GOVERNMENT DEPARTMENTS ACT 1987

STATUTORY BOARDS ACT 1987

TRANSFER OF FUNCTIONS

(NEW DEPARTMENTS) (NO. 2) ORDER 2010

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GOVERNMENT DEPARTMENTS ACT 1987
STATUTORY BOARDS ACT 1987
TRANSFER OF FUNCTIONS
(NEW DEPARTMENTS) (NO.2) ORDER 2010

Approved by Tynwald
Coming into operation

The Governor in Council makes this Order under Schedule 2 to the Government Departments Act 1987\(^1\) and section 5 of the Statutory Boards Act 1987\(^2\).

1 **Title**

   This Order is the Transfer of Functions (New Departments) (No. 2) Order 2010.

2 **Commencement**

   If approved by Tynwald\(^3\), this Order comes into operation on 1 April 2010.

3 **Interpretation**

   (1) In this Order “former Department” means a Department that is dissolved under article 4(2) and any body whose functions were previously transferred to such a Department.

   (2) A reference in this Order to a transfer of functions includes a reference to the transfer of any property, rights and liabilities held, enjoyed or incurred.

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\(^1\) 1987 c.13
\(^2\) 1987 c.14 (section 5 of the Act applies Schedule 2 to the Government Departments Act 1987 to Statutory Boards)
\(^3\) As required by paragraph 4(4) of Schedule 2 to the Government Departments Act 1987
4 Establishment of new Departments, etc

(1) The following new Departments are established—
(a) the Department of Community, Culture and Leisure;
(b) the Department of Economic Development;
(c) the Department of Environment, Food and Agriculture;
(d) the Department of Health;
(e) the Department of Infrastructure; and
(f) the Department of Social Care.

(2) The following Departments are dissolved—
(a) the Department of Agriculture, Fisheries and Forestry;
(b) the Department of Health and Social Security;
(c) the Department of Local Government and the Environment;
(d) the Department of Tourism and Leisure;
(e) the Department of Trade and Industry; and
(f) the Department of Transport.

(3) The Department of Education is re-named the Department of Education and Children.

(4) Consequently, for section 1(1) of the Government Departments Act 1987 substitute—

“(1) The following are the Departments established under this Act—
(a) the Treasury;
(b) the Department of Community, Culture and Leisure;
(c) the Department of Economic Development;
(d) the Department of Education and Children;
(e) the Department of Environment, Food and Agriculture;
(f) the Department of Health;
(g) the Department of Home Affairs;
(h) the Department of Infrastructure; and
(i) the Department of Social Care.”.

5 Renaming of the Isle of Man Water Authority

The Isle of Man Water Authority is renamed the Isle of Man Water and Sewerage Authority.
6 Transfer of functions

(1) The following provisions shall have effect—

(a) Schedule 1 in respect of the transfer of functions to the Department of Community, Culture and Leisure from the former Departments of Tourism and Leisure and Trade and Industry;

(b) Schedule 2 in respect of the transfer of functions to the Department of Economic Development from the former Departments of Tourism and Leisure and Trade and Industry, and from the Financial Supervision Commission;

(c) Schedule 3 in respect of the transfer of functions to the Department of Environment, Food and Agriculture from the former Departments of Agriculture, Fisheries and Forestry, Local Government and the Environment and Transport;

(d) Schedule 4 in respect of the transfer of functions to the Department of Health from the former Department of Health and Social Security;

(e) Schedule 5 in respect of the transfer of functions to the Department of Infrastructure from the former Departments of Local Government and the Environment, Trade and Industry and Transport;

(f) Schedule 6 in respect of the transfer of functions to the Department of Social Care from the former Departments of Health and Social Security and Local Government and the Environment;

(g) Schedule 7 in respect of the transfer of functions to the Treasury from the former Departments of Health and Social Security and Local Government and the Environment;

(h) Schedule 8 in respect of the transfer of functions to the Isle of Man Office of Fair Trading from the former Department of Local Government and the Environment;

(i) Schedule 9 in respect of the transfer of functions to the Isle of Man Water and Sewerage Authority from the Department of Transport and amendments consequent on the renaming of that Authority.

(2) Schedule 10 contains amendments to enactments consequent on article 4(3) (renaming of the Department of Education).

(3) Where a function is transferred by virtue of this Order, any rights enjoyed and liabilities incurred by virtue of any provision of an enactment that are ancillary to that function shall continue to apply to the function despite the rights and liabilities arising under that provision being transferred to a different Department or Statutory Board.
(4) Without limiting any provision in a Schedule, a reference in an enactment to a Department or Statutory Board from which a function is transferred by this Order shall be taken as a reference to the Department or Statutory Board to which the function is transferred.

(5) In this article “enactment” includes any legislation of the United Kingdom (or any part of it) that—
   (a) applies to the Island either expressly or by implication (with or without modification);
   (b) applies to the Island by virtue of an Order in Council; or
   (c) applies to the Island by virtue of an Act of Tynwald or under a power contained in an Act of Tynwald.

