STATUTORY INSTRUMENTS

1962 No. 1342

COMMONWEALTH IMMIGRANTS

The Commonwealth Immigrants (Isle of Man) Order 1962

Made - - - - 27*th June* 1962
Coming into Operation 1*st July* 1962

At the Court at Buckingham Palace, the 27th day of June 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the power conferred on Her by section 18 (2) of the Commonwealth Immigrants Act 1962(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) Subject to the provisions of this Order, the Commonwealth Immigrants Act 1962 (in this Order referred to as "the Act") shall extend to the Isle of Man.

(2) In its application to the Isle of Man by virtue of this Order, the Act shall have effect with the omission of the following provisions, that is to say, sections 3 (4) and (5), 7 (4), 8 (5) and (6), 9 (4), 16 (5) and (6), 19 and 20 (3) and paragraphs 5 (2) and 7 (3) of Schedule 1.

(3) The remaining provisions of the Act shall have effect in the Isle of Man subject to the adaptations and modifications set out in Schedule 1 to this Order.

(4) This Order does not affect the application to the Isle of Man, by virtue of section 33 of the British Nationality Act 1948(b), of those provisions of the Act which amend that Act.

2.—(1) This Order may be cited as the Commonwealth Immigrants (Isle of Man) Order 1962 and shall come into operation on 1st July 1962.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order in like manner as it applies for the interpretation of an Act of Parliament.

W. G. Agnew.

SCHEDULE 1

ADAPTATIONS AND MODIFICATIONS

PART I

General

1. For any reference to the United Kingdom (except references which, by virtue of section 18 (1) of the Act, include references to the Channel Islands and the Isle of Man, and except the references in the definition in section 21 (2) of the Act and in the expression "citizen of the United Kingdom and Colonies") there shall be substituted a reference to the Isle of Man.

(a) 10 & 11 Eliz. 2. c. 21. (b) 11 & 12 Geo. 6. c. 56. (c) 52 & 53 Vict. c. 63.

2. For any reference to the Secretary of State (except the references in sections 15 (2) and (3), 17 (3) and (4) and 18 (4)) there shall be substituted a reference to the Lieutenant Governor, and any reference to the Secretary of State in section 15 (2) and (3) shall be construed as including a reference to the Lieutenant Governor.

3. Any reference to the Act or any provision thereof shall, except where the context otherwise requires, be construed as a reference to the Act or that provision as extended to the Isle of Man by this Order.

PART II

Particular adaptations and modifications

4. In section 2 (3) (*a*) for the words "the Minister of Labour or the Ministry of Labour and National Insurance for Northern Ireland" there shall be substituted the words "the Government Secretary of the Isle of Man".

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5. For section 8 (2) there shall be substituted the following subsection:—

"(2) The powers of a court to adjourn shall include power to adjourn, after convicting an offender, for the purpose of enabling a notice to be given to him under subsection (1) of this section or, if such a notice was given to him less than seven days previously, for the purpose of enabling the necessary seven days to elapse.".

6. In section 8 (4) the words "and, in Northern Ireland, on conviction and sentence of imprisonment" shall be omitted.

7. In section 16 for the references to the Minister of Health there shall be substituted references to the Isle of Man Local Government Board.

8. In section 18 (3) for the words from "any of the Islands" to the end there shall be substituted the words "the United Kingdom, Jersey or the Bailiwick of Guernsey under this Act".

9. For the enactments specified in section 20 (1) there shall be substituted a reference to section 33 of the Judicature (Matrimonial Causes) Act 1938 (an Act of Tynwald).

10. At the end of the definition of "enactment" in section 21 (2) there shall be added the words "or of Tynwald".

11. For section 21 (5) there shall be substituted the following subsection:—

"(5) This Act shall come into operation in the Isle of Man on 1st July 1962.".

