

**2010 No. 2644**

**DEFENCE**

**The Reserve Forces Appeal Tribunals (Isle of Man) Rules 2010**

*Made* - - - - *1st November 2010*

*Coming into force* - - *2nd November 2010*

The Secretary of State makes these Rules in exercise of the powers conferred by section 93 of the Reserve Forces Act 1996(a), as it has effect in the Isle of Man(b)—

**Citation and commencement**

1. These Rules may be cited as the Reserve Forces Appeal Tribunals (Isle of Man) Rules 2010 and shall come into force on 2nd November 2010.

**Application of UK Rules in the case of Tribunals sitting in the Isle of Man**

2. The Reserve Forces Appeal Tribunals Rules 1997(c) (referred to in these Rules as “the UK Rules”) shall apply to proceedings of a Reserve Forces Appeal Tribunal sitting in the Isle of Man subject to the modifications specified in the Schedule.

1st November 2010

*Andrew Robathan*  
Parliamentary Under Secretary of State  
Ministry of Defence

**SCHEDULE**

Rule 2

**MODIFICATIONS OF THE UK RULES IN THEIR APPLICATION TO  
THE ISLE OF MAN**

1. References in the UK Rules to any Act of Parliament or statutory instrument extending to the Isle of Man, or to any provision of any such Act or instrument, shall be construed as references to the Act, instrument or provision as it has effect in the Isle of Man.

2. In rules 5(2), 6(b) and 10(2), omit “or, if the Tribunal is sitting in Scotland, expenses”.

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(a) 1996 c. 14.

(b) The Reserve Forces Act 1996 was extended to the Isle of Man, with modifications, by the Reserve Forces Act 1996 (Isle of Man) Order 2010 (S.I. 2010/2470).

(c) S.I. 1997/798, as amended by S.I. 2001/1149 and by the Constitutional Reform Act 2005 (c. 4) s.15(1), Sch. 4, Pt. 1, para.270 and S.I. 2006/1014.

3. For rule 7(c), substitute the following paragraph—

“(c) request the Governor to constitute the Tribunal in accordance with section 92(1) of the Act.”.
4. In rules 13(1) and 18, omit “or, where the Tribunal is sitting in Scotland, a citation”.
5. In rule 16(1)—
  - (a) omit “or, where the Tribunal is sitting in Scotland, citation”;
  - (b) after “United Kingdom” insert “or the Isle of Man”.
6. In rule 16(2) and (3) omit “or citation”.
7. In rule 22, for paragraph (2) substitute—

“(2) Except where a direction under paragraph (4) has been made, any members of the panel of persons appointed under section 92(3) of the Act, notwithstanding that they do not constitute the Tribunal for the purpose of the hearing, shall be entitled to attend the hearing, whether or not it is in private.”.
8. In rule 28, for paragraphs (4) to (6) substitute—

“(4) Any costs which may be ordered by the Tribunal under paragraph (1) above shall be determined by reference to the scales applicable to proceedings in the High Court of Justice of the Isle of Man and any costs required to be taxed where the costs are not otherwise agreed shall be taxed in the same manner as costs in such proceedings.”.
9. In rule 35(2), at the end insert “or the Isle of Man Post Office, as the case may be”.
10. In rule 36, after “United Kingdom” insert “and the Isle of Man”.

#### **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules apply to the Isle of Man, subject to modifications, the Reserve Forces Appeal Tribunals Rules 1997 (S.I. 1997/798) made under section 93 of the Reserve Forces Act 1996 (c. 14).

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