



Isle of Man

Ellan Vannin

STATUTE LAW REVISION BILL 2016

STATUTE LAW REVISION BILL 2016

Explanatory Memorandum

1. This Bill is promoted by HM Acting Attorney General on behalf of the Council of Ministers
2. The Bill makes minor amendments and corrections to the Interpretation Act 2015, the Legislation Act 2015 and to other enactments.
3. *Part 1* comprises *Clauses 1 and 2*. These provide for the short title and commencement of the resulting Act.
4. *Part 2 (clauses 3 – 15)* contains amendments to the *Interpretation Act 2015*. *Clause 3* introduces the amendments. *Clause 5* inserts a new section 10A dealing with the treatment of Measures made by the Diocesan Synod of the Diocese of Sodor and Man. *Clauses 4, 6, 7, 9 and 15* make consequential adjustments to sections 9, 11, 15 and 16 and the Schedule to reflect the fact that, as has been the case since 1993, once enacted Measures have the status of Acts of Tynwald, albeit only applying to the Established Church on the Island, and that statutory documents may be made under either Acts of Tynwald or Measures. *Clause 8* inserts a new section 15A to indicate to readers of the *Interpretation Act 2015* that some of the provisions of the *Legislation Act 2015* apply equally to documents which are non-legislative. *Clause 10* restores the meaning of “person” under the *Interpretation Act 1976* so as to include unincorporated persons (such as the Legal Aid Committee). *Clause 11* increases the levels of maximum fines prescribed in section 55 to align the maxima with those applying in Guernsey. *Clause 12* amends section 77, and thereby restores the Chief Minister’s power to make acting appointments to judicial offices. *Clause 13* amends provisions of the Act (sections 84 and 91 and the Schedule) dealing with reasonable fees to secure consistency of treatment, to eliminate some typographical errors and to include the definition of the “general fee power” among those expressions which are defined for all Manx legislation and not merely the Interpretation Act 2015 itself. *Clause 14* makes a minor correction to the list of repeals in section 105, and finally *clause 15* inserts some further defined terms among those of general application and makes consequential adjustments in the list of those applying only for the Interpretation Act 2015 itself.
5. *Part 3 (clauses 16 to 26)* makes minor amendments to the Legislation Act 2015. *Clause 16* introduces the amendments. Once again provision has to be made for the treatment of Diocesan Synod Measures, and *clauses 17, 18, 20 and 21* make consequential changes to accommodate them. This is because although Synod Measures are made under an Act of Tynwald (the *Church Legislation Procedure Act 1993*) they have the status of Acts once made, and this special status has to be accommodated and recognised. *Clause 18* also makes amendments to Part 3

of the Legislation Act 2015, limiting its provisions to statutory documents (the relevant provisions are applied with necessary modifications to other public documents by the new section 15A of the Interpretation Act 2015. *Clause 19* makes a change to the provision detailing the procedures for the numbering and dating of Acts, to reflect the actual position in those cases where Assent is given by Her Majesty in Council, but is not announced to Tynwald until the following year. In such a case (e.g. that of the Law Officers Act 2014) the Act is numbered and dated as if it had been announced on the day of Assent. *Clause 21* deals with the filing of Acts, Measures and Statutory Documents at the Public Record Office. *Clause 22* makes a change to the requirements for the electronic gazetting of Manx legislation. Manx legislation includes Acts of Parliament extending directly, and Orders in Council applying to, the Island, but these are published under the authority of the Controller of Her Majesty's Stationery Office. *Clauses 23 and 24* amend sections 58 and 60 to correct incorrect internal cross-references within the Act. *Clause 25* amends the provisions on electronic publication of Manx legislation to facilitate publication by government authorities on website maintained by them instead of (or in addition to) a website maintained by or on behalf of the Attorney General. *Clause 26* repeals a provision in section 99 which would have amended the *Copyright Act 1991*, but which has been overtaken by events.

