

2010 No. 2470

DEFENCE

The Reserve Forces Act 1996 (Isle of Man) Order 2010

Made - - - - *13th October 2010*

Coming into force - - *1st November 2010*

At the Court at Buckingham Palace, the 13th day of October 2010

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, in exercise of the power conferred by section 132(3) of the Reserve Forces Act 1996(a), makes the following Order:

Citation, commencement and extent

1. This Order may be cited as the Reserve Forces Act 1996 (Isle of Man) Order 2010 and shall come into force on 1st November 2010.

2. The Reserve Forces Act 1996 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

SCHEDULE

Article 2

**EXCEPTIONS AND MODIFICATIONS TO PROVISIONS OF THE
RESERVE FORCES ACT 1996 AS EXTENDED TO THE ISLE OF
MAN**

1. Unless the contrary intention appears, any reference in the Reserve Forces Act 1996 to an Act of Parliament (including that Act) or to any provision of such an Act shall be construed as a reference to the Act or provision as it has effect in the Isle of Man.

2. In section 4, omit subsection (5).

3. In section 9—

(a) 1996 c. 14; section 121 of, and Schedule 6 to, that Act were repealed by Schedule 3 to the Lieutenancies Act 1997 (c. 23); further repeals were made by the Armed Forces Act 2006 (c. 52).

- (a) for subsection (2)(a) substitute—
 - “(a) the Governor;”.
 - (b) at end(a) insert—
 - “(6) In this section and section 10, references to the United Kingdom shall be construed as including references to the Isle of Man.”.
4. After section 18(2) insert—
 - “(3) In this section and section 19, references to the United Kingdom shall be construed as references to the Isle of Man.”.
 5. In section 25(3)(b)(i), after “United Kingdom” insert “and the Isle of Man”.
 6. In section 37, in subsections (4) and (6) omit the words following “statutory instrument”.
 7. In section 56(1)(a), after “United Kingdom” insert “and the Isle of Man”.
 8. In section 75(7), omit the words following “statutory instrument”.
 9. In section 77(2), omit “and shall be laid before each House of Parliament after being made”.
 10. In section 81—
 - (a) omit subsection (5);
 - (b) in subsection (6) omit the words following “statutory instrument”.
 11. In section 85—
 - (a) omit subsection (3);
 - (b) in subsection (4) omit the words following “statutory instrument”.
 12. In section 86, in subsections (4) and (5) omit the words following “statutory instrument”.
 13. Omit sections 90 and 91.
 14. For section 92 substitute—
 - “92.—(1) An appeal tribunal shall consist of a chairman appointed by the Governor and 2 other members selected by the Governor from a panel of persons appointed in accordance with subsection (3).
 - (2) No person may be appointed chairman of an appeal tribunal unless—
 - (a) he is or has been a Deemster, or
 - (b) he is an advocate of at least 10 years’ standing.
 - (3) The members of an appeal tribunal other than the chairman shall be appointed to a panel by the Governor after consulting such persons or bodies as he considers to be appropriate, including –
 - (a) a body or bodies appearing to him to represent the interests of employers and self-employed persons in the Isle of Man;
 - (b) a body appearing to him to represent the interests of employees in the Isle of Man; and
 - (c) the associations established under Part XI for any area including the Isle of Man.
 - (4) There shall be paid to members of an appeal tribunal such fees, allowances and expenses (if any) as the Secretary of State may determine.
 - (5) Where a tribunal is hearing an appeal in respect of an application under regulations under section 78 or 79, the Governor shall, if requested to do so by the tribunal, appoint a

(a) Section 9(5) was repealed by section 378(2) of, and Schedule 17 to, the Armed Forces Act 1996,

serving or retired officer of any regular service or reserve force to advise the tribunal on any relevant service matters.”.

15. In section 93—

- (a) in subsection (3) for “that part of the United Kingdom in which the hearing takes place” substitute “the Isle of Man”;
- (b) in subsection (4) omit the words following “statutory instrument”.

16. In section 104—

- (a) in subsection (1) after “United Kingdom” insert “or the Isle of Man”;
- (b) in subsection (2)—
 - (i) after “any part of the United Kingdom” (in the first place) insert “or in the Isle of Man”;
 - (ii) at the end insert “or in the Isle of Man, as the case may be”.

17. In section 108—

- (a) in subsection (1B) omit the words following “statutory instrument”;
- (b) omit subsection (3).

18. In section 109(c), after “Northern Ireland” insert “or the Isle of Man”.

19. In section 110(3)(b), omit the words following “statutory instrument”.

20. In section 111(4)(b), omit the words following “statutory instrument”.

21. In section 117, omit subsection (3).

22. In section 118(4), omit the words following “statutory instrument”.

23. In section 119(2)(b), omit the words following “statutory instrument”.

24. Omit section 120.

25. In section 125—

- (a) for “United Kingdom” substitute “Isle of Man”;
- (b) for paragraph (a) substitute—

“(a) any election of a Member of Tynwald, or”.

26. In section 127(1), after the definition of “full-time service commitment;” insert—

““Governor” means the Lieutenant Governor of the Isle of Man, and includes a deputy Governor or acting Governor;”.

27. In section 130(2)(b), omit the words following “statutory instrument”.

28. In section 132, omit subsections (2) to (4).

29. In paragraph 2(1A)(a) of Schedule 1, after “1989” insert “, the Children and Young Persons Act 2001 (c.20) (an Act of Tynwald)”.

30. Omit Schedule 5.

31. In Schedule 10, omit paragraphs 15 and 16, 20 to 22 and 24 to 27.

32. Schedule 11 shall have effect in relation only to such of the enactments specified there as have effect in the Isle of Man.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the Reserve Forces Act 1996 to the Isle of Man, subject to the exceptions and modifications specified in the Schedule.

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