7 Consequential amendments
(1) In section 7(1) of the Government Departments Act 1987 for the definition of “Department” substitute—
   “Department” means one of the bodies listed in section 1(1);”.

(2) Schedule 11 shall have effect in respect of miscellaneous amendments consequent on various transfers of functions made by other provisions of this Order.

(3) Schedule 12 makes consequential amendments to certain legislation of the United Kingdom.

8 Revocations

The Transfer of Functions (New Departments) Order 2010\(^4\) and the Transfer of Functions (New Departments) (Amendment) Order 2010\(^5\) are revoked.

Made 3rd March 2010

Mary Williams
Chief Secretary

\(^4\) S.D. 70/2010
\(^5\) S.D. 113/2010
SCHEDULE 1
[Article 6(1)(a)]

TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF
COMMUNITY, CULTURE AND LEISURE

PART 1: FUNCTIONS OF THE DEPARTMENT OF TOURISM AND LEISURE

A Transfer of functions
All the functions of the above-mentioned former Department, except those described in Part 1 of Schedule 2, are transferred including, but not limited to, those under the following provisions —
(a) Curraghs Acquisition Act 1963;
(b) Isle of Man Passenger Transport Act 1982;
(c) Highways Act 1986;
(d) Civil Service Act 1990;
(e) Water Act 1991;
(f) Recreation and Leisure Act 1998;
(g) Villa Marina Act 1999;
(h) Douglas Head Act 2000;

B Consequential amendments
The Acts are consequentially amended as follows.

Curraghs Acquisition Act 1963
1 In section 12, in the definition of “the Department” for “Department of Tourism and Leisure” substitute “Department of Community, Culture and Leisure”.

Isle of Man Passenger Transport Act 1982
2 (1) In section 5, for “Department of Tourism and Leisure” substitute “Department of Community, Culture and Leisure”.

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6 XIX p.1241
7 c.3
8 c.17
9 c.8
10 c.24
11 c.1
12 c.13
13 c.1
14 c.18
(2) In section 30, in the definition of “Department” for “Department of Tourism and Leisure” substitute “Department of Community, Culture and Leisure”.

Highways Act 1986

3 In sections 22(13)(b), 63(1), 82 (wherever occurring) and paragraph 5 of Schedule 7 (wherever occurring) for “Department of Tourism and Leisure” substitute “Department of Community, Culture and Leisure”.

Civil Service Act 1990

4 In paragraph 5 of Part II of Schedule 1, for “Department of Tourism and Leisure” substitute “Department of Community, Culture and Leisure”.

Water Act 1991

5 In paragraph 2(3) of Schedule 2, for “Department of Tourism, Leisure and Transport” substitute “Department of Community, Culture and Leisure”.

Recreation and Leisure Act 1998

6 In section 1, for “Department of Tourism and Leisure” substitute “Department of Community, Culture and Leisure”.

Villa Marina Act 1999

7 1 Vesting of Villa Marina

The land described in Part 1 of Schedule 1 (in this Act referred to as “the Villa Marina”) shall on the commencement of the Transfer of Functions (New Departments) (No. 2) Order 2010 vest in the Department of Community, Culture and Leisure (in this Act referred to as “the Department”) as it was vested in the former Department of Tourism and Leisure immediately before such commencement.

(2) The following provisions (which are spent) are repealed –

(a) sections 3 and 4;
(b) section 5(2);
(c) Schedule 1 Part 2;
(d) Schedule 2.

Douglas Head Act 2000

8 In section 2(8)(b)(ii), for “Department of Tourism and Leisure” substitute “Department of Community, Culture and Leisure”.

Local Government Act 2006

9 (1) In section 18(1), for “Department of Tourism and Leisure” substitute “Department of Community, Culture and Leisure”.

(2) In paragraph 1 of Schedule 2, omit the definition of “the Tourism Department”.

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(3) In paragraphs 3, 4 and 5 of Schedule 2, for “Tourism Department” (wherever occurring) substitute “Department of Community, Culture and Leisure”.

PART 2: FUNCTIONS OF THE DEPARTMENT OF TRADE AND INDUSTRY

A Transfer of functions
The functions of the above-mentioned former Department under the following provisions are transferred—
(a) Pedlars and Street Traders Act 1906\(^5\);
(b) Performers’ Protection Act 1996\(^6\);
(c) Fair Trading Act 1996\(^7\);
(d) Fair Trading (Amendment) Act 2001\(^8\).

B Consequential amendments
The Acts are consequentialy amended as follows.

*Pedlars and Street Traders Act 1906*

1 In section 2 in the definition of “open space” and in section 23(2)(c), for “Department of Trade and Industry” substitute “Department of Community, Culture and Leisure”.

*Performers’ Protection Act 1996*

2 (1) In section 17(5), in the definition of “prescribed” for “Department of Trade and Industry” substitute “Department of Community, Culture and Leisure”.
(2) In section 36, for “Department of Industry” substitute “Department of Community, Culture and Leisure”.