6. *Part 4* amends other legislation. *Clause 27* amends section 25 of the *Building Control Act 1991* to reflect a previous transfer of functions from the Department of Infrastructure to the Department of Environment, Food and *Agriculture*, the effect of which is that "Department" already means the latter Department and the additional words describing it which currently appear in the section are redundant. *Clauses 28 and 37* correct erroneous internal cross-references in the *Child Custody Act 1987* and the *Local Government Act 2006* respectively, which have both existed since they were enacted. *Clause 29* amends the *Church Legislation Procedure Act 1987* to make it clear that a Measure may include retrospective provision in the same way as an Act and that this provision itself applies to Measures passed before as well as after the provision comes into operation. *Clauses 30,31, 34, 36,42 43 and 44* make a series of minor corrections to nomenclature, and the ordering of defined terms in Manx legislation arising from the creation of the European Union and the consequent renaming of some EU bodies. *Clause 31* also updates a defective cross-reference which still refers to the Boards of Tynwald Act 1952 (which was repealed with the coming into operation of the system of Ministerial government in 1987). *Clause 32* updates references to legislation dealing with the financing of terrorism in the *Designated Businesses (Registration and Oversight) Act 2015*. *Clause 33* amends the *Education 2001*, *clause 44* amends the *Value Added Tax Act 1996* and *clause 45* amends the *Veterinary Surgeons Act 2005* to reflect the re-naming of the Isle of Man College as University College, Isle of Man. *Clause 35* clarifies the position in relation to the issue of warrants under the *Interception of Communications Act 1988* in the absence of the Chief Minister. *Clause 38* makes minor adjustments to the *Marriage Act 1984* to remove from that Act extraneous material copied from an equivalent English statute, but which makes no sense in a Manx context, and

also to restore the Bishop's power to issue a special licence authorising a marriage to take place outside the hours permitted by Canon B35 (which was overlooked when an amendment in the Bill for the 2016 Act was being drafted). *Clause 39* amends the *Marriage and Civil Partnership (Amendment) Act 2016* to secure consistency in the amendments to the Schedule to the *Sharing of Church Buildings Act 1986* containing adaptations in relation to the use of such buildings and its associated Keeling Schedule. *Clause 40* amends the *Mental Health Act 1998* to reflect the fact that the whole Act is now, once again, the responsibility of a single Department and also to update references to marriage, married couples and civil partnerships so to make all these concepts gender-neutral and orientation-neutral. *Clause 41* amends the *Peel Town Commissioners (Acquisition and Disposal of Land) Act 1975* to remove obsolete references to the Local Government Board and to relocate a definition of "encumbrancer", enabling the repeal of section 4 of that Act, which is otherwise spent. Finally *clause 46* amends two Diocesan Synods Measures to reflect a transfer of functions, while *clause 47* repeals a provision of the *Employment Act 2006*, and the *Electricity (Amendment) Act 2010* both of which are spent.

7. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.



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STATUTE LAW REVISION BILL 2016

- 1 **A BILL** to make minor amendments to the Legislation Act 2015, the
 2 Interpretation Act 2015 and other enactments; to repeal spent and redundant
 3 enactments; and for connected purposes.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

4 **PART 1 – INTRODUCTORY**

5 **1 Short title**

6 The short title of this Act is the Statute Law Revision Act 2017.

7 **2 Commencement**

8 This Act comes into operation on the first day of the month following that in
 9 which Royal Assent to it is announced.

10 **PART 2 – INTERPRETATION ACT 2015 AMENDED**

11 **3 Interpretation Act 2015 amended**

12 The *Interpretation Act 2015* is amended in accordance with this Part.

13 **4 Meaning of “Manx legislation” and “statutory provision”: section 9** 14 **amended**

15 In section 9(1)—

- 16 (a) after paragraph (a) insert —
 17 | “(aa) Measures;” and
 18 (b) in paragraph (c) at the end insert “as that legislation, or those
 19 laws, apply to the Island”.

1 **5 Measures: section 10A inserted**

2 After section 10 insert —

3 **“10A Measures**

4 (1) If the word “**Measure**” is used without reference to the body that
5 made it, the word means the text of a draft Measure (as it received
6 Royal Assent) that has been —

7 (a) approved by the Synod; and

8 (b) presented to the Sovereign in accordance with a resolution
9 of Tynwald under paragraph 3(2) of Schedule 1 to the
10 *Church Legislation Procedure Act 1993*.

