.—(1) The following provisions of the 2016 Act shall extend to the Isle of Man subject to the modifications specified in Schedule 9B.

(2) The provisions are—

- (a) section 55 (supply of information to the Secretary of State);
- (b) Schedule 9 (persons to whom section 20A of the 1999 Act applies).”.

Immigration Act 1971 applied in modified form — Schedule 3 amended

11.—(1) Schedule 3 (which sets out the modifications subject to which the Immigration Act 1971⁽²²⁾ extends to the Isle of Man) is amended as follows.

- (2) In paragraph 1(4), for “Council of Ministers” substitute “Minister”.
- (3) In paragraph 3(3), for “Governor” substitute “Minister”.
- (4) In paragraph 4—
 - (a) in sub-paragraph (3) —
 - (i) in paragraph (a), for “Council of Ministers” substitute “Minister”;
 - (ii) omit paragraph (c);
 - (iii) in the text substituted by paragraph (d), for “Council of Ministers” substitute “Minister”;
 - (b) in sub-paragraph (4), for “Governor” substitute “Minister”.
- (5) In paragraph 5(3), for “Governor” substitute “Minister”.
- (6) In paragraph 6(3), for “Governor” substitute “Minister”.
- (7) In paragraph 7(3), for “Governor” substitute “Minister”.
- (8) In paragraph 9—
 - (a) for subparagraph (2) substitute—
 - “(2) In subsection (1)⁽²³⁾—
 - (a) for “the United Kingdom” in both places substitute “the Isle of Man”;
 - (b) for “Secretary of State” substitute “Minister”;
 - (c) for “order made by statutory instrument” substitute “an order made by the Minister”.”;
 - (b) in sub-paragraph (4)(a), for “Governor” substitute “Minister”.
- (9) In paragraph 10—
 - (a) in sub-paragraph (3), for “Governor” substitute “Minister”;
 - (b) for sub-paragraph (4)⁽²⁴⁾, substitute—
 - “(4) In subsection (4)—
 - (a) in paragraph (a), after “his wife” insert “, husband or civil partner”;
 - (b) in paragraph (b), after “her husband” insert “, wife or civil partner”.”.
- (10) In paragraph 12(2)(c), for “Governor’s” substitute “Minister’s”.
- (11) In paragraph 13(3)(a), for “Governor” substitute “Minister”.

⁽²²⁾ 1971 c. 77.

⁽²³⁾ Subsection (1) was amended by para. 45 of Sch. 14 to 1999 c. 33: there is a further amendment to subsection (1), but it has not been applied to the Isle of Man.

⁽²⁴⁾ Paragraph 10(4) was added by Sch. 1, para. 2(a) of S.I. 2011/1408.

- (12) In paragraph 15—
- (a) for sub-paragraph (2C)(25) substitute—
- “(2C) For subsection (4)(b) substitute—
- “(b) a person who, under regulations under section 1 of the Sanctions and Anti-Money Laundering Act 2018 (referred to in this section as “the 2018 Act”) (as that section has effect in the United Kingdom), is an excluded person for the purposes of this section as it has effect in the United Kingdom (see section 4 of the 2018 Act as it has effect there);”;
- (b) in sub-paragraph (3A)(26)—
- (i) in the text of the inserted subsection (5A)(a), for “the Isle of Man’s obligations” substitute “the obligations of the United Kingdom in respect of the Isle of Man”,
- (ii) after the inserted subsection (5A) insert—
- “(5B) In relation to any person within subsection (4)(b), subsections (1) to (3) are subject to any exception created under, or direction given by virtue of, section 15(4) (power to create exceptions) of the 2018 Act (as it has effect in the United Kingdom).”.
- (13) In paragraph 16(5) and (7)(27) for “Governor” substitute “Minister”.
- (14) In paragraph 23(4), for “Governor” substitute “Minister”.
- (15) In paragraph 28(2) for “Governor” substitute “Minister”.
- (16) In paragraph 34—
- (a) in sub-paragraph (2) for “Governor” substitute “Minister”;
- (b) in sub-paragraph (3) for “or Deputy Chief Constable” substitute “or a Superintendent”.
- (17) In paragraph 41(3) for “Governor” substitute “Minister”.
- (18) In paragraph 43(3) for “the Governor” substitute “the Minister”.
- (19) In paragraph 45(4) for “Governor” substitute “Minister”.
- (20) In paragraph 46(2)(b) omit the definition of “Council of Ministers” and at the same place insert ““Minister” means the Minister for the Cabinet Office (a Department constituted under the Government Departments Act 1987 (an Act of Tynwald)(28);”.
- (21) In paragraph 49—
- (a) in sub-paragraph (2) for “Governor” substitute “Minister”;
- (b) for sub-paragraph (3) substitute—
- “(3) In sub-paragraph (2), for the words from “by the Secretary of State” to “and the Secretary of State” substitute “by the Department of Health and Social Care in pursuance of arrangements made between that Department and the Minister.”;
- (c) for sub-paragraph (4) substitute—
- “(4) For sub-paragraph (3) substitute—
- “(3) In the exercise of their functions under this Act—
- (a) immigration officers shall act in accordance with such directions as the Minister may give them; and

