

2015 No. 2012

DEEP SEA MINING

The Deep Sea Mining Act 1981 (Isle of Man) Order 2015

Made - - - - - *9th December 2015*

Coming into force - - - - - *1st January 2016*

At the Court at Buckingham Palace, the 9th day of December 2015

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 18(6)(a) of the Deep Sea Mining Act 1981(b), 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 Deep Sea Mining Act 1981 (Isle of Man) Order 2015 and shall come into force on 1st January 2016.

Extension of the Deep Sea Mining Act 1981 to the Isle of Man

2. The Deep Sea Mining Act 1981 shall extend to the Isle of Man, subject to the modifications specified in the Schedule to this Order.

Revocation

3. The Deep Sea Mining (Temporary Provisions) Act 1981 (Isle of Man) Order 2000(c) is revoked.

Ceri King
Deputy Clerk of the Privy Council

(a) As extended by section 2(2) of the Deep Sea Mining Act 2014 (c. 15).
(b) 1981 c.53, as amended by 1981 c.61, S.I. 1986/948, 1993 c. 50, 1995 c.44, 2002 c.8 and 2014 c.15.
(c) S.I. 2000/1112.

Modifications to be made in the extension of the Deep Sea Mining Act 1981 to the Isle of Man

- 1.** In section 1 (prohibition of unlicensed deep sea mining)(a)—
 - (a) in subsection (3) for “indictment” substitute “information”;
 - (b) for subsection (4) substitute—

“(4) This section applies to any person who—

 - (a) is a United Kingdom national or a body incorporated under the law of the Isle of Man; and
 - (b) is resident in the Isle of Man.”;
 - (c) omit subsection (5); and
 - (d) in subsection (7) omit “or the Scottish Ministers”.
- 2.** In section 2 (exploration and exploitation licences)(b)—
 - (a) in subsection (2)—
 - (i) in paragraph (a) omit “, except where the Scottish Ministers have power to grant the exploration or exploitation licence in question”; and
 - (ii) omit paragraph (b);
 - (b) in subsection (3)(a) omit “or, as the case may be, the Scottish Ministers think fit”;
 - (c) in subsection (3A)—
 - (i) omit “or, as the case may be, the Scottish Ministers think fit”;
 - (ii) omit, in each place, “or, as the case may be, the Scottish Ministers”; and
 - (iii) omit paragraph (1); and
 - (d) in subsection (5)—
 - (i) omit “, or the Scottish Ministers have,”;
 - (ii) for “neither the Secretary of State nor the Scottish Ministers may” substitute “the Secretary of State may not”.
- 3.** In section 3 (contracts granted by the Authority)(c)—
 - (a) in subsection (1) for “Neither the Secretary of State nor the Scottish Ministers may” substitute “The Secretary of State may not”;
 - (b) in subsection (2) omit “or the Scottish Ministers”.
- 4.** In section 4(2)(a)(d) (prevention of interference with licensed operations) for “indictment” substitute “information”.
- 5.** In section 5 (protection of the marine environment)(e)—
 - (a) in subsection (1) omit “or, as the case may be, the Scottish Ministers”, “or the Scottish Ministers” and “or them”; and
 - (b) in subsection (2) omit “or the Scottish Ministers” and “(or they consider)”.
- 6.** In section 6 (variation and revocation of licences)(f) omit subsection (3).

(a) Section 1 amended by 1981 c.61, S.I. 1986/948, 1995 c.44, 2002 c.8 and 2014 c.15.

(b) Section 2 amended by 2014 c.15.

(c) Section 3 amended by 2014 c.15.

(d) Section 4 amended by 2014 c.15.

(e) Section 5 amended by 2014 c.15.

(f) Section 6 amended by 2014 c.15.

7. In section 8 (foreign discriminatory action)(a)—

- (a) in subsection (1)—
 - (i) omit “or, as the case may be, the Scottish Ministers”; and
 - (ii) for “United Kingdom” substitute “the Isle of Man”;
- (b) in subsection (2) omit “or the Scottish Ministers” and “(or they consider)”;
- (c) omit subsection (3); and
- (d) in subsection (4) omit “or, as the case may be, the Scottish Ministers”.

8. In section 8A (enforcement of decisions of the Seabed Disputes Chamber)(b)—

- (a) in subsection (1) for “High Court or the Court of Session” substitute “High Court of Justice of the Isle of Man”; and
- (b) omit subsection (7).

