STATUTORY INSTRUMENTS

1965 No. 1875

MAGISTRATES' COURTS

The Backing of Warrants (Republic of Ireland and Isle of Man) Order 1965

Made - - - - *29th October* 1965
Coming into Operation *15th November* 1965

At the Court at Buckingham Palace, the 29th day of October 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of the powers conferred on Her by section 12(2) of the Backing of Warrants (Republic of Ireland) Act 1965(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The Backing of Warrants (Republic of Ireland) Act 1965 shall, in its application to the Isle of Man, have effect subject to the adaptations and modifications specified in the Schedule to this Order.

2. This Order may be cited as the Backing of Warrants (Republic of Ireland and Isle of Man) Order 1965 and shall come into operation on 15th November 1965.

W. G. Agnew.

SCHEDULE

ADAPTATIONS AND MODIFICATIONS OF THE BACKING OF WARRANTS (REPUBLIC OF IRELAND) ACT 1965 IN ITS APPLICATION TO THE ISLE OF MAN

1. The Act shall apply as if for the word "constable" there were substituted the words "member of the Isle of Man Constabulary" and as if for the words "magistrates' court" there were substituted the words "court of summary jurisdiction".

2. Section 3 shall apply as if for any reference to a writ of *habeas corpus ad subjiciendum* there were substituted a reference to a petition of doleance.

3. Section 6(1) shall apply as if there were added at the end the words "or in the Isle of Man the High Court of the Isle of Man".

4. Section 8(1) shall apply as if there were added at the end the following paragraph:—

"(*d*) in the Isle of Man, rules of court made under section 16 of the Summary Jurisdiction Act 1956 (an Act of Tynwald) and, accordingly, the power to make rules for the purposes of that Act shall include power to make rules for the purposes of this Act.".

5. Section 9(1) shall apply as if paragraphs (*a*) and (*b*) were omitted.

(a) 1965 c. 45.

6. The Schedule shall apply as if there were added at the end the following paragraphs:—

"Proceedings in the Isle of Man

11. Paragraphs 12 to 14 of this Schedule shall apply to proceedings in the Isle of Man under section 2 of this Act.

12. The court shall consist of the High Bailiff or at least three justices of the peace and shall sit in open court.

13. Subject to paragraph 12 of this Schedule, the court shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, and the proceedings shall be conducted as nearly as may be in the like manner as if the court were acting as examining justices enquiring into an indictable offence alleged to have been committed by that person.

14. Without prejudice to the generality of paragraph 13 of this Schedule, section 1 of the Costs in Criminal Cases Act 1947 (award of costs out of government funds) and section 4 of the Poor Prisoners' Defence Act 1933 (legal aid before examining justices) both being Acts of Tynwald, shall apply in relation to the proceedings as if the person arrested under the warrant were charged with an indictable offence on the prosecution of the constable on whose application the warrant was endorsed.".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes adaptations and modifications in the application of the Backing of Warrants (Republic of Ireland) Act 1965 to the Isle of Man.