*Fair Trading Act 1996*

3 In section 7A(6)(b), for “Department of Trade and Industry” substitute “Department of Community, Culture and Leisure”.

*Fair Trading (Amendment) Act 2001*

4 (1) In section 7, in the inserted section 40F(2) of the Consumer Protection Act 1991, for “Department of Trade and Industry” substitute “Department of Community, Culture and Leisure”.\(^9\)

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\(^5\) VIII p.10
\(^6\) c.12
\(^7\) c.15
\(^8\) c.26
\(^9\) Section 7 (and therefore section 40F(2)) is not yet in operation
(2) In section 21(2), for “Department of Trade and Industry” substitute “Department of Community, Culture and Leisure”.

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SCHEDULE 2
[Article 6(1)(b)]

TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT

PART 1: FUNCTIONS OF THE DEPARTMENT OF TOURISM AND LEISURE

A  Transfer of functions

1  The functions of the above-mentioned former Department under the following provisions are transferred—
   (a)  Tourist Act 1975\(^\text{20}\);  
   (b)  Tourist Premises (Provision and Improvement) Act 1977\(^\text{21}\);  
   (c)  Control of Advertising Act 1981\(^\text{22}\);  
   (d)  Tourism (Registration and Grading) Act 1996\(^\text{23}\).

2  The functions of the above-mentioned former Department in respect of tourism (including the running of the Tourist Trophy races and other motor sports events) are also transferred.

B  Consequential amendments

The Acts are consequentially amended as follows.

Tourist Act 1975

1 (1) In section 1 (including the marginal note), for “Department of Tourism and Leisure” substitute “Department of Economic Development”.

(2) In section 21, in the definition of “the Department” for “Department of Tourism and Leisure” substitute “Department of Economic Development”.

Tourist Premises (Provision and Improvement) Act 1977

2 (1) In section 1, for “Department of Tourism and Leisure” substitute “Department of Economic Development”.

(2) In section 11(1), in the definition of “the Department” for “Department of Tourism and Leisure” substitute “Department of Economic Development”.

\(^\text{x c.19}\)
\(^\text{y c.8}\)
\(^\text{z c.29}\)
\(^\text{w c.21}\)
Control of Advertising Act 1981

3 (1) In section 1(2), for “Department of Tourism and Leisure” substitute “Department of Economic Development”.

(2) In section 2, in the definition of “the Department” for “Department of Tourism and Leisure” substitute “Department of Economic Development”.

Tourism (Registration and Grading) Act 1996

4 In sections 3(3) and 7(3) and in paragraph 2 of Schedule 2, for “Department of Tourism and Leisure” substitute “Department of Economic Development”.

PART 2: FUNCTIONS OF THE DEPARTMENT OF TRADE AND INDUSTRY

A Transfer of functions

All the functions of the above-mentioned former Department, except those described in Part 2 of Schedule 1 and Part 2 of Schedule 5, are transferred including, but not limited to, those under the following provisions —

(a) Land Drainage Act 193424;
(b) Agricultural Wages Act 195225;
(c) Income Tax Act 197026;
(d) Fishing Vessels (Safety Provisions) (Isle of Man) Act 197427;
(e) Carriage of Goods by Sea Act 197428;
(f) Mineral Workings (Offshore Installations) (Isle of Man) Act 197429;
(g) Employment Agencies Act 197530;
(h) Control of Employment Act 197531;
(i) Housing (Miscellaneous Provisions) Act 197632;
(j) Employers’ Liability (Compulsory Insurance) Act 197633;
(k) Merchant Shipping (Passenger Ships’ Survey) Act 197934;
(l) Merchant Shipping (Detention of Ships) Act 197935;
(m) Merchant Shipping (Masters and Seamen) Act 197936;

24 XIV p.222
25 XVIII p.38
26 XXI p.260
27 s.3
28 c.26
29 c.33
30 c.20
31 c.25
32 c.1
33 c.28
34 c.11
35 c.13
36 c.14
(n) Shipping Casualties (Inquiries, Investigations and Reports) Act 1979\(^{37}\);
(o) Anchors and Chain Cables Act 1979\(^{38}\);
(p) Merchant Shipping (Load Lines) Act 1981\(^{39}\);
(q) Non-Resident Traders Act 1983\(^{40}\);
(r) Merchant Shipping (Registration) Act 1984\(^{41}\);
(s) Limitation Act 1984\(^{42}\);
(t) Merchant Shipping Act 1985\(^{43}\);
(u) Trade Disputes Act 1985\(^{44}\);
(v) Oil Pollution Act 1986\(^{45}\);
(w) Minerals Act 1986\(^{46}\);
(x) Petroleum Act 1986\(^{47}\);
(y) Airports and Civil Aviation Act 1987\(^{48}\);
(z) Redundancy Payments Act 1990\(^{49}\);
(aa) Territorial Sea (Consequential Provisions) Act 1991\(^{50}\);
(ab) Copyright Act 1991\(^{51}\);
(ac) Design Right Act 1991\(^{52}\);
(ad) Merchant Shipping Registration Act 1991\(^{53}\);
(ae) Trade Unions Act 1991\(^{54}\);
(af) Post Office Act 1993\(^{55}\);
(ag) Territorial Sea (Right to Coal) Act 1996\(^{56}\);
(ah) Merchant Shipping (Miscellaneous Provisions) Act 1996\(^{57}\);
(ai) Shops Act 2000\(^{58}\);
(aj) Electronic Transactions Act 2000\(^{59}\);
(ak) Employment (Sex Discrimination) Act 200060;
(al) Online Gambling Regulation Act 200161;
(am) Minimum Wage Act 200162;
(an) Construction Contracts Act 200463;
(ao) Employment Act 200664;
(ap) Merchant Shipping (Amendment) Act 200765;
(aq) Enterprise Act 200866.