(25) Sub-paragraph (2C) was inserted by art. 4(4)(b) of S.I. 2016/755.

(26) Sub-paragraph (3A) was inserted by art. 4(4)(d) of S.I. 2016/755.

(27) Sub-paragraph (7) was added by art. 4(2)(b) of S.I. 2016/156.

(28) AT 13 of 1987.

- (b) medical officers shall act in accordance with such directions as the Department of Health and Social Care may give them.”.”.
- (22) In paragraph 54(2) for “Governor” substitute “Minister”.
- (23) In paragraph 56(4), for the inserted sub-paragraph (5)(b)(29) substitute—
- “(b) such other person, being a fully registered person within the meaning of the Medical Act 1983(30), as is appointed for the purposes of this Act by the Department of Health and Social Care.”.
- (24) In paragraph 59(2) for “Governor” substitute “Minister”.
- (25) After paragraph 59 insert—
- “59A.—(1) Paragraph 11 of Schedule 2 (removal of persons refused leave to enter and illegal entrants)(31) is modified as follows.
- (2) In that paragraph for “Secretary of State” substitute “Minister”.”.
- (26) In paragraph 62(2) for “Governor” substitute “Minister”.
- (27) In paragraph 65(2) for “Governor” substitute “Minister”.
- (28) In paragraph 66(3) for “Governor” substitute “Minister”.
- (29) In paragraph 67(3) for “Governor” substitute “Minister”.
- (30) In paragraph 68(3) for “Governor” substitute “Minister”.
- (31) In paragraph 75(4) for “Governor” substitute “Minister”.
- (32) In paragraph 76(3)(32) for “Governor” substitute “Minister”.
- (33) In paragraph 77(3) and (4)(33) for “Governor” substitute “Minister”.
- (34) In paragraph 81(2)(a) for “Governor” substitute “Minister”.
- (35) In paragraph 86(2) for “Governor” substitute “Minister”.
- (36) In paragraph 87(2) for “Governor” substitute “Minister”.
- (37) In paragraph 96(3)(a) and (4)(a) for “Governor” substitute “Minister”.

Immigration Act 1988 applied in modified form — Schedule 4 amended

- 12.—(1) Schedule 4 (which sets out the modifications subject to which the Immigration Act 1988(34) applies to the Isle of Man) is amended as follows.
- (2) In paragraph 2(3)(a) for “The Council of Ministers” substitute “The Minister”.
- (3) In paragraph 3(2)(b) and (3)(a) for “Governor” substitute “Minister”.

Immigration and Asylum Act 1999 extended in modified form — Schedule 6 amended

- 13.—(1) Schedule 6 (which sets out the modifications subject to which the Immigration and Asylum Act 1999(35) applies to the Isle of Man) is amended as follows.
- (2) In paragraph 1(5), for “Governor” substitute “Minister”.
- (3) In paragraph 2—

(29) The text of the inserted paragraph (b) was amended by Sch.1 para. (2)(d) of [S.I. 2011/1408](#).

(30) c. 54. See also the Healthcare Professionals Act 2014 (of Tynwald: AT 9 of 2014).

