

2011 No. 2443

CLUSTER MUNITIONS

**The Cluster Munitions (Prohibitions) Act 2010 (Isle of Man)
Order 2011**

Made - - - - *12th October 2011*

Coming into force - - *2nd November 2011*

At the Court at Buckingham Palace, the 12th day of October 2011

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 33(3) of the Cluster Munitions (Prohibitions) Act 2010^(a) is pleased, by and with the advice of Her Privy Council, to make the following Order:

Citation and commencement

1. This Order may be cited as the Cluster Munitions (Prohibitions) Act 2010 (Isle of Man) Order 2011 and shall come into force on 2nd November 2011.

Extension of the Cluster Munitions (Prohibitions) Act 2010 to the Isle of Man

2. The Cluster Munitions (Prohibitions) Act 2010 shall extend to the Isle of Man, subject to the exceptions and modifications specified in the Schedule to this Order.

Judith Simpson
Clerk of the Privy Council

Exceptions and modifications to be made in the extension of the Cluster Munitions (Prohibitions) Act 2010 to the Isle of Man

1. Any reference to an Act of Tynwald, or to a provision of an Act of Tynwald, shall be construed as including a reference to that Act or provision as amended or replaced by or under any other such Act or provision.
2. In section 2 (offences), in subsection (3)—
 - (a) for “indictment” substitute “information”; and
 - (b) for “imprisonment” substitute “custody”.
3. In section 4 (application of section 2)—
 - (a) in subsections (1), (2) and (4), for “United Kingdom” substitute “Isle of Man”;
 - (b) in subsection (3)—
 - (i) for “United Kingdom”, in the first place it occurs, substitute “Isle of Man”; and
 - (ii) in paragraph (c), after “the law of” insert “the Isle of Man or”;
 - (c) omit subsection (5);
 - (d) in subsection (7)—
 - (i) for “United Kingdom”, in the first place it occurs, substitute “Isle of Man”; and
 - (ii) for “any place in the United Kingdom” substitute “the Isle of Man”; and
 - (e) omit subsections (8) and (9).
4. In section 8 (visiting forces)—
 - (a) in subsection (3), for “United Kingdom”, in each place it occurs, substitute “Isle of Man”; and
 - (b) in subsection (6), after “Visiting Forces Act 1952” insert “as it has effect in the Isle of Man^(a)”.
5. In section 9 (international military operations and activities), in subsection (3)(i), after “United Kingdom” insert “and the Isle of Man”.
6. In section 12 (power to enter premises and search for prohibited munitions), omit subsection (10).
7. In section 16 (power to enter premises and destroy immobilised prohibited munitions), omit subsection (11).
8. In section 17 (compensation for destruction), in subsection (2), for “High Court or, in Scotland, the Court of Session” substitute “High Court of Justice of the Isle of Man”.
9. In section 18 (offences relating to destruction etc.)—
 - (a) in subsection (4)—
 - (i) in paragraph (a), for “the statutory maximum” substitute “£5,000”; and
 - (ii) in paragraph (b), for “indictment” substitute “information”; and
 - (b) in subsection (5)—
 - (i) in paragraph (a), for “the statutory maximum” substitute “£5,000”; and

(a) 1952 c.67. The Visiting Forces Act 1952 was extended to the Isle of Man by S.I. 1962/170; the Schedule to that Act, as the Act has effect in the Isle of Man, was substituted by paragraph 7 of Schedule 3 to the Sexual Offences Act 1992 (an Act of Tynwald) (c.6); the substituted Schedule was subsequently amended as it has effect in the Isle of Man by S.I. 1998/1509 and S.I. 2009/3203.

