## 1960 No. 209

# The Defence (General) Regulations (Isle of Man) Continuance Order, 1960

*Made* - - - - 8*th February*, 1960
*Coming into Operation* 24*th March*, 1960

At the Court at Buckingham Palace, the 8th day of February, 1960

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of subsection (2) of section nine of the Emergency Laws (Repeal) Act, 1959(**a**), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

**1.**—(1) This Order may be cited as the Defence (General) Regulations (Isle of Man) Continuance Order, 1960, and shall come into operation on the twenty-fourth day of March, 1960.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and for the purposes of section thirty-eight of that Act (which relates to the effect of repeals) this Order shall be deemed to be an Act of Parliament.

**2.**—(1) Subject to the provisions of this Order, the following provisions of the Defence (General) Regulations (Isle of Man), 1939, as they had effect immediately before the commencement of this Order, that is to say—

(*a*) in Part IV, Regulation 55 (general control of industry) ; and

(*b*) in Part V (which contains general and supplementary provisions) Regulations 87, 91, 92, 93, 98, 99, 100 and 105, so far as they are applicable to the said Regulation 55,

shall continue in force so long as this Order remains in force.

(2) Those of the Regulations aforesaid specified in the First Schedule to this Order shall have effect by virtue of this Article subject to the amendments respectively specified in relation thereto in that Schedule ; and notwithstanding any Order in Council in force immediately before the commencement of this Order under section three of the Supplies and Services (Transitional Powers) Act, 1945(**c**), as extended to the Isle of Man by the Supplies and Services (Transitional Powers) (Isle of Man) Order in Council, 1946(**d**), the powers conferred by the said Regulation 55 shall not be exercisable except for the purposes of such an order as is authorised by that Regulation as amended by paragraph 1 of the said First Schedule but shall be exercisable for the purposes of any such order.

(**a**) 7 & 8 Eliz. 2. c. 19. (**b**) 52 & 53 Vict. c. 63. (**c**) 9 & 10 Geo. 6. c. 10.
(**d**) S.R. & O. 1946/167 (1946 II, p. 1525).

(3) The Regulations referred to in paragraph (1) of this Article shall be in force by virtue of this Article in the form set out in the Second Schedule to this Order, being a form reproducing those Regulations as they have effect by virtue of the two foregoing paragraphs.

(4) Nothing in paragraph (2) of this Article shall affect the validity of any order under the aforesaid Regulation 55 in force immediately before the commencement of this Order; but nothing in Regulation 98 of the Defence (General) Regulations (Isle of Man), 1939, shall authorise the variation, otherwise than by revocation in whole or in part, of any provision of any such order which could not be included in an order made under the Regulation in question after the commencement of this Order.

(5) Any order made under the said Regulation 55 after the commencement of this Order shall be subject to annulment by Tynwald.

(6) The Third Schedule to this Order, which reproduces with modifications the effect of the following provisions of the Emergency Powers (Defence) Act, 1939(**a**), as extended to the Isle of Man by the Emergency Powers (Isle of Man Defence) Order in Council, 1939(**b**), so far as applicable to any Regulation or order having effect by virtue of this Article, that is to say, subsection (4) of section one, section three and section seven, shall have effect for the purposes of any such Regulation or order for the time being in force.

(7) Any Defence Regulation or order thereunder which, without having been expressly revoked, ceases to have effect by virtue of the Emergency Laws (Repeal) Act, 1959, or which is revoked under that Act, shall be deemed for the purposes of section thirty-eight of the Interpretation Act, 1889, to be an Act and to have been repealed by an Act.

**3.** The provisions of this Order shall continue in force only until the expiration of the thirty-first day of December, 1964, and shall then expire; and subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply on the expiration of those provisions as if they had then been repealed.

*W. G. Agnew.*

## SCHEDULES

Article 2 (2)

### FIRST SCHEDULE

AMENDMENTS IN DEFENCE (GENERAL) REGULATIONS (ISLE OF MAN), 1939

PART IV

1. For Regulation 55 there shall be substituted the following Regulation:—

"55. The Governor may by order provide for imposing in respect of the movement, transport, disposal or acquisition of any article situated outside the Isle of Man, or in respect of re-export of any article from the Isle of Man, or in respect of the construction of ships, such prohibitions or restrictions as appear to him to be expedient having regard to any agreement or arrangement concluded in respect of defence matters, or any consultations held in respect of such matters, between Her Majesty's Government in the United Kingdom and the government of any country outside the United Kingdom and for any incidental and supplementary matters for which he thinks it expedient for the purposes of the order to provide, and also make provision (including provision for requiring any person to furnish any information) as he thinks necessary or expedient for facilitating the introduction or operation of a scheme of control for which provision has been made, or for which, in the opinion of the Governor, it will or may be found necessary or expedient that provision should

(**a**) 2 & 3 Geo. 6. c. 62. (**b**) S.R. & O. 1939/969 (1939 I, p. 1470).

be made, under this Regulation; and an order under this Regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order.".

PART V

2. In paragraph (3) of Regulation 87 the words "permit", "or permission" and "any of" shall be omitted.

3. For Regulation 91 there shall be substituted the following Regulation:—

"91.—(1) Where an offence under these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In this Regulation, the expression "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.".

4. For so much of paragraph (1) of Regulation 92 as precedes sub-paragraph (a) there shall be substituted the following words:—

"If any person contravenes or fails to comply with any order made under these Regulations, he shall be guilty of an offence and shall—".

5. In paragraph (2) of Regulation 92 the words "any of" shall be omitted.

6. For so much of paragraph (1) of Regulation 93 as precedes the proviso there shall be substituted the following words:—

"No prosecution in respect of an offence against these Regulations shall be instituted except by the Attorney General";

and in paragraph (b) of the said proviso for the words "the Naval Discipline Act, the Army Act or the Air Force Act" there shall be substituted the words "the Naval Discipline Act, 1957, the Army Act, 1955, or the Air Force Act, 1955".

7. In paragraph (3) of Regulation 93 the words "any of" shall be omitted.

8. In Regulation 98 the words "any of" and the words "rule or byelaw" in both places where they occur shall be omitted.

9. In Regulation 99 paragraphs (1) and (3) shall be omitted.

10. In paragraph (1) of Regulation 100 the definitions of "aircraft", "chief officer of police", "land" and "the war" shall be omitted.

11. For paragraph (3) of Regulation 100 there shall be substituted the following paragraph:—

"(3) Any reference in these Regulations to articles shall be construed as including a reference to substances, vehicles, vessels or animals.".

12. For paragraph (6) of Regulation 100 there shall be substituted the following paragraph:—

"(6) The Interpretation Act, 1949 (being an Act of Tynwald), shall apply to the interpretation of these Regulations and of any orders made thereunder, and of any order continued in force by the Defence (General) Regulations (Isle of Man) Continuance Order, 1960, as it applies to the interpretation of an Act of Tynwald and these Regulations and such orders shall be deemed to be Acts of Tynwald.".

Article 2 (3) SECOND SCHEDULE

FORM IN WHICH DEFENCE REGULATIONS CONTINUE IN FORCE BY VIRTUE OF ARTICLE 2

THE DEFENCE (GENERAL) REGULATIONS (ISLE OF MAN), 1939

PART IV—ESSENTIAL SUPPLIES AND WORK

*General control of industry*

55. The Governor may by order provide for imposing in respect of the movement, transport, disposal or acquisition of any article situated outside the Isle of Man, or in respect of re-export of any article from the Isle of Man, or in respect of the construction of ships, such prohibitions or restrictions as appear to him to be expedient having regard to any agreement or arrangement concluded in respect of defence matters, or any consultations held in respect of such matters, between Her Majesty's Government in the United Kingdom and the government of any country outside the United Kingdom and for any incidental and supplementary matters for which he thinks it expedient for the purposes of the order to provide, and also make provision (including provision for requiring any person to furnish any information) as he thinks necessary or expedient for facilitating the introduction or operation of a scheme of control for which provision has been made, or for which, in the opinion of the Governor, it will or may be found necessary or expedient that provision should be made, under this Regulation; and an order under this Regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order.

PART V—GENERAL AND SUPPLEMENTARY PROVISIONS

*Licences*

87.—(3) Any licence granted for the purposes of these Regulations may be revoked at any time by the authority or person empowered to grant it.

*Offences by corporations*

91.—(1) Where an offence under these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In this Regulation, the expression "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

*Penalties*

92.—(1) If any person contravenes or fails to comply with any order made under these Regulations, he shall be guilty of an offence and shall—

(*a*) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine; or

(*b*) on conviction on information, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

(2) Where a person convicted on information of an offence against these Regulations is a body corporate, no provision in these Regulations limiting the amount of the fine which may be imposed shall apply, and the body corporate shall be liable to a fine of such amount as the court thinks just.

*Legal proceedings*

93.—(1) No prosecution in respect of an offence against these Regulations shall be instituted except by the Attorney General :

Provided that the preceding provisions of this paragraph shall not—

(*a*) prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding in custody or on bail of any person charged with such an offence, notwithstanding that the consent of the Attorney General to the institution of a prosecution for the offence has not been obtained ; or

(*b*) be taken to restrict the institution of any proceedings under the Naval Discipline Act, 1957(**a**), the Army Act, 1955(**b**), or the Air Force Act, 1955(**c**)

(3) Proceedings in respect of an offence alleged to have been committed by a person against these Regulations may be taken before the appropriate court in the Isle of Man having jurisdiction in the place where that person is for the time being.

*Revocation and variation of orders*

98. Any power conferred by these Regulations to make any order shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order.

*Exercise of powers of Attorney General*

99.—(2) The functions of the Attorney General under any of these Regulations may, in the event of a vacancy in the office or in the event of the Attorney General being unable to act owing to illness or absence, be exercised by a person appointed by the Governor as Acting Attorney General.

*Interpretation*

100.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Attorney General " means the Attorney General of the Isle of Man ;

" Governor " means the Lieutenant Governor of the Isle of Man and includes the deputy or acting Governor;

" ship " and " vessel " have respectively the same meanings as in the Merchant Shipping Act, 1894(**d**).

(3) Any reference in these Regulations to articles shall be construed as including a reference to substances, vehicles, vessels or animals.

(6) The Interpretation Act, 1949 (being an Act of Tynwald), shall apply to the interpretation of these Regulations and of any orders made thereunder, and of any order continued in force by the Defence (General) Regulations (Isle of Man) Continuance Order, 1960, as it applies to the interpretation of an Act of Tynwald and these Regulations and such orders shall be deemed to be Acts of Tynwald.

(7) Any reference in any document to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to that Regulation as subsequently amended, modified or adapted.

*Short title*

105. These Regulations may be cited as the Defence (General) Regulations (Isle of Man), 1939.

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(**a**) 5 & 6 Eliz. 2 c. 53. (**b**) 3 & 4 Eliz. 2 c. 18. (**c**) 3 & 4 Eliz. 2. c. 19.
(**d**) 57 & 58 Vict. c. 60.

Article 2 (6)

## THIRD SCHEDULE

SUPPLEMENTARY PROVISIONS WITH RESPECT TO DEFENCE REGULATIONS

1. Any order duly made in pursuance of any Defence Regulation continued in force by virtue of Article 2 of this Order shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Order or in any instrument having effect by virtue of any enactment other than this Order.

2. Unless the contrary intention appears therefrom, any provisions contained in, or having effect under, any such Regulation as aforesaid shall—

(*a*) in so far as they specifically impose prohibitions or obligations in relation to vessels or aircraft, apply to all vessels or aircraft in or over the Isle of Man and to all British ships or aircraft, not being excepted ships or aircraft, wherever they may be;

(*b*) in so far as they impose prohibitions, restrictions or obligations on persons, apply, subject to the foregoing sub-paragraph, to all persons in the Isle of Man and all persons on board any British ship or aircraft, not being an excepted ship or aircraft, and to all other persons, wherever they may be, who are citizens of the United Kingdom and Colonies or British protected persons within the meaning of the British Nationality Acts, 1948 and 1958, and who are ordinarily resident in the Isle of Man.

3. In the last foregoing paragraph—

"British aircraft" means an aircraft registered in—

(*a*) any part of Her Majesty's dominions;

(*b*) any country outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction;

(*c*) any country consisting partly of one or more colonies and partly of one or more such countries as are mentioned in the last foregoing sub-paragraph;

"excepted ship or aircraft" means a ship or aircraft registered in Canada, Australia, New Zealand, the Union of South Africa, the Republic of Ireland, India, Pakistan, the Federation of Rhodesia and Nyasaland, Ceylon, Ghana or the Federation of Malaya, or in any territory administered by the government of any of the countries aforesaid, not being a ship or aircraft for the time being placed at the disposal of, or chartered by or on behalf of, Her Majesty's Government in the United Kingdom.

4. Every document purporting to be an instrument made or issued by any authority or person in pursuance of any provision contained in, or having effect under, any such Regulation as aforesaid, and to be signed by or on behalf of that authority or person, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by that authority or person; and prima facie evidence of any such instrument as aforesaid may, in any legal proceedings (including arbitrations), be given by the production of a document purporting to be certified to be a true copy of the instrument by or on behalf of the authority or person having power to make or issue the instrument.

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## EXPLANATORY NOTE

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

This Order provides that certain provisions of the Defence (General) Regulations (Isle of Man), 1939, shall continue in force in the Isle of Man until 31st December, 1964, in the form in which the corresponding provisions of the Defence (General) Regulations, 1939, were continued in force for the United Kingdom until that date by the Emergency Laws (Repeal) Act, 1959.