STATUTORY INSTRUMENTS

1981 No. 1112

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The State Immunity (Isle of Man) Order 1981

Made - - - - 31*st July* 1981

Coming into Operation 21*st August* 1981

At the Court at Buckingham Palace, the 31st day of July 1981

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 23(7) of the State Immunity Act 1978(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the State Immunity (Isle of Man) Order 1981 and shall come into operation on 21st August 1981.

2. The provisions of the State Immunity Act 1978 shall extend to the Isle of Man subject to the modifications specified in the Schedule to this Order.

N.E. Leigh,
Clerk of the Privy Council.

(a) 1978 c. 33.

SCHEDULE

MODIFICATIONS IN THE EXTENSION OF THE STATE IMMUNITY ACT 1978 TO THE ISLE OF MAN

1.—(1) Except in sections 2(7), 4(2)(*b*) and (5), 8(1)(*b*), 13(5), 14(1), 15(1) and 19(2) and (4), any reference to the United Kingdom shall be construed as a reference to the Isle of Man.

(2) Any reference to an enactment of Tynwald shall be construed as a reference to that enactment as amended or replaced by or under any other enactment of Tynwald.

2. In section 4(2)(*b*), for the word "there" there shall be substituted the words "in the Isle of Man".

3. In section 8(1)(*b*), after the words "the United Kingdom", in both places where they occur, there shall be inserted the words "or the Isle of Man".

4. Section 13(6) shall be omitted.

5. After section 14(5), there shall be inserted the following provision:—

"(5A) An Order in Council made under subsection (5) above as it has effect in the United Kingdom shall also have effect in the Isle of Man.".

6. For section 15(2) there shall be substituted the following provisions:—

"(2) Where an Order in Council made under this section as it has effect in the United Kingdom restricts the immunities and privileges conferred by this Part of this Act, that Order shall also have effect in the Isle of Man.

(3) Where an Order in Council made under this section as it has effect in the United Kingdom extends the immunities and privileges conferred by this Part of this Act so as to comply with the requirements of any treaty, convention or other international agreement to which the United Kingdom is a party on behalf of the Isle of Man (as well as on its own behalf), that Order shall also have effect in the Isle of Man.".

7. In section 16:—

(i) the following provision shall be substituted for subsection (1):—

"(1) This Part of this Act does not affect any immunity or privilege conferred by any order made under section 1 of the Diplomatic and Analogous Immunities and Privileges Act 1957 (an Act of Tynwald) or under section 1 of the Consular Relations Act 1979 (an Act of Tynwald); and—

(*a*) section 4 above does not apply to proceedings concerning the employment of the members of a mission within the meaning of the Convention scheduled to the Diplomatic Privileges Act 1964 or of the members of a consular post within the meaning of the Convention scheduled to the Consular Relations Act 1968;

(*b*) section 6(1) above does not apply to proceedings concerning a State's title to or its possession of property used for the purposes of a diplomatic mission.";

(ii) in subsection (2), after the words "Visiting Forces Act 1952" there shall be inserted the words "(as extended to the Isle of Man by the Visiting Forces Act (Application to the Isle of Man) Order 1962)"; and

(iii) in subsection (3), after the words "Nuclear Installations Act 1965" there shall be inserted the words "(as extended to the Isle of Man by the Nuclear Installations (Isle of Man) Order 1977)".

8. In section 17:—

(i) subsections (3) and (5) shall be omitted; and

(ii) the words "and any area designated under section 1(7) of the Continental Shelf Act 1964" in subsection (4) shall be omitted.

9. In section 20:—

(i) in subsection (1), after the words "shall apply" there shall be inserted the words "in the Isle of Man" and after the words "as it applies" there shall be inserted the words "in the United Kingdom"; and

(ii) in subsection (3), after the words "the Immigration Act 1971" there shall be inserted the words "(as extended to the Isle of Man by the Immigration (Isle of Man) Order 1972)".

10. In section 22:—

(i) in subsection (1), the words from "and references to" to the end of the subsection shall be omitted; and

(ii) subsection (5) shall be omitted.

11. In section 23:—

(i) subsections (2), (5), (6) and (7) shall be omitted; and

(ii) the references in subsections (3) and (4) to the coming into force of this Act shall be construed as references to the date of the coming into operation of the State Immunity (Isle of Man) Order 1981.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends to the Isle of Man the provisions of the State Immunity Act 1978 subject to the modifications specified in the Schedule to the Order. This will enable effect to be given to the provisions of the European Convention on State Immunity (Cmnd. 5081), the International Convention for the Unification of Certain Rules concerning the Immunity of State-owned Ships (Cmnd. 5672) and the Supplementary Protocol thereto (Cmnd. 5673).

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