- (ii) in paragraph (b)—
 - (aa) for “indictment” substitute “information”; and
 - (bb) for “imprisonment” substitute “custody”.
- 10.** In section 20 (information and records for Convention purposes)—
- (a) in subsection (8)—
 - (i) in paragraph (a), for “the statutory maximum” substitute “£5,000”; and
 - (ii) in paragraph (b), for “indictment” substitute “information”; and
 - (b) in subsection (9)—
 - (i) in paragraph (a), for “the statutory maximum” substitute “£5,000”; and
 - (ii) in paragraph (b)—,
 - (aa) for “indictment” substitute “information”; and
 - (bb) for “imprisonment” substitute “custody”.
- 11.** In section 21 (power to search and obtain evidence: issue of warrant), omit subsection (7).
- 12.** In section 22 (power to search and obtain evidence: supplementary)—
- (a) in subsection (5), omit “(or, in Scotland, to confidentiality of communications)”; and
 - (b) in subsection (10)—
 - (i) in paragraph (a), for “the statutory maximum” substitute “£5,000”; and
 - (ii) in paragraph (b), for “indictment” substitute “information”.
- 13.** In section 23 (disclosure of information)—
- (a) in subsection (2)—
 - (i) in paragraph (d), for “section 17(2)(a) to (d) of the Anti-terrorism, Crime and Security Act 2001 (disclosure related to criminal investigation or criminal proceedings)” substitute “section 56(2)(a) to (d) of the Anti-Terrorism and Crime Act 2003 (an Act of Tynwald (c.6)) (exercise of existing disclosure powers)”; and
 - (ii) in paragraph (f), after “United Kingdom” insert “or the Isle of Man”;
 - (b) in subsection (3)—
 - (i) for “Section 18 of the Anti-terrorism, Crime and Security Act 2001” substitute “Section 57 of the Anti-Terrorism and Crime Act 2003 (an Act of Tynwald (c.6))”; and
 - (ii) for “section 17” substitute “section 56”; and
 - (c) in subsection (4)—
 - (i) in paragraph (a) for “the statutory maximum” substitute “£5,000”; and
 - (ii) in paragraph (b)—
 - (aa) for “indictment” substitute “information”; and
 - (bb) for “imprisonment” substitute “custody”.
- 14.** In section 24 (consent to prosecution), for “may not be instituted” to the end substitute “may not be instituted except by or with the consent of the Attorney General for the Isle of Man.”.
- 15.** In section 28 (service of notices), for “United Kingdom” in each place it occurs substitute “Isle of Man”.

16. In section 29 (power to modify Act), for subsections (1) to (4) substitute—
- “(1) The Council of Ministers may by order make such additions to, omissions from or other modifications of this Act as it has effect in the Isle of Man as it considers necessary or desirable to give effect to any amendment of the Convention made in pursuance of the provisions of the Convention, being additions, omissions or modifications appearing to the Council of Ministers to be equivalent to those made by order of the Secretary of State under this section as it has effect in the United Kingdom.
- (2) An order under subsection (1) may also make such modifications of any Act of Tynwald or any instrument of a legislative character made under an Act of Tynwald (whenever passed or made) as the Council of Ministers considers necessary or desirable in consequence of the modifications of this Act made by that order.
- (3) An order under this section shall not have effect unless it is approved by Tynwald.”.
17. In section 30 (interpretation), after the definition of “the Convention” insert—
- ““custody” has the same meaning as in the Custody Act 1995 (an Act of Tynwald (c.1));”.
18. Omit section 31 (amendments of other Acts).
19. In section 32 (Crown application)—
- (a) in subsection (4), for “High Court or, in Scotland, the Court of Session” substitute “High Court of Justice of the Isle of Man”; and
- (b) omit subsection (6).
20. Omit section 33 (extent).
21. In section 34 (commencement and short title), omit subsection (1).
22. In Schedule 2 (offences to which section 9 applies)—
- (a) omit paragraph 3; and
- (b) in paragraph 8 for “United Kingdom”, in each place, it occurs, substitute “Isle of Man”.
23. Omit Schedule 3 (amendments of other Acts).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends, subject to exceptions and modifications, the Cluster Munitions (Prohibitions) Act 2010(a) to the Isle of Man.

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