B Consequential amendments

The Acts are consequentially amended as follows.

Land Drainage Act 1934

1 In sections 32 and 40(1)(c), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Agricultural Wages Act 1952

2 In section 14A(3) and (4), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Income Tax Act 1970

3 In section 2A(2) and (3), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Fishing Vessels (Safety Provisions) (Isle of Man) Act 1974

4 (1) In section 7(1) and in the definition of “Department of Trade and Industry rules” in section 9(1), for “Department of Trade and Industry” substitute “Department of Economic Development”.

(2) In section 9(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”;

Carriage of Goods by Sea Act 1974

5 In section 2, for “Department of Trade and Industry” substitute “Department of Economic Development”.

Mineral Workings (Offshore Installations) (Isle of Man) Act 1974

6 In section 12(1), in the definition of “Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

60 c.16
61 c.10
62 c.25
63 c.2
64 c.21
65 c.4
66 c.17
Employment Agencies Act 1975

7 In section 12(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Control of Employment Act 1975

8 (1) In section 2(1), for “Department of Trade and Industry” substitute “Department of Economic Development”.
(2) In section 12, in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Housing (Miscellaneous Provisions) Act 1976

9 In paragraph 3(a) of Schedule 3, for “Department of Trade and Industry” substitute “Department of Economic Development”.

Employers’ Liability (Compulsory Insurance) Act 1976

10 In sections 4(2)(b) and 6(1) and (2), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Merchant Shipping (Passenger Ships’ Survey) Act 1979

11 In section 25, in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Merchant Shipping (Detention of Ships) Act 1979

12 (1) In section 1(1)(a), for “Department of Trade and Industry” substitute “Department of Economic Development”.
(2) In section 6, in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Merchant Shipping (Masters and Seamen) Act 1979

13 (1) In section 1(2), for “Department of Trade and Industry” substitute “Department of Economic Development”.
(2) In section 68(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Shipping Casualties (Inquiries, Investigations and Reports) Act 1979

14 In section 11, in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Anchors and Chain Cables Act 1979

15 In section 2, for “Department of Trade and Industry” substitute “Department of Economic Development”.

Merchant Shipping (Load Lines) Act 1981

16 In Part I of Schedule 2, after the definition of “construction rules” insert: ““the Department” means the Department of Economic Development;”.
Non-Resident Traders Act 1983
17 In section 1(2A), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Merchant Shipping (Registration) Act 1984
18 In section 3(1), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Limitation Act 1984
19 In section 35(2A), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Merchant Shipping Act 1985
20 In section 7, in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Trade Disputes Act 1985
21 In section 8, for “Department of Trade and Industry” substitute “Department of Economic Development”.

Oil Pollution Act 1986
22 In each of the following provisions for “Department of Trade and Industry” (wherever occurring) substitute “Department of Economic Development” —
(a) section 9A(1) and (2);
(b) section 10(1) and (2);
(c) section 11(1), (2) and (5);
(d) section 14(1), (3)(c), (4)(aa) and (4)(b);
(e) section 15(1) and (2);
(f) section 16;
(g) section 18(1) and (2);
(h) section 20;
(i) section 21(1) and (2).

Minerals Act 1986
23 In section 1(1) (and the cross-heading to Part 1), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Petroleum Act 1986
24 In sections 1 (including the marginal note), 6(1) (wherever occurring) and 7, for “Department of Trade and Industry” substitute “Department of Economic Development”.

Airports and Civil Aviation Act 1987
25 In each of the following provisions for “Department of Trade and Industry” (wherever occurring) substitute “Department of Economic Development” —
(a) section 11(1), (5) and (6);
(b) section 11A(1), (4) and (5).

Redundancy Payments Act 1990

26 (1) In section 12(1)(b), for “Department of Trade and Industry” substitute “Department of Economic Development”.
(2) In section 46(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.