11 (2) If the short title of a Measure is amended, a reference in a Manx
12 enactment to the Measure by its short title before the amendment
13 includes a reference to the text of the Measure by its short title as
14 amended.”

15 **6 Manx enactment: section 11 amended**

16 (1) Section 11 is amended as follows.

17 (2) For subsection (1) substitute —

18 “(1) A “**Manx enactment**” is an Act, a Measure or a provision of an
19 Act or Measure.”

20 (3) In subsection (3) for “the other Act” (wherever occurring) substitute
21 “the other enactment”.

22 **7 Public documents: section 15 substituted**

23 For section 15 substitute—

24 **“15 “Public document”**

25 (1) A public document is an order, proclamation, warrant, scheme,
26 rule, regulation, byelaw, resolution, notice or other document
27 (whether or not it is legislative in character) made under an Act or
28 a Measure.

29 (2) But a document made under an Act or a Measure is not a public
30 document if it is declared not to be one by —

31 (a) the Act or Measure under which it is made; or

32 (b) an order of the Council of Ministers (an “exemption
33 order”).

34 Tynwald procedure – negative.

1
2
3

- (3) In a public document, a reference to a public document generally includes a reference to the provisions of that particular public document and of any other public document.”.

4

8 Public documents: section 15A inserted

5

After section 15 insert —

6

“15A Provisions of Legislation Act applied to non-legislative public documents

7

8

The following provisions of Part 3 of the Legislation Act (statutory documents) apply for non-legislative public documents as they apply for statutory documents—

10

11

(a) section 24 (making);

12

(b) section 25 (day of making);

13

(c) section 26 (commencement by notice);

14

(d) section 27 (time of commencement);

15

(e) section 28 (commencement of amendment of uncommenced statutory document); and

16

17

(f) section 38 (presumption of validity).”.

18

9 Statutory documents: section 16 amended

19

- (1) Section 16 (“statutory document” and its “responsible authority”) is amended as follows.

20

21

- (2) For subsection (1)(a) substitute —

22

“(a) any of the following made under an Act or a Measure—

23

(i) regulations;

24

(ii) orders;

25

(iii) schemes;

26

(iv) byelaws; and

27

(v) rules of court;”.

28

- (3) In subsection (3)—

29

- (a) before paragraph (a) insert —

30

“(za) a Measure;

31

Note: a Measure is made under Schedule 1 of the Church Legislation Procedure Act 1993. However, once enacted, it has the force and effect of an Act of Tynwald (see section 2(3) of the 1993 Act) and is therefore properly regarded as primary, and not secondary, legislation.”.

32

33

34

35

- (b) after paragraph (b) (and its associated example) insert —

1 “(ba) a licence, permit, permission or other authorisation issued
2 under an Act by a regulatory body (including a
3 Department) to one or more persons;

4 *Example:*

5 *A licence under the Fisheries Act 2012 (including a general sea fishing*
6 *licence) or a Community authorisation within the meaning of section 2*
7 *of the Medicines Act 2003.”.*

8 (4) For subsection (4) substitute —

9 “(4) The “**responsible authority**” for, or for a provision about, a
10 statutory document is the person in whom the power to make the
11 statutory document is vested, subject to subsection (5).

12 (5) The responsible authority for, or for a provision about, a statutory
13 document mentioned in column 1 is the person shown in the
14 corresponding entry in column 2 —

<i>Description of statutory document</i>	<i>Responsible authority</i>
A statutory document made by — (a) the Governor; (b) the Governor in Council; or (c) the Council of Ministers.	The Chief Secretary.
A statutory document made by — (a) the Deemsters; or (b) the Clerk of the Rolls.	The Chief Registrar.
A statutory document made by a local authority.	The Department of Infrastructure.
A resolution or other act of the Synod.	The Standing Committee of the Synod.

15 (6) The Council of Ministers may by order amend the table in
16 subsection (5).