(31) Paragraph 11 was amended by para. 1 of Sch. 9 to the [2014 c. 22](#).

(32) Paragraph 76 was substituted by para. 2(e) of Sch. 1 to [S.I. 2011/1408](#).

(33) There is an amendment to paragraph 77, but it is not relevant for present purposes.

(34) [1988 c. 14](#).

(35) [1999 c. 33](#).

- (a) in sub-paragraph (3), for “Governor” substitute “Minister”; and
- (b) for sub-paragraph (4) substitute—
 - “(4) For subsection (4) substitute—
 - “(4) For the purposes of Article 49(1)(d) of the GDPR, the provision under this section of identification data is a transfer of personal data which is necessary for important reasons of public interest.”.
- (4) In paragraph 3(3), for “Governor” substitute “Minister”.
- (5) In paragraph 4(2), for “Governor” substitute “Minister”.
- (6) Omit paragraph 5.
- (7) After paragraph 5 insert—
 - “**5A.**—(1) Section 20 of the 1999 Act (**36**) is modified as follows.
 - (2) For “Secretary of State” (wherever occurring, including the section heading) substitute “Minister”.
 - (3) For subsection (1)(**37**) substitute—
 - “(1) This section applies to information held by a public authority or a specified person for purposes specified in relation to that authority or person.”.
 - (4) Omit subsection (1B)(**38**).
 - (5) In subsection (2)(**39**) at the end add “and to the Governor for use for nationality purposes”.
 - (6) After subsection (2B)(**40**) 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.”.
 - (7) In subsection (3)(**41**) —
 - (a) at the end of paragraph (a) add “(as they apply in any part of the British Islands)”; and
 - (b) omit paragraph (d).
 - (8) For subsection (3A)(**42**) substitute —
 - “(3A) “Public authority” means —
 - (a) a Department (within the meaning of the Government Departments Act 1987 (AT 13 of 1987); or
 - (b) the Secretary of State.”.

(36) Section 20 has been amended by s. 132 of 2002 c.41 and s. 55 of 2016 c.19.

(37) Subsection (1) has been amended by s. 55(3) of 2016 c. 19.

(38) Subsection (1B) was added by s. 55(5) of 2016 c. 19.

(39) Subsection (2) was amended by s.132 of 2002 c.41.

(40) Subsection (2B) was added by s. 55(6) of 2016 c.19.

(41) Subsection (3) was amended by s. 55(7) of 2016 c. 19.

(42) Subsection (3A) was inserted by s. 55(8) of 2016 c. 19.

(9) In subsection (5) (as modified by sub-paragraph (2) above), at the end add “with the consent of the Governor”.

(10) After subsection (7) insert—

“(8) The Minister and the Governor may supply information to each other for immigration or nationality purposes.

(9) In this section “nationality purposes” means any of the following—

- (a) determining whether an applicant for naturalisation under the British Nationality Act 1981 (c.61) is of good character;
- (b) determining whether, for the purposes of an application referred to in section 41A(43) of the British Nationality Act 1981, the person for whose registration the application is made is of good character;
- (c) determining whether, for the purposes of an application under section 1 of the Hong Kong (War Wives and Widows) Act 1996(44), the woman for whose registration the application is made is of good character;
- (d) determining whether, for the purposes of an application under section 1 of the British Nationality (Hong Kong) Act 1997(45) for the registration of an adult or young person within the meaning of subsection (5A) of that section, the person is of good character;
- (e) determining whether to make an order in respect of a person under section 40 of the British Nationality Act 1981 (deprivation of citizenship); and
- (f) doing anything else in connection with the exercise of nationality functions.”

5B.—(1) Section 20A of the 1999 Act (46) (duty to supply nationality documents to the Secretary of State) is modified as follows.

(2) For “Secretary of State” (wherever occurring, including in the section heading) substitute “Minister”.

(3) In subsections (2)(a), (8)(a) and (14)(b), for “United Kingdom” substitute “Isle of Man”.

(4) For subsection (13) substitute—

“(13) Regulations under subsection (12) may not amend Schedule A1 so as to apply this section to Tynwald, either Branch of Tynwald or a person exercising functions in connection with proceedings in Tynwald.”