27 In section 2(1), (4)(a) and (4)(b), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Copyright Act 1991

28 (1) In section 7(3), for “Department of Trade and Industry” substitute “Department of Economic Development”.
(2) In section 174, in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Design Right Act 1991

29 In section 47, in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Merchant Shipping Registration Act 1991

30 In section 78(1), in the definition of “Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Trade Unions Act 1991

31 In sections 1(3), 7(1) and 21(3), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Post Office Act 1993

32 (1) In section 3(1), for “Department of Trade and Industry” substitute “Department of Economic Development”.
(2) In section 58(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Territorial Sea (Right to Coal) Act 1996

33 In section 1(1), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Merchant Shipping (Miscellaneous Provisions) Act 1996

34 In each of the following provisions for “Department of Trade and Industry” (wherever occurring) substitute “Department of Economic Development” —
   (a) section 1(5);
(b) section 16(1), (3) and (4)(a);
(c) section 17(1) and (3);
(d) Schedule 1, Part II, paragraph 5(2).

Shops Act 2000
35 In sections 5(5) and 13(5), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Electronic Transactions Act 2000
36 In section 12, in the definition of “regulations” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Employment (Sex Discrimination) Act 2000
37 (1) In section 21(2), for “Department of Trade and Industry” substitute “Department of Economic Development”.
(2) In section 48(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Online Gambling Regulation Act 2001
38 In section 4(3)(b), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Minimum Wage Act 2001
39 (1) In section 1(3), for “Department of Trade and Industry” substitute “Department of Economic Development”.
(2) In section 47(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Construction Contracts Act 2004
40 (1) In section 1(4), for “Department of Trade and Industry” substitute “Department of Economic Development”.
(2) In section 14(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Employment Act 2006
41 In section 173(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Merchant Shipping (Amendment) Act 2007
42 In section 4(2), for “Department of Trade and Industry” substitute “Department of Economic Development”.

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Enterprise Act 2008

43 (1) In section 1, for “Department of Trade and Industry” substitute “Department of Economic Development”.
(2) In section 7, in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

PART 3: FUNCTIONS OF THE FINANCIAL SUPERVISION COMMISSION

A Transfer of functions
The functions of the Financial Supervision Commission relating to the registration and regulation of companies, partnerships and other entities under the Acts specified in paragraph B are transferred and the Acts there specified are consequentially amended in accordance with that paragraph.

B Consequential amendments
In this paragraph a reference to an enactment includes a reference to that enactment as amended, whether or not that amendment has been brought into operation.

Industrial and Building Societies Act 1892

1 (1) In section 2, after the definition of “Companies Acts” insert—
“ “Department” means the Department of Economic Development;”.
(2) In each of the following provisions for “Commission” (wherever occurring) substitute “Department”—
(a) section 8;
(b) section 9(2) and (5);
(c) section 10 (including the marginal note);
(d) section 11(1) to (4);
(e) section 14(3);
(f) section 16(1)(a) and (d), (2)(b), (4) and (5);
(g) section 18(6);
(h) section 21(1);
(i) section 23(2) (except for the first reference), (6) and (7);
(j) sections 25 and 29.
(3) In section 9(3) after “sanction of” insert “the Department and”.
(4) In each of the following provisions for “Financial Supervision Commission” (wherever occurring) substitute “Department”—
(a) section 15 (including the marginal note);
(b) section 24A;
(c) section 32;
(d) Schedules 3 and 4.
(5) In section 23(2) after “with the approval of” insert “the Department and”.

VI p.405
(6) In section 24A(1) after “after consultation with” insert “the Financial Supervision Commission and”.

**Partnership Act 1909**

2 (1) In section 2, after the definition of “Court of summary jurisdiction” insert —

“Department” means the Department of Economic Development;”.

(2) In each of the following provisions for “Financial Supervision Commission” (wherever occurring) substitute “Department” —

(a) sections 50 and 50A;
(b) section 51(1) and (1A);
(c) sections 51A and 55 (including the marginal notes);
(d) section 56;
(e) section 57(2) to (5);
(f) section 58;
(g) section 59 (including the marginal note);
(h) section 60.

(3) In section 59(1)(a), for “Commission” substitute “Department”.

(4) In section 60(1), after “after consultation with” insert “the Financial Supervision Commission and”.

**Registration of Business Names Act 1918**

3 (1) In section 2 after the definition of “Court” insert —

“Department” means the Department of Economic Development;”.

(2) In each of the following provisions for “Financial Supervision Commission” (wherever occurring) substitute “Department” —

(a) section 5(1);
(b) section 8 and 9;
(c) section 9A, 12 and 13 (including the marginal notes);
(d) sections 14 and 15;
(e) section 16 (2), (3), (4) and (5);
(f) section 16B(2);
(g) section 18;
(h) section 19(1) (including the marginal note).

(3) In section 16(1) for “The Financial Supervision Commission may” substitute “The Department, with the consent of the Financial Supervision Commission in the case of a person in respect of whom a licence has been issued under section 7 of the Financial Services Act 2008, may”.