17 *Tynwald procedure — affirmative.*

18 *Note:* For the main functions of responsible authorities for statutory
19 documents, see Part 3, Division 2 (statutory documents: Tynwald
20 procedures) and Part 4, Division 1 (numbering, citation and
21 distribution) of the Legislation Act.”.
22

23 10 Meaning of “person”: sections 35 and 69 amended

24 (1) In section 35(1), for “body corporate” substitute “body (whether
25 corporate or not)”.

26 (2) In consequence of the amendment made by subsection (1), section 69(5)
27 (which provides for construction of “person” in that section) is repealed.

1 **11 Maximum fines: section 55 amended**

- 2 (1) Section 55 (maximum fines) is amended as follows.
- 3 (2) For the standard scale set out in subsection (1) substitute that set out
- 4 below.

5

Level on the scale	Amount of fine
1	£500
2	£1,000
3	£2,000
4	£5,000
5	£10,000

- 6 (3) At the appropriate places in the alphabetical list of enactments in the
- 7 table in subsection (7) (very high maximum fines) insert the following
- 8 entries—

9

<i>Copyright Act 1991</i>	£50,000	10 times level 5 on the standard scale
<i>Marine Infrastructure Management Act 2016</i>	£50,000	10 times level 5 on the standard scale
<i>Performers Protection Act 1996</i>	£50,000	10 times level 5 on the standard scale

10 **12 Acting appointments and judicial officers: section 77 amended**

11 In section 77(1) omit “other than a judicial officer”.

12 **13 Power to prescribe reasonable fee: ss. 84 and 91 and Schedule amended**

- 13 (1) In section 84(1), for “general fees power” substitute “general fee power”;
- 14 (2) For section 91 substitute —

15 **“91 Power to prescribe reasonable fee**

- 16 (1) This section applies if the authorising legislation for a statutory
- 17 document confers power to prescribe a fee which may be charged
- 18 by a person (the “charging authority”) for doing a thing.
- 19 (2) The power includes a power to prescribe, instead of a stated
- 20 amount, such amount as —
- 21 (a) the charging authority considers is reasonable; and
- 22 (b) is no more than the actual cost of doing the thing
- 23 (including a reasonable proportion of the charging
- 24 authority’s administrative and overhead expenses).
- 25 (3) The charging authority may publish a list of the fees for doing the
- 26 thing and other things for which a fee is prescribed.”.

- (3) In the Schedule —
- (a) in paragraph 1, at the appropriate point in the alphabetical list, insert —
- ““**general fee power**” see section 81(2);”;
- (b) in paragraph 2, omit the entry relating to the general fee power.

14 Repeal of provisions: section 105 repealed in part

In the table in section 105, omit the entry relating to the *Insurance Act 2008*.

15 Index of defined terms: Schedule amended

In paragraph 1 of the Schedule (which contains a glossary of definitions for all Manx legislation) insert the following definitions at the appropriate alphabetical points —

““**enactment**” see section 103;”;

““**Measure**” see section 10A;”

““**statutory provision**” see section 9(2);”;

““**subordinate legislation**” means any order, rule, regulation notice or other instrument having legislative effect under an Act or Measure;”;

““**Synod**” (except in the expression “General Synod”) means the Diocesan Synod of the Diocese of Sodor and Man;”.

PART 3 — LEGISLATION ACT 2015 AMENDED

16 Legislation Act 2015 amended

The *Legislation Act 2015* is amended in accordance with this Part.

17 Measures: Part 2 amended

After Division 3 of Part 2 insert —

“DIVISION 4 — MEASURES

23A Application to Measures

Divisions 1 to 3, except —

(a) sections 11 to 15 (promulgation), and

(b) section 16, so far as it applies to promulgation,

apply to a Measure as they apply to an Act.”.

