STATUTORY INSTRUMENTS

1962 No. 170

VISITING FORCES

The Visiting Forces Act (Application to the Isle of Man) Order, 1962

Made - - - - 25*th January*, 1962
Coming into Operation 1*st March*, 1962

At the Court at Sandringham, the 25th day of January, 1962

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is expedient to extend to the Isle of Man the Visiting Forces Act, 1952(a) (in this Order referred to as "the Act"), and certain Orders in Council made under subsection (2) of section one of the Act:

Now, therefore, Her Majesty, in pursuance of the powers conferred on Her by subsection (1) of section fifteen of the Act, 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 Visiting Forces Act (Application to the Isle of Man) Order, 1962, and shall come into operation on the first day of March, 1962.

(2) The Interpretation Act, 1889(b), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

2. The provisions of the Act as subsequently amended, other than section fifteen thereof, shall extend to the Isle of Man subject to the adaptations, modifications and exceptions specified in the Schedule to this Order.

3. The Visiting Forces (Designation) Order, 1954(c) (which designates Belgium, France, the Netherlands, Norway and the United States of America for the purposes of all the provisions of the Act following subsection (2) of section one thereof), the Visiting Forces (Designation) Order, 1956(d) (which designates Luxembourg, Turkey, Greece, Denmark, Portugal and Italy for the same purposes), and the Visiting Forces (Designation) Order, 1961(e) (which designates the Federal Republic of Germany for the same purposes), shall extend to the Isle of Man.

E. N. Landale.

SCHEDULE Article 2

ADAPTATIONS, MODIFICATIONS AND EXCEPTIONS TO BE MADE IN THE APPLICATION OF THE ACT TO THE ISLE OF MAN

1. Any reference to the Visiting Forces Act, 1952, or to a particular provision of that Act (other than section fifteen) shall be construed as a reference to the Act or to that provision as extended to the Isle of Man by this Order.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1954/634 (1954 II, p. 2483). (d) S.I. 1956/2041 (1956 II, p. 2455).
(e) S.I. 1961/1511 (1961 II, p. 3087).

2. Subject to the following paragraphs of this Schedule and except in the phrases "Her Majesty's Government in the United Kingdom" and "citizen of the United Kingdom and Colonies", any reference to the United Kingdom shall be construed—

(*a*) in subsections (1) and (4) of section two, section thirteen and subsection (1) of section seventeen, as a reference to the Isle of Man; and

(*b*) in subsection (2) of section two, section twelve, section sixteen, and subsection (4) of section seventeen, as including a reference to the Isle of Man.

3. Any reference to a United Kingdom court shall be construed as a reference to an Isle of Man court.

4. Except in subsection (4) of section ten, any reference to United Kingdom law shall be construed as a reference to Isle of Man law.

5. For paragraph (*b*) of subsection (1) of section one, there shall be substituted the following paragraph:—

"(*b*) any country which is designated in respect of the Isle of Man by Order in Council for the purposes of that provision.".

6. In subsection (1) of section two the words "or on board any of Her Majesty's ships or aircraft" shall be omitted.

7. In subsection (3) of section three, for the words from "Director of Public Prosecutions" to "(in the case of a court in Northern Ireland)" there shall be substituted the words "Attorney General".

8(*a*) The references in subsection (2) of section five to section thirty-eight of the Magistrates' Courts Act, 1952(a), as substituted for the references to section thirty-eight of the Summary Jurisdiction Act, 1879(b), by virtue of section thirty-eight of the Interpretation Act, 1889, shall be construed as references to section twelve of the Bail Act, 1952 (an Act of Tynwald).

(*b*) Subsections (3) and (4) of section five shall be omitted.

9. In section seven—

(*a*) any reference to the Secretary of State shall be construed as a reference to the Governor and any reference to England shall be construed as a reference to the Isle of Man;

(*b*) in subsection (4) for the words "Section four of the Births and Deaths Registration Act, 1926(c)" there shall be substituted the words "Section six of the Civil Registration and Dissenters' Marriage Act, 1933 (an Act of Tynwald)";

(*c*) in subsection (5) for the words "section two of the said Act of 1926" there shall be substituted the words "section four of the said Act of 1933"; and

(*d*) subsection (7) shall be omitted.

10. In section eight—

(*a*) in subsections (1) to (3) for the words "Her Majesty may by Order in Council" wherever they occur there shall be substituted the words "the Governor may by Order";

(*b*) in subsection (4) the words "in Council" shall be omitted and for the words "Her Majesty" there shall be substituted the words "the Governor";

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55. (b) 42 & 43 Vict. c. 49.
(c) 16 & 17 Geo. 5. c. 48.

(*c*) for subsections (6) and (7) there shall be substituted the following subsections:—

"(6) No Order under this section shall have effect until it has been approved by resolution of Tynwald.

(7) In this section—

'enactment' means an enactment (passed either before or after the extension of this Act to the Isle of Man) of the Parliament of the United Kingdom or of Tynwald, and includes any instrument having effect under an enactment;

'property' includes both real and personal property.".

11. In subsection (1) of section twelve the definition of "Her Majesty's ships or aircraft" shall be omitted.

12(*a*) In subsection (1) of section seventeen the words from "and the expression" to the end of the subsection shall be omitted.

(*b*) In subsection (5) of section seventeen the words from "and in this subsection" to the end of the subsection shall be omitted.

13. Section eighteen shall be omitted.

14. Subsection (2) of section nineteen shall be omitted.

15. For the Schedule there shall be substituted the following Schedule:—

"SCHEDULE

OFFENCES REFERRED TO IN S. 3

In the application of section three of this Act to the Isle of Man the expression 'offence against the person' means any of the following offences, that is to say:—

(*a*) murder, manslaughter, rape, buggery and assault; and

(*b*) any offence not falling within the foregoing sub-paragraph, being an offence punishable under any of the following enactments (being Acts of Tynwald):—

(i) sections eighteen to eighty-three of the Criminal Code, 1872, except section seventy thereof (which relates to bigamy);

(ii) the Criminal Code Amendment Act, 1886;

(iii) the Punishment of Incest Act, 1913;

(iv) section seventy-three of the Mental Diseases Act, 1924 (which relates to certain offences against mentally defective females);

(v) sections fifteen, seventeen to twenty and one hundred and seven of the Children Act, 1910;

(vi) the Infanticide and Infant Life (Preservation) Act, 1938;

(vii) section twenty-three of the Larceny Act, 1946 (which relates to robbery);

and the expression 'offence against property' means any offence punishable under any of the following enactments (being Acts of Tynwald), that is to say:—

(i) sections eighty-four to one hundred and forty-eight and one hundred and fifty to two hundred and eleven and two hundred and fourteen to two hundred and forty of the Criminal Code, 1872;

(ii) section nine of the Petty Sessions and Summary Jurisdiction Act, 1927;

(iii) section eighty-eight of the Bankruptcy Code, 1892 (which relates to the obtaining of credit under false pretences and to certain frauds on creditors);

(iv) section twenty-seven of the Road Traffic Act, 1933 (which relates to the taking of a motor vehicle without the owner's consent);

(v) the Larceny Act, 1946, except section twenty-three thereof.".

EXPLANATORY NOTE

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

This Order extends to the Isle of Man the provisions of the Visiting Forces Act, 1952, subject to certain modifications. It also extends to the Island three Orders in Council which designate countries for the purposes of the Act.