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68 VIII p.327
69 X p.279
Companies Act 1931\textsuperscript{70}

4 (1) In each of the following provisions for “Financial Supervision Commission” (wherever occurring) substitute “Department”—

(a) section 5(10), (11) and (12);
(b) section 12;
(c) section 13;
(d) section 15;
(e) section 16(2);
(f) section 16A(4);
(g) section 17(2), (3), (4) and (5);
(h) section 18(3) and (4);
(i) section 19(1), (2)(except for the second reference), (2A), (3) and (4);
(j) section 38(1), (3) and (4);
(k) section 38DA;
(l) section 42(1);
(m) section 43(1)(c)(ii) and (5);
(n) section 46A(8);
(o) section 51(1) (including the marginal note);
(p) section 52(1) and (2);
(q) section 59(1) and (4);
(r) section 62(5);
(s) the cross-heading immediately before section 79;
(t) section 79(1), (3), (3AA) and (7);
(u) section 80;
(v) section 81(1);
(w) section 82(1) and (2) (including the marginal note);
(x) section 84;
(y) section 85A(1) and (2);
(z) section 86(1) and (2);
(aa) section 89(1);
(ab) section 91(1);
(ac) section 92(1) and (2);
(ad) section 96(1) and (1B);
(ae) section 101(4);
#af) section 102;
(aag) section 104(2);
(ah) section 107(2) and (3)(d) and (dd);
(ai) section 108(2) and 108A;
(aaj) section 109(1) and (3A)(b);
(ak) section 117(1);
(al) section 143(2);

\textsuperscript{70} XIII p.235
(am) section 144(1);
(an) section 152(3);
(ao) section 153(3);
(ap) section 154A;
(aq) section 170 (including the marginal note);
(ar) section 180(1);
(as) section 212(2);
(at) section 218(2);
(au) section 224(3), (4) and (5);
(av) section 233(3), (4) and (5);
(aw) section 238(1);
(ax) section 263(1);
(ay) section 267(1);
(az) section 267(1);
(ba) section 268(1);
(bb) section 272(2);
(bc) section 273(3) to (8) and (10) to (12) (including the marginal note);
(bd) sections 273A and 273B;
(be) section 281(1) (and the marginal note);
(bf) section 282(2);
(bg) section 283(ii) and (iv);
(bh) sections 283B, 283C, 284 and 284A (including the marginal notes);
(bi) section 285(1) (including the marginal note);
(bj) section 285A(1);
(bk) section 292, 293 and 294;
(bl) section 295 (including the marginal note);
(bm) section 298;
(bn) section 303(2);
(bo) section 313(1) and (2) (including the marginal note);
(bp) section 313A(1), (3) and (6);
(bq) section 315(1) (including the marginal note);
(br) section 315A(2);
(bs) sections 317A, 318 and 319;
(bt) sections 319A and 329 (including the marginal notes);
(bu) sections 335A and 340;
(bv) section 340A(1);
(bw) section 340B;
(bx) the Tenth Schedule.

(2) In section 17(1) for “The Financial Supervision Commission may” substitute “The Department, with the consent of the Financial Supervision Commission in the case of a company in respect of which a licence has been issued under section 7 of the Financial Services Act 2008, may”. 
(3) In section 19(2) after “sanction of” insert “the Department and, in the case of a company in respect of which a licence has been issued under section 7 of the Financial Services Act 2008,“.

(4) In section 36(1)(ii), for “Commission” substitute “Department”.

(5) In section 134(6) after “by the court to” insert “the Department,“.

(6) In section 273(1) for “Financial Supervision Commission” substitute “Department, having consulted the Financial Supervision Commission,“.

(7) In section 273A(3)(b) after “written notice from” insert “the Financial Supervision Commission,“.

(8) For section 283A substitute—

“283A. Power to prescribe fees

(1) The Department or the Financial Supervision Commission, as the case may be, may by order prescribe the fees and duties that are to be paid—

(a) under any provision of the relevant Acts for which it has any functions;

(b) in relation to the performance of any function by it under, or with respect to, the relevant Acts;

(c) in respect of the provision by it of any service under or with respect to, the relevant Acts;

(d) in respect of any matter relating to the relevant Acts in respect of which the Treasury could, immediately before the commencement of the Companies (Transfer of Functions) Act 2000, prescribe fees under the Fees and Duties Act 1989.

(2) In this section, the “relevant Acts” means—

(a) the Companies Acts 1931 to 2004; and

(b) the Companies (Transfer of Domicile) Act 1998.

(3) Any order under this section—

(a) shall be made only with the concurrence of the Treasury; and

(b) shall be laid before Tynwald as soon as practicable after it is made, and if Tynwald at the sitting at which the order is laid or at the next following sitting fails to approve it, the order shall cease to have effect.”.

(9) In section 341, after the definition of “debenture” insert—

“ ‘Department’ means the Department of Economic Development;”.

Registration of Business Names Act 195471

In section 2(5), for “Financial Supervision Commission” (wherever occurring) substitute “Department of Economic Development”.

71 XVIII p.373
Industrial and Building Societies (Amendment) Act 1955^72

6 (1) In section 1(1) after "in the opinion of" insert "the Department and".
(2) In each of the following provisions, for "Commission" (wherever occurring) substitute "Department" —
   (a) section 2;
   (b) section 3(1), (2) and (4);
   (c) section 4(4);
   (d) section 6;
   (e) section 7(1);
   (f) section 8(2).