18 Statutory documents: Part 3 amended

- (1) Part 3 is amended as follows.
- (2) For the heading of the Part substitute “Statutory Documents”.
- (3) In section 24—
- (a) in the heading for “public” substitute “statutory”;
- (b) in subsection (1)—
- (i) in the opening words, for “public” substitute “statutory”; and
- (ii) for paragraph (c) substitute—
- “ (c) in any other case—
- (i) by the person in whom is vested the power to make it (“the responsible person”); or
- (ii) by a person authorised for that purpose by the responsible person.”; and
- (c) in subsection (2) for “public document” and “public documents” substitute respectively “statutory document” and “statutory documents”.
- (4) In section 25 (day of making), in the opening words, for “public document” substitute “statutory document”.
- (5) In the following provisions for “public document” substitute “statutory document” (wherever occurring)—
- (a) section 26 (power to provide for commencement by notice);
- (b) section 27 (time of commencement);
- (c) section 28 (commencement of amendment of uncommenced public document), including the heading to section; and
- (d) section 38 (presumption of validity of public document), including the heading to the section.
- (6) For the heading of Division 2 substitute—
- “DIVISION 2 — TYNWALD PROCEDURES”.

19 Numbering of Acts: section 39 amended

- (1) Section 39 (numbering of Acts) is amended as follows.
- (2) After subsection (3) insert—
- “(3A) In the case of an Act which is assented to by the Sovereign in Council subsections (2) and (3) (but not subsection (1)) have effect as if the reference to the Act’s announcement day were a reference to the date of Royal Assent.”.

- (3) In subsection (4) for “subsection (2) and (3)” substitute “subsections (2) to (3A)”.

20 Numbering of Measures: section 39A inserted

After section 39 insert —

“39A Numbering of Measures

- (1) The Clerk of Tynwald must give a number to each Measure within 7 days of its announcement day.
- (2) The numbering must —
 - (a) be consecutive according to the Measure’s announcement day (starting from the beginning of each year);
 - (b) have the prefix “SM” (being an abbreviation for “Synod Measure”), starting with “SM 1” for each year.
- (3) If more than one Measure has the same announcement day —
 - (a) the numbering is to be in the order of when the resolutions directing the drafts of the Measures to be presented to Sovereign were passed by Tynwald; and
 - (b) the Measure, the resolution on the draft of which was so passed earlier, is to receive the earlier number.
- (4) In the case of a Measure which is assented to by the Sovereign in Council subsections (2) and (3) (but not subsection (1)) have effect as if the reference to the Measure’s announcement day were a reference to the date of Royal Assent.
- (5) All Measures in operation immediately before this section commences are, on the commencement, taken to have been numbered by year under subsections (2) to (4).
- (6) In an Act or a document, a reference to the numbering of a Measure as a statutory document is taken to be a reference to its numbering by year under this section.”.

21 Filing original and distributing copies of Acts and statutory documents: section 42 amended

In section 42, for subsections (1) and (2) substitute—

- “(1) As soon as practicable after an Act is promulgated, the Clerk of Tynwald must file the original in the Public Record Office.
- (1A) As soon as practicable after Royal Assent to a Measure is announced to Tynwald, the Clerk of Tynwald must file a copy in the Public Record Office.

- 1 (2) As soon as practicable after a statutory document is made and
 2 numbered under section 40, the responsible authority must file
 3 the original of the document in the Public Record Office.”

4 **22 Electronic gazettal and arrangements for publication and sale of Manx**
 5 **legislation: section 43 amended**

- 6 (1) Section 43 is amended as follows.
- 7 (2) In subsection (1)(a) for “and sale of Manx legislation” substitute “of Acts
 8 of Tynwald, Measures and statutory documents”.
- 9 (3) After subsection (1) insert —
 10 “(1A) The Attorney General may make arrangements for publishing
 11 information in the electronic gazette about the making of other
 12 Manx legislation.
 13 *Note:* Manx legislation includes Acts of Parliament and General Synod
 14 Measures extended to the Island by or under an Act of Tynwald.”.
- 15 (4) In subsection (2) —
 16 (a) for “consult with” substitute “consult”;
 17 (b) at the end add “under subsection (1) or (1A)”.
- 18 (5) In subsection (3)—
 19 (a) for “piece of Manx legislation” substitute “Act of Tynwald,
 20 Measure or statutory document”; and
 21 (b) for “receiving a certified copy of it under section 42(1)”
 22 substitute —
 23 “receiving—
 24 (a) in the case of an Act of Tynwald or a Measure, notification
 25 from the Clerk of Tynwald of the announcement of Royal
 26 Assent;
 27 (b) in the case of a statutory document—
 28 (i) notification from the responsible authority of the
 29 making of the document and, if section 30 applies,
 30 of its approval by Tynwald; and
 31 (ii) a copy of the statutory document authenticated by,
 32 or on behalf of, the responsible authority.”.