9. For section 8C (recognition and enforcement of arbitration awards)(c) substitute—

“8C. Recognition and enforcement of arbitration awards

An award made in pursuance of Article 188(2)(a) of the Convention (disputes concerning interpretation or application of contracts) is to be treated for the purposes of the Arbitration Act 1976 (an Act of Tynwald)(d) as a New York Convention award whether or not it would be so treated apart from this section.”.

10. In section 11 (inspectors)(e)—

- (a) in subsection (1) omit “or the Scottish Ministers”, “(or them)” in each place and “(or they consider)”;
- (b) in subsection (2) omit “or the Scottish Ministers” and “or, as the case may be, the Scottish Ministers,”.

11. In section 12 (regulations and orders)(f)—

- (a) in subsection (1) omit “, except where the Scottish Ministers have power to make provision under subsection (2)(b)”;
- (b) omit subsections (2) and (7).

12. In section 13 (disclosure of information)(g)—

- (a) in subsection (1), for paragraph (b) substitute—

“(b) the Isle of Man Treasury or the Secretary of State;”;

and
- (b) in subsection (2)(a)—
 - (i) for “indictment” substitute “information”; and
 - (ii) for “imprisonment” substitute “custody (within the meaning the Custody Act 1995 (an Act of Tynwald)(h))”.

13. In section 14 (supplementary provisions relating to offences)(i)—

- (a) in subsections (1) and (3) for “any place in the United Kingdom” substitute “the Isle of Man”; and
- (b) for subsection (2) substitute—

(a) Section 8 amended by 2014 c.15.
(b) Section 8A inserted by 2014 c.15.
(c) Section 8C inserted by 2014 c.15.
(d) 1976 c. 24 (Isle of Man).
(e) Section 11 amended by 2014 c.15.
(f) Section 12 amended by 2014 c.15.
(g) Section 13 amended by 2014 c.15.
(h) 1995 c.1 (Isle of Man).
(i) Section 14 amended by 1981 c.61, S.I. 1986/948 and 1993 c.50.

“(2) Proceeding for such an offence shall not be instituted in the Isle of Man except by or with the consent of the Attorney General of the Isle of Man”.

14. In section 15(1) (civil liability for breach of statutory duty) for “Fatal Accidents Act 1976 and in Article 3(1) of the Fatal Accidents (Northern Ireland) Order 1977” substitute “Fatal Accidents Act 1981 (an Act of Tynwald)(a)”.

15. For section 16(b) (exclusion of certain legislation) substitute—

“16. Exclusion of certain legislation

Nothing in Part II of the Water Protection Act 1993 (an Act of Tynwald)(c) applies to anything done in pursuance of an exploration or exploitation licence or a contract granted by the Authority.”.

16. In section 17 (interpretation)(d) after the definition of “inspector” insert—

““Isle of Man Treasury” means the Treasury, a Department of the Isle of Man Government established under the Government Departments Act 1987 (an Act of Tynwald)(e);”.

17. Omit section 17A (exercise of functions by the Scottish Ministers)(f).

18. In section 18 (short title, etc.)(g), omit subsections (2), (6) and (7).

19. In the Schedule (subject matter of regulations)(h), in paragraph 5 omit “or, in the case of regulations made under section 12(2), the Scottish Ministers”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the provisions of the Deep Sea Mining Act 1981 (c.53) as it currently has effect in the United Kingdom to the Isle of Man with certain modifications and it revokes the Deep Sea Mining (Temporary Provisions) Act 1981 (Isle of Man) Order 2000 (S.I. 2000/1112).

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- (a) 1981 c. 13 (Isle of Man)
 - (b) Section 16 substituted by 2014 c.15.
 - (c) 1993 c. 14 (Isle of Man).
 - (d) Section 17 substituted by 2014 c.15.
 - (e) 1987 c.13 (Isle of Man).
 - (f) Section 17A inserted by 2014 c.15.
 - (g) Section 18 amended by 2014 c.15.
 - (h) Paragraph 5 of the Schedule amended by 2014 c.15.

£4.25

UK2015121011 12/2015 19585

<http://www.legislation.gov.uk/id/uksi/2015/2012>

ISBN 978-0-11-114192-2



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