Companies Act 1961^73

7 (1) In section 2, for "Financial Supervision Commission" (wherever occurring) substitute "Department of Economic Development".
(2) In section 2(1), after "after consultation with" insert "the Financial Supervision Commission and".

Companies Act 1968^74

8 In section 7(4), for "Financial Supervision Commission" substitute "Department of Economic Development".

Companies Act 1974^75

9 (1) In section 5(1) after "on the application of" insert "either the Department of Economic Development or".
(2) In section 22(1), after "Treasury" insert ", the Department of Economic Development".

Companies Act 1982^76

10 (1) In each of the following provisions for "Financial Supervision Commission" (wherever occurring) substitute "Department" —
   (a) section 20(6);
   (b) section 21(2)(a);
   (c) section 22(3) and (5)(a);
   (d) section 23.
(2) In section 37, after the definition of "a company liable to pay Non-Resident Company Duty" insert—
   "Department" means the Department of Economic Development;".

^72 XVIII p.614
^73 XIX p.340
^74 XX p.413
^75 c.30
^76 c.2
Companies Act 1986\(^{77}\)

11 (1) In each of the following provisions for “Financial Supervision Commission” (wherever occurring) substitute “Department” —
   (a) section 1(6);
   (b) section 5(1);
   (c) section 6(2);
   (d) section 7(1).

(2) In section 37 at the end insert —
   ““Department” means the Department of Economic Development;”.

Companies Act 1992\(^{78}\)

12 (1) In each of the following provisions for “Financial Supervision Commission” (wherever occurring) substitute “Department of Economic Development” —
   (a) section 16(1) and (6);
   (b) section 20(4);
   (c) section 21(3);
   (d) section 24(1)(c);
   (e) section 25A(1) and (3).

(2) In section 26(4), after “on an application to it by” insert “either the Department of Economic Development or”.

Credit Unions Act 1993\(^{79}\)

13 In section 2(6), for “Commission” substitute “Department for Economic Development”.

Limited Liability Companies Act 1996\(^{80}\)

14 (1) In each of the following provisions for “Commission” (wherever occurring) substitute “Department” —
   (a) section 3(3) to (7);
   (b) section 4(2)(b);
   (c) section 5(2)(b);
   (d) section 6(1);
   (e) section 7(5) and (6);
   (f) section 8(1) and (2);
   (g) section 9(1) and (2)(b);
   (h) section 10(1) and (3)(b);
   (i) section 11, except in the marginal note and subsection (10)(b);

\(^{77}\) c.45
\(^{78}\) c.4
\(^{79}\) c.19
\(^{80}\) c.19
(j) section 11A;
(k) section 11B, except the second reference in subsection (2);
(l) sections 11C and 11D including their marginal notes;
(m) section 25(2) and (3);
(n) section 27;
(o) section 28(1)(b), (2), (4), (5)(b), (8)(e) and (9)(a);
(p) section 30(1) and (2);
(q) section 34(2) and (3);
(r) section 35(5)
(s) section 48(1)(a);
(t) section 50;
(u) section 52A;
(v) in Schedule 3 in the heading, paragraphs 1(1), 2(1) and (5), 3(1) to (3), 4(1), 4A(1) and (2), 5, 7(1) and (2), 10(1) and 11.

(2) In sections 11(10)(b) (and in the marginal note to the section), 11B(2) and 51(1A), for “Financial Supervision Commission” substitute “Department for Economic Development”.

(3) In section 11B(3)(b) after “written notice from” insert “the Financial Supervision Commission,”.

(4) In section 26 –
(a) in subsection (1) after “on the application of” insert “the Department of Economic Development,”;
(b) in subsection (5) for “the Commission” substitute “the Department or the Commission (whichever made the application under subsection (1))”.

(5) In section 51A, after “Financial Supervision Commission” insert “and “Department” means the Department of Economic Development.”.

(6) In section 52A(1), after “after consultation with” insert “the Financial Supervision Commission and”.

(7) In section 53, after “Treasury” insert “, the Department”.

Companies (Transfer of Domicile) Act 199881

15 (1) In each of the following provisions for “Financial Supervision Commission” (wherever occurring) substitute “Department” –
(a) section 2(1), (2) and (4)
(b) section3(1);
(c) section 4(1), (2) and (4);
(d) section 5(4);
(e) section 8(1) and (2);
(f) sections 9 and 10;
(g) section 14(1);

81 c.6
(h) section 15 including its marginal note.

(2) In section 17, after the definition of “a continued company” insert—
““Department” means the Department of Economic Development;”.

Protected Cell Companies Act 2004\textsuperscript{82}

16 In sections 5(1) and (2) and 35, for “Financial Supervision Commission” substitute “Department for Economic Development”.

Companies Act 2006\textsuperscript{83}

17 In sections 58A(1) and (3) and 182, for “Financial Supervision Commission” substitute “Department for Economic Development”.

18 After section 205 insert—

“205A Duty of Registrar to co-operate with certain supervisory bodies

(1) The Registrar must take such steps as it considers appropriate to co-operate with the bodies specified in subsection (2).

(2) The bodies are—
(a) the Panel on Takeovers and Mergers;
(b) an authority designated as a supervisory authority for the purposes of article 4.1 of the Takeovers Directive; and
(c) any other person or body exercising public functions under legislation in any country or territory outside the British Islands that appears to the Registrar to be similar to those of the Panel on Takeovers and Mergers.

(3) No obligation of confidentiality (whether imposed by statute or otherwise) precludes—
(a) the disclosure by a recipient to whom subsection (4) applies of confidential information disclosed to it by the Registrar if the Registrar’s disclosure was made for the purpose of facilitating the carrying out of a public function;
(b) the disclosure of such information by a person obtaining it directly or indirectly from a recipient to whom subsection (4) applies.

(4) This subsection applies to—
(a) the Panel on Takeovers and Mergers;
(b) an authority designated as a supervisory authority for the purposes of article 4.1 of the Takeovers Directive; and
(c) any other person or body exercising public functions under legislation in an EEA State other than the United Kingdom that

\textsuperscript{82}c.7
\textsuperscript{83}c.13
are similar to the Registrar’s functions or those of the Panel on Takeovers and Mergers.

(5) In this section—
“the Panel on Takeovers and Mergers” means the body referred to in section 942(1) of the Companies Act 2006 (an Act of Parliament)84; “public functions” includes—
(a) functions conferred by or in accordance with any provision contained in any enactment or subordinate legislation;
(b) functions conferred by or in accordance with any provisions contained in the Community Treaties within the meaning of the European Communities (Isle of Man) Act 197385;
(c) similar functions conferred on persons by or under provisions having effect as part of the law of—
(i) a part of the British Islands outside the Island; or
(ii) a country or territory outside the British Islands;
(d) functions in relation to disciplinary proceedings prescribed by regulations made by the Department of Economic Development;

205B Sharing information with the Financial Supervision Commission
No obligation of confidentiality, whether imposed by statute or otherwise, shall preclude the disclosure by the Department of Economic Development to the Financial Supervision Commission of information held by the Department (whether in its capacity as Registrar or otherwise) if reasonably required for the purposes of the Commission’s functions.”.

Financial Services Act 200887

19 (1) In paragraph 2 of Schedule 1—
(a) in subparagraph (1), omit paragraph (d);
(b) in sub-paragraph (2), omit paragraphs (b), (c), (e), (f), (g), (k), (o), (u), (w) and (x).
(2) In paragraph 2(1) of Schedule 5, after paragraph (d) insert—
“(da) for the purpose of enabling or assisting the Department of Economic Development under enactments relating to the regulation and

84 2006 c.46
85 c.14
86 OJ L 142, 30.4.2004, p. 12
87 c.8
registration of companies, limited partnerships and other similar bodies;". 
SCHEDULE 3
[Article 6(1)(c)]

TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF ENVIRONMENT, FOOD AND AGRICULTURE

PART 1: FUNCTIONS OF THE DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

A Transfer of functions

All the functions of the above-mentioned former Department are transferred including, but not limited to, those under the following provisions —

(a) Agricultural and Rural Industries Act 1914\(^8\);
(b) Seeds Act 1921\(^9\);
(c) Agricultural Credits Act 1924\(^10\);
(d) Land Drainage Act 1934\(^11\);
(e) Agricultural Marketing Act 1934\(^12\);
(f) Exportation of Horses Act 1948\(^13\);
(g) Agricultural Wages Act 1952\(^14\);
(h) Protection of Birds Act 1955\(^15\);
(i) Agricultural Returns Act 1955\(^16\);
(j) Prevention of Damage by Agricultural Pests Act 1956\(^17\);
(k) Weeds Act 1957\(^18\);
(l) Game Act 1957\(^19\);
(m) Destructive Imported Animals Act 1963\(^20\);
(n) Pinfolds Act 1963\(^21\);
(o) Curraghs Acquisition Act 1963\(^22\);

\(^{8}\) IX p.390
\(^{9}\) XI p.322
\(^{10}\) XII p.1
\(^{11}\) XIV p.222
\(^{12}\) XIV p.245
\(^{13}\) XVII p.344
\(^{14}\) XVIII p.38
\(^{15}\) XVIII p.652
\(^{16}\) XVIII p.663
\(^{17}\) XVIII p.674
\(^{18}\) XVIII p.848
\(^{19}\) XVIII p.884
\(^{20}\) XIX p.858
\(^{21}\) XIX p.1165
\(^{22}\) XIX p.1241

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(p) Agriculture and Horticulture Act 1966<sup>103</sup>;
(q) Riding Establishments (Inspection) Act 1968<sup>104</sup>;
(r) Agricultural Holdings Act 1969<sup>105</sup>;
(s) Consumer Protection (Trade Descriptions) Act 1970