33 **23 Saving of operation of amended and repealed Manx legislation: section**
 34 **58 amended**

- 35 In section 58(5)(c) for “section 63” substitute “section 66”.

1 **24 Default savings and transitional provisions – application of Part 4,**
 2 **Division 4: section 60 amended**

3 In section 60(3) for “section 63” substitute “section 66”.

4 **25 Existing Manx legislation: publication by a government authority**

5 (1) Section 91 is amended as follows.

6 (2) In subsection (2)—

7 (a) for paragraph (a) substitute—

8 “(a) for the publication of the matter on a website maintained
 9 or approved for the purpose by the Government
 10 authority;”;

11 (b) in paragraph (b) for “the purport of matter” substitute “the
 12 purport of the matter”.

13 (3) After subsection (2) insert —

14 “(2A) A Government authority that publishes a matter under subsection
 15 (2)(a) must take reasonable steps to inform the public of how they
 16 may access the matter.”.

17 **26 Miscellaneous amendments: section 99 amended**

18 Omit section 99(9).

19 **PART 4 – OTHER LEGISLATION AMENDED**

20 **27 Building Control Act 1991**

21 For section 25 of the *Building Control Act 1991* (which deals with the exercise of
 22 local authority powers by the Department of Environment, Food and
 23 Agriculture) substitute—

24 **“25 Powers of Department**

25 The powers conferred on a local authority by sections 22, 23 and 24 may
 26 be exercised by the Department.

27 Accordingly, references in those sections to the local authority shall be
 28 taken as including the Department acting under this section.”.

29 **28 Child Custody Act 1987**

30 (1) In section 1(1)(c)(i) and (3)(a) of the *Child Custody Act 1991* for “the said
 31 section 9” substitute “the said section 11”.

32 (2) The amendment made by subsection (1) is to be treated as having
 33 always had effect.

29 Church Legislation Procedure Act 1993

(1) The *Church Legislation Procedure Act 1993* is amended as follows.

(2) After section 2(2) insert —

“(2A) A Measure may provide that an act or other matter done before the coming into operation of the provision in question shall have effect, and be deemed always to have had effect, in accordance with that provision.

(2B) Subsection (2A) applies to Measures passed before (as well as after) that subsection comes into operation.”.

(3) Omit paragraph 4 of Schedule 1.

30 Customs and Excise Duties (General Reliefs) Act 1986

(1) The *Customs and Excise Duties (General Reliefs) Act 1986* is amended as follows.

(2) In section 1(2)(b) for the words following “any decisions” substitute “of the European Council”.

(3) In the heading to section 2 for “Community practices” substitute “EU practices”.

(4) In the heading to section 4 for “Community reliefs” substitute “EU reliefs”.

(5) For “Community relief” substitute “EU relief”.in the following provision—

(a) section 5(3), (4)(a) and (5); and

(b) section 11(2), (4)(a) and (5).

31 Customs and Excise Management Act 1986

(1) The *Customs and Excise Management Act 1986* is amended as follows.

(2) In section 2 for “Without prejudice to section 12 of the Boards of Tynwald Act 1952,” substitute “Without limiting section 3 of the *Government Departments Act 1987*,”.

(3) In section 174(5), in the definition of “EU customs duty” for “the Economic Community” substitute “the European Union”.

32 Designated Businesses (Registration and Oversight) Bill 2015

In section 3(2) of the *Designated Businesses (Registration and Oversight) Bill 2015*—

(a) omit paragraph (c);

(b) renumber paragraph (d) as (c); and

(c) after paragraph (c) of that section (as renumbered by paragraph (b) above) insert—

“(d) the *Terrorism and Other Crime (Financial Restrictions) Act 2014*”.

33 Education Act 2001

In paragraph 5 of Schedule 9 of the *Education Act 2001* (but not the heading to the paragraph) after “Isle of Man College” insert “(now known as University College Isle of Man)”.