5C.—(1) Section 21 of the 1999 Act is modified as follows.

(2) In the heading, for “Secretary of State” substitute “Minister”,

(3) For subsection (1) substitute—

“(1) This section applies to information held—

- (a) by the Governor for nationality purposes; or
- (b) by the Minister for immigration purposes.

(1A) Information held under subsection (1) may be supplied—

- (a) by the Governor to the Minister for immigration purposes;
- (b) by the Minister to the Governor for nationality purposes;

(43) Section 41A was inserted by s. 47(1) of 2009 c. 11 and amended by para 70(3) of Sch. 9 to 2014 c.22.

(44) 1996 c. 41.

(45) 1997 c.20.

(46) Section 20A was inserted by s. 55(11) of 2016 c.19.

- (c) by the Governor or the Minister to the Secretary of State for any purpose of the Immigration Acts.

Nothing in this subsection limits the supply of information under any of the following provisions of this section.”.

- (4) In subsection (2)—

- (a) for paragraphs (a) to (e) substitute —

- “(a) the Chief Constable, for police purposes;
- (b) the Attorney General for use in connection with his prosecution functions;
- (c) the Financial Intelligence Unit (established by the Financial Intelligence Unit Act 2016 (an Act of Tynwald)(47);
- (d) the Treasury, the Collector of Customs and Excise, or a person providing services to the Treasury or the Collector of Customs and Excise for customs purposes;
- (e) the Secretary of State for immigration and nationality purposes;
- (f) any specified person, for use for purposes specified in relation to that person.”.

- (5) In subsection (3)(b), at the end add “(whether of the Isle of Man or the United Kingdom)”.

- (6) In subsection (6)—

- (a) for “the Commissioners’ functions” substitute “the functions of the Treasury, or of the Collector of Customs”;
- (b) for the words following “care and management” substitute “of the Treasury so far as relating to customs, or of the Collector of Customs or any assigned matter (as defined by section 184(1) of the Customs and Excise Management Act 1986 (an Act of Tynwald)(48);”;
- (c) in paragraph (g) at the end add “(whether of the Isle of Man or of the United Kingdom)”.

- (7) For subsection (7) substitute—

“(7) In this section “immigration purposes”, “nationality purposes” and “specified” have the same meanings as in section 20.”.

- (8) In paragraph 6—

- (a) in sub-paragraph (4) for “Governor” substitute “Minister”; and
- (b) in sub-paragraph (5) for “Clerk of the Rolls” substitute “Minister for Enterprise”.

- (9) In paragraph 6A, in the text of section 24A as inserted—

- (a) in subsection (3)(49), for “Governor” substitute “Minister”; and
- (b) in subsection (4), for “Clerk of the Rolls” substitute “Minister for Enterprise”.

- (10) In paragraph 7—

- (a) in sub-paragraphs (2) and (4), for “Department” substitute “Department of Infrastructure.”;
- (b) in sub-paragraph (3), for “Governor” substitute “Minister”; and

(47) AT 5 of 2016.

(48) AT 34 of 1986.

(49) Para. 6A was inserted by para. 5(a) of Sch. 1 to [S.I. 2011/1408](#).