12. For Schedule 3 there shall be substituted the Schedule set out in Schedule 2 to this Order.

SCHEDULE 2

SCHEDULE 3 TO ACT AS SUBSTITUTED BY PARAGRAPH 12 OF SCHEDULE 1 TO ORDER

EFFECT IN ISLE OF MAN OF ACTION TAKEN IN THE UNITED KINGDOM, JERSEY OR GUERNSEY

Refusal of admission

1.—(1) Where a Commonwealth citizen who has been refused admission into the United Kingdom, Jersey or the Bailiwick of Guernsey under section 2 of this Act enters the Isle of Man without being examined in pursuance of Part I of Schedule 1 to this Act, the notice under the said Part I refusing him such admission shall, unless previously cancelled under this Act, have effect as if it were a notice under the said Part I refusing him admission into the Isle of

Man, and had been given to him when he landed in the Isle of Man; and the provisions of this Act with respect to such refusals of admission and notices (including in particular paragraph 2 (4) of the said Schedule 1) shall apply accordingly.

(2) Where a notice refusing any person admission into the United Kingdom, Jersey or the Bailiwick of Guernsey is cancelled under Part I of Schedule 1 to this Act as applied by this paragraph, the cancellation shall have effect at any time thereafter when the notice would, apart from the cancellation, have effect by virtue of this paragraph as a notice refusing that person admission into the Isle of Man.

Conditional admission

2.—(1) Where a Commonwealth citizen who has been admitted into the United Kingdom, Jersey or the Bailiwick of Guernsey subject to conditions under section 2 of this Act enters the Isle of Man without being examined in pursuance of Part I of Schedule 1 to this Act, those conditions shall, unless they have previously been revoked or ceased to have effect under this Act, apply to him while in the Isle of Man as if they were specified in a notice under the said Part I admitting him into the Isle of Man subject to those conditions; and the provisions of this Act with respect to such conditions and notices shall apply accordingly.

(2) In the application by virtue of this paragraph of any condition limiting the period for which a Commonwealth citizen may remain in the United Kingdom, Jersey or the Bailiwick of Guernsey, the condition shall be treated as if it provided that he shall not remain in the Isle of Man after the expiration of the period specified therein.

(3) Where a condition imposed upon any person in the United Kingdom, Jersey or the Bailiwick of Guernsey is revoked or varied by the Lieutenant Governor under Part I of Schedule 1 to this Act as applied by this paragraph, the revocation or variation shall have effect at any time thereafter when the condition would, apart from the revocation or variation, apply to that person by virtue of this paragraph while in the Isle of Man.

Cesser of Isle of Man notices and conditions on landing in the United Kingdom, Jersey or Guernsey

3. Any notice under paragraph 2 of Schedule 1 to this Act refusing a person admission into the Isle of Man or admitting him there subject to conditions, and any condition specified in such a notice, shall, unless previously cancelled or revoked under that Schedule, cease to have effect if that person lands or seeks to land in the United Kingdom, Jersey or the Bailiwick of Guernsey and is on that occasion examined in pursuance of Part I of that Schedule.

Deportation

4.—(1) Subject to the provisions of this paragraph, a deportation order made in the United Kingdom, Jersey or the Bailiwick of Guernsey under Part II of this Act shall have effect, in the Isle of Man, as if it were a deportation order made by the Lieutenant Governor requiring the person to whom it relates to leave the Isle of Man and prohibiting him from returning there; and section 10 of this Act shall apply accordingly with the necessary modifications.

(2) The Lieutenant Governor may in any particular case direct that sub-paragraph (1) of this paragraph shall not apply in relation to a deportation order made in the United Kingdom, Jersey or the Bailiwick of Guernsey; and nothing in this paragraph shall render it unlawful for a person in respect of whom a deportation order made in the United Kingdom, Jersey or the Bailiwick of Guernsey is in force to enter the Isle of Man on his way therefrom to a place outside the Isle of Man.

Interpretation

5. Any reference in this Schedule to this Act or any provision of this Act shall be construed, in relation to anything done in Jersey or the Bailiwick of Guernsey, as a reference to this Act or that provision as extended thereto under section 18 of this Act.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order extends the Commonwealth Immigrants Act 1962 to the Isle of Man with minor modifications.