34 European Communities (Isle of Man) Act 1973

In section 1(1) of the *European Communities (Isle of Man) Act 1973* re-order the definitions alphabetically.

35 Interception of Communications Act 1988

(1) The *Interception of Communications Act 1988* is amended in accordance with subsections (2) and (3).

(2) In section 7—

(a) in subsection (1) at the end add “or another person authorised in writing by the Chief Minister under section 20 of the *Interpretation Act 1976*”; and

(b) in subsection (2) for the words after “Home Affairs” substitute “or other person acting by virtue of this section”.

(3) On the coming into operation of section 80 of the *Interpretation Act 2015* (deputies) in section 7(1) omit “under section 20 of the *Interpretation Act 1976*”.

36 Law Reform Act 1997

For paragraph 16(3)(a) of Schedule 1 to the *Law Reform Act 1997* substitute—

“(a) the Court of Justice of the European Union and any court attached to that Court;

(ab) the European Court of Auditors”.

37 Local Government Act 2006

(1) For the definition of “the appointed day” in paragraph 1 of Schedule 1 to the *Local Government Act 2006* substitute—

“ “**the appointed day**” means the day appointed under section 21(2) for the coming into operation of section 17(1);”.

(2) The amendment made by subsection (1) is to be treated as having always had effect.

38 Marriage Act 1984

- (1) The *Marriage Act 1984* is amended in accordance with subsections (2) to (4),
- (2) In section 4A(3) —
- (a) for “member of the clergy” and “members of the clergy” substitute “cleric” and “clerics” respectively;
- (b) omit the words from “For the purposes” onwards.
- (3) In section 5(b), after “at any convenient” insert “time or”.
- (4) In section 17(2), for paragraphs (b) and (c) substitute —
- (b) without banns having been duly published or a common licence having been obtained; or
- (c) on the authority of —
- (i) a publication of banns which is void by virtue of section 3(7) or section 11(2), or
- (ii) a common licence which is void by virtue of section 13(4).”.
- (5) The amendments made by subsections (2) to (4) are to be treated as having come into operation on 22 July 2016 (immediately after the commencement of the *Marriage and Civil Partnership (Amendment) Act 2016*).

39 Marriage and Civil Partnership (Amendment) Act 2016

- (1) The following amendment to Schedule 3 to the *Marriage and Civil Partnership (Amendment) Act 2016* to be treated as having come into operation on 22 July 2016 immediately before that Act came into operation.
- (2) For sub-paragraph 2(2)(c) (amendment to Schedule 1 to the *Sharing of Church Buildings Act 1986*) substitute—
- (c) for sub-paragraph (2) substitute—
- (2) In section 6(2)—
- (a) for “Marriage Act 1949” substitute “1984 Act”;
- (b) in sub-paragraph (b), for “section 20 of the said Act” substitute “section 14 of the 1984 Act”.”.

40 Mental Health Act 1998

- (1) The *Mental Health Act 1995* is amended as follows.
- (2) In section 37—
- (a) for subsection (6) substitute—

1 “(6) In this section “spouse” and “civil partner” include a person who
 2 is living with the patient as the patient’s spouse, or , if the patient
 3 is for the time being an in-patient in a hospital, was so living until
 4 the patient was admitted), and has been or had been so living for
 5 a period of not less than 6 months.

6 But a person is not to be treated by virtue of this subsection as the
 7 nearest relative of a married patient unless the spouse or civil
 8 partner of the patient is disregarded by virtue of subsection
 9 (5)(b).”.

10 (b) for subsection (7)(b) substitute —

11 “(b) shall not be treated, by virtue of this subsection, as the
 12 nearest relative of a patient who is married or has a civil
 13 partner unless the patient’s spouse or civil partner is dis
 14 regarded by virtue of subsection (5)(b).”.

15 (3) In section 38 for “husband or wife” substitute “spouse or civil partner”.

16 (4) In section 88(1) for the definition of “regulations” substitute —

17 ““**regulations**” means regulations made by the Department;”.

18 **41 Peel Town Commissioners (Acquisition and Disposal of Land) Act** 19 **1975 amended**

20 (1) The *Peel Town Commissioners (Acquisition and Disposal of Land) Act 1975* is
 21 amended as follows.

22 (2) In section 1(2) for everything following “approved by” substitute “the
 23 Department of Infrastructure”.

24 (3) At the end of section 1 add—

25 “(3) In this section “encumbrance” means a mortgage, charge or lien,
 26 the title of the encumbrancer to which is proved to the
 27 Commissioners’ satisfaction.”.

28 (4) Section 4 is repealed.

29 **42 Post Office Act 1993**

30 (1) For section 15(7) and (8) of the *Post Office Act 1993* substitute —

31 “(7) In this section, “statutory provisions” includes —

32 (a) any EU instrument which applies as part of the law of the
 33 Island under section 2(1) of the *European Communities (Isle*
 34 *of Man) Act 1973*; and

35 (b) any EU instrument applied to the Island as part of the law
 36 of the Island under section 2A of that Act.

37 (8) In subsection (7) “EU instrument” has the same meaning as in
 38 section 1(1) of the *European Communities (Isle of Man) Act 1973*.”.

- 1 (2) The amendment made by subsection (1) shall be treated as having come
2 into operation on 1 June 2013 immediately after section 11 of the Cash in
3 Postal Packets Act 2013 came into operation.

4 **43 Road Traffic Act 1985**

- 5 (1) The *Road Traffic Act 1985* is amended as follows.
6 (2) In section 72(1) —
7 (a) in the definition of “**Community rules**” for “Community”
8 substitute “EU”; and
9 (b) relocate the amended definition to the appropriate alphabetical
10 location in the list of definitions.
11 (3) In Schedule 5, in paragraph 12(1) omit the definition of “**the**
12 **Communities**”.

13 **44 Value Added Tax Act 1996**

- 14 (1) The *Value Added Tax Act 1996* is amended as follows.
15 (2) For “Community customs debt” substitute “EU customs debt” in the
16 following provisions —
17 (a) section 15(1)(c) and (2)(a) and (b);
18 (b) section 18(6) in the definition of the “duty point”;
19 (c) section 94(3)(b);
20 (d) Schedule 5, paragraph 6(2)(b).
21 (3) For “Community customs provisions” substitute “EU customs
22 provisions” in sections 18A(4)(c), 18B(6)(a) and 18C(4)(b).
23 (4) For Note (1)(b) to Group 6 (education) in Schedule 10 substitute —
24 | “(b) University College Isle of Man”.

25 **45 Veterinary Surgeons Act 2005**

26 In the *Veterinary Surgeons Act 2005*, in Schedule 1, paragraph 5(2) for “Isle of
27 Man College” substitute “University College Isle of Man”.

28 **46 Church legislation – transfer of functions**

- 29 For “Department of Infrastructure” substitute “Department of Environment,
30 Food and Agriculture” in —
31 (a) the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle
32 of Man 1992, in the Schedule, paragraphs 15(3) and 17(2);
33 (b) in the Mission and Pastoral Measure (Isle of Man) 2012 in section
34 3(1), Schedule 2 paragraphs 1(3)(a) and 2(1), and Schedule 3,
35 paragraph 5(4)(b).

1 **47 Repeals and savings**

- 2 (1) The following are repealed—
- 3 (a) section 174(5) of the *Employment Act 2006*; and
- 4 (b) the Electricity (Amendment) Act 2010, so far as it is still in
- 5 operation.
- 6 (2) Despite the repeal of the Electricity (Amendment) Act 2010 by
- 7 subsection (1)(b), section 11 of that Act (transitional provision in respect
- 8 of revenues of the Manx Electricity Authority) continues to have effect
- 9 in respect of financial years preceding the financial year 2010-11.

IN THE COUNCIL

STATUTE LAW REVISION BILL 2016

A **BILL** to make minor amendments to the Legislation Act 2015, the Interpretation Act 2015 and other enactments; to repeal spent and redundant enactments; and for connected purposes.

Approved by the Council of Ministers
for introduction into the Legislative
Council

HM ACTING ATTORNEY
GENERAL

DECEMBER 2016