- (c) omit sub-paragraph (6)(50).
- (11) In paragraph 8(2), for “Governor” substitute “Minister”.
- (12) In paragraph 9(3), for “Governor” substitute “Minister”.
- (13) In paragraph 10(3), for “Governor” substitute “Minister”.
- (14) In paragraph 13—
- (a) in sub-paragraph (2), for “Governor” substitute “Minister”; and
 - (b) in sub-paragraph (3), for “Governor’s” substitute “Minister’s”.
- (15) In paragraph 14—
- (a) in sub-paragraph (2), for “Governor’s” substitute “Minister’s”; and
 - (b) in sub-paragraph (3), for “Governor” substitute “Minister”.
- (16) In paragraph 15(2), for “Governor” substitute “Minister”.
- (17) In paragraph 16(2), for “Governor” substitute “Minister”.
- (18) In paragraph 17(2), for “Governor” substitute “Minister”.
- (19) In paragraph 18(3), for “Governor” substitute “Minister”.
- (20) In paragraph 19—
- (a) in sub-paragraph (2), for “Governor” substitute “Minister”; and
 - (b) in sub-paragraph (3), for “Governor’s” substitute “Minister’s”.
- (21) In paragraph 20(2)—
- (a) in paragraph (a), for “Governor’s” substitute “Minister’s”; and
 - (b) in paragraph (b), for “Governor” substitute “Minister”.
- (22) In paragraph 23(2), for “Governor” substitute “Minister”.
- (23) In paragraph 24(5), for “Governor” substitute “Minister”.
- (24) In paragraph 25(2), for “Governor” substitute “Minister”.
- (25) In paragraph 26(2), for “Governor” substitute “Minister”.
- (26) For paragraph 27(4) substitute—
- “(4) For subsection (4) substitute—
- “(4) Except as otherwise provided, any rules, regulations and orders made under the Immigration Acts by a Manx authority shall be subject to the procedures set out in section 32 (Tynwald procedure — “negative”) of the Legislation Act 2015 (an Act of Tynwald)(51).
- (4A) Subsection (4) does not apply to the statement of immigration rules made by the Minister in accordance with section 1(4) of the 1971 Act which shall be approved in accordance with the procedure set out in section 3(2) of that Act.
- (4B) Section 87 of the Interpretation Act 2015 (an Act of Tynwald)(52) (additional powers implied by power to make public document) applies to rules, regulations and orders made by a Manx authority under the Immigration Acts.
- (4C) Section 88 of the Interpretation Act 2015 (public documents may apply generally or differentially) applies to rules, regulations and orders of a general character made by a Manx authority under the Immigration Acts.

(50) Para. 7 was amended by para. 5(b) of Sch.1 to S.I. 2011/1408.

(51) AT 10 of 2015.

(52) AT 11 of 2015.

(4D) In this section “a Manx authority” means any one or more of the following

- (a) the Governor;
- (b) the Clerk of the Rolls;
- (c) the Council of Ministers;
- (d) the Minister.”.”.

(27) In paragraph 28(2)(d), for “Governor” substitute “Minister”.

(28) In paragraph 29(2)(b) for “Governor” substitute “Minister”.

(29) After paragraph 30 insert—

“**30A.**—(1) Schedule A1(**53**) to the 1999 Act is modified as follows.

(2) For the list of persons to whom section 20A applies substitute—

“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.””.

(30) In paragraph 31(2) for “Governor” substitute “Minister”.

Nationality, Immigration and Asylum Act 2002 extended in modified form — Schedule 7 amended

14.—(1) Schedule 7 (which sets out the modifications subject to which the Nationality, Immigration and Asylum Act 2002⁽⁵⁴⁾ applies to the Isle of Man) is amended as follows.

- (2) In paragraph 1(2), for “Governor” substitute “Minister”.
- (3) In paragraph 2—
- (a) in sub-paragraph (2), for “Governor” substitute “Minister”;
- (b) in sub-paragraph (4), for “Governor’s” substitute “Minister’s”.
- (4) In paragraph 3—
- (a) in sub-paragraph (4), for “Governor” substitute “Minister”;
- (b) in sub-paragraph (6) —
- (i) for “subsection (9)(a)” substitute—
- “subsection (9)—
- (a) in paragraph (a)”;
- (ii) after paragraph (a) insert—
- “(b) in paragraph (b) for “the Secretary of State” substitute “the Minister”.”.
- (5) In paragraph 5(2), for “Governor” substitute “Minister”.
- (6) In paragraph 15(2), for “Governor” substitute “Minister”.
- (7) In paragraph 18(4), for “Governor” substitute “Minister”⁽⁵⁵⁾.
- (8) In paragraph 19—
- (a) in sub-paragraph (4)(a) for “Governor” substitute “Minister”;
- (b) in sub-paragraph (5), in the subsections substituted for subsections (3) and (4) of section 94 (appeal from within the Isle of Man: unfounded human rights claim), for “Governor” substitute “Minister” in both places;
- (c) in sub-paragraph (8)(b), for “Governor” substitute “Minister”.
- (d) in sub-paragraph (9) for “Governor” substitute “Minister”.
- (9) In paragraph 21(2), for “Governor” substitute “Minister”.
- (10) In paragraph 22(2), for “Governor” substitute “Minister”.
- (11) In paragraph 23(2), for “Governor” substitute “Minister”.
- (12) In paragraph 24(2), for “Governor” substitute “Minister”.
- (13) In paragraph 28(2), for “Governor” substitute “Minister”.
- (14) In paragraph 32(2), for “Governor” substitute “Minister”.
- (15) In paragraph 33(2)(b)(i), for “Governor” substitute “Minister”.

⁽⁵⁴⁾ 2002 c. 41.

⁽⁵⁵⁾ Paragraph 18 refers to the version of section 92 as it stood when the principal Order was made. This Order does not update the text of that section to reflect subsequent amendments.

- (16) In paragraph 35(2), for “Governor” substitute “Minister”.
- (17) In paragraph 36, for “Governor” substitute “Minister”.
- (18) In paragraph 37—
 - (a) in sub-paragraph (2)(a) and (c), for “the Department” substitute “the Department of Health and Social Care”;
 - (b) for sub-paragraph (3)(**56**) substitute—
 - “(3) Omit subsection (4).”.
- (19) In paragraph 38(2)(a), for “Governor” substitute “Minister”.
- (20) In paragraph 39(3), for “Governor” substitute “Minister”.
- (21) In paragraph 47(2), for “Governor” substitute “Minister”.

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 extended in modified form — Schedule 8 amended

15.—(1) Schedule 8 (which sets out the modifications subject to which the Asylum, and Immigration (Treatment of Claimants, etc.) Act 2004(**57**) applies to the Isle of Man) is amended as follows.

- (2) In paragraph 1(3), for “Governor” substitute “Minister”.
- (3) In paragraph 6(2), for “Governor” substitute “Minister”.
- (4) In paragraph 11(2), for “Governor” substitute “Minister”.
- (5) In paragraph 12—
 - (a) in sub-paragraph (2)(b)(i), for “Governor” substitute “Minister”;
 - (b) in sub-paragraph (4), for “Governor” substitute “Minister”.
- (6) In paragraph 13—
 - (a) in sub-paragraph (2), for “Governor” substitute “Minister”;
 - (b) for sub-paragraph (6)(**58**) substitute—
 - “(6) After subsection (6) insert—
 - “(6A) In relation to an application for, or relating to, a work permit, the references in this section to the Minister shall be construed as references to the Department for Enterprise.”.
- (7) In paragraph 14(2) for “Governor” substitute “Minister”.

Immigration, Asylum and Nationality Act 2006 extended in modified form — Schedule 9 amended

16.—(1) Schedule 9 (which sets out the modifications subject to which the 2006 Act applies to the Isle of Man) is amended as follows.

- (2) In paragraph 4A(**59**) —
 - (a) in sub-paragraph (3), for “Governor” substitute “Minister”; and
 - (b) in sub-paragraph (5), in the substituted paragraph (b)(iii), for “Governor” substitute “Minister”.

(56) Sub-paragraph (3) was amended by [S.I. 2011/1408](#) Sch. 1, para 6.

(57) [2004 c. 19](#).

(58) Sub-paragraph (6) was amended by [S.I. 2011/1408](#), Sch. 1, para. 7.

(59) Para. 4A was added by [S.I. 2011/1408](#) Sch.1, para. 9(b).

- (3) In paragraph 4C(2)(60), for “Governor” substitute “Minister”.
- (4) In paragraph 4D(2)(61), for “Governor” substitute “Minister”.
- (5) In paragraph 5(2)(62), for “Council of Ministers” substitute “Minister”.
- (6) For paragraph 9(2) substitute—
 - “(2) Omit subsections (2) and (3).”.

UK Borders Act 2007 extended in modified form —Schedule 9ZA inserted

- 17. After Schedule 9 insert, as Schedule 9ZA, the Schedule set out as Schedule 1 to this Order.

Immigration Act 2014 extended in modified form — Schedule 9A amended

18.—(1) Schedule 9A(63) (which sets out the modifications subject to which the 2014 Act extends to the Isle of Man) is amended as follows.

- (2) At the beginning of the Schedule insert the following paragraphs—

“A1.—(1) Section 8 of the 2014 Act is modified as follows.

(2) In subsection (2), in the text to be inserted into section 126 of the Nationality, Immigration and Asylum Act 2002 —

- (a) omit paragraph (d);
- (b) in paragraph (e) —
 - (i) for “the United Kingdom” substitute “the Isle of Man”;
 - (ii) for the words following “provision made under” substitute “section 2B of the European Communities (Isle of Man) Act 1973 (of Tynwald) (64).”.

A2.—(1) Section 12 of the 2014 Act is modified as follows.

(2) In subsection (3) —

- (a) in the text of subsection (1A)(b) inserted into section 15 of the 2007 Act, for “Secretary of State” substitute “Minister”; and
- (b) omit subsection (1C) which is inserted into the said section 15 in the United Kingdom.

A3.—(1) Section 13 of the 2014 Act is modified as follows.

(2) In subsection (2), in the sub-paragraph (8)(b) inserted into paragraph 4 of Schedule 2 to the 1971 Act for “Secretary of State” substitute “Minister”.

A4.—(1) Section 14 of the 2014 Act is modified as follows.

(2) In subsection (1) in the text of the substituted section 8 of the UK Borders Act 2007 —

- (a) in subsection (1) —
 - (i) for “The Secretary of State must” substitute “After consulting the Governor, the Minister must”;

(60) Para. 4C was added by [S.I. 2011/1408](#) Sch. 1 para. 9(b).

(61) Para. 4D was added by [S.I. 2011/1408](#) Sch. 1 para. 9(b).

(62) Para 5 has been amended, but the amendment is not relevant for present purposes.

(63) Schedule 9A was added by [S.I. 2015/1765](#), art. 7.

(64) AT 14 of 1973.

- (ii) for “the Secretary of State of” substitute “the Governor or the Minister (as the case requires) of”;
 - (b) in subsection (2) for “the Secretary of State” substitute “the Governor or the Minister”;
 - (c) in subsection (3)(b) for “the Secretary of State” substitute “the Governor or the Minister”;
 - (d) in subsection (5) —
 - (i) for “the Secretary of State”, where it first occurs, substitute “the Governor or the Minister”;
 - (ii) for “the Secretary of State”, where it occurs for the second time, substitute “the Governor or the Minister (as the case requires)”;
 - (iii) in paragraph (b) for “the United Kingdom” substitute “the Isle of Man”.
 - (e) in subsection (6)(b), for “the Secretary of State” substitute “the Governor or the Minister (as the case requires)”.
 - (e) in subsection (8) —
 - (i) 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”;
 - (ii) in paragraph (b) for “received by the Secretary of State” substitute “received by the Governor or the Minister (as the case requires)”;
 - (f) omit subsection (9).”.
- (3) In paragraph 1(5)—
- (a) in paragraph (a), in the inserted definition of “the appropriate authority”, for paragraph (a) substitute—
 - “(a) in relation to functions exercised in the Isle of Man—
 - (i) so far as they relate to nationality, the Governor; and
 - (ii) otherwise, the Minister; and”;
 - (b) in paragraph (d), in paragraph (b) of the inserted definition of “the relevant jurisdiction”, for “the Governor,” substitute “the Governor or the Minister.”.

Immigration Act 2016 extended in modified form — Schedule 9B inserted

19. After Schedule 9A insert, as Schedule 9B, the Schedule set out as Schedule 2 to this Order.

Richard Tilbrook
Clerk of the Privy Council

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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(**65**) 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(**66**) 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) —

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

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

- (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⁽⁶⁷⁾ 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”.

⁽⁶⁷⁾ There is an amendment to section 11 but it is not relevant for present purposes.

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- (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)(68), 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).

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

- (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.

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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.””

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Isle of Man) Order 2008 ([S.I. 2008/680](#)) to apply further immigration enactments to the Isle of Man, and to reflect machinery of government changes there, principally involving transfers of functions relating to immigration from the Governor to the Minister for the Cabinet Office of the Isle of Man Government. It also applies provisions relating to biometric data and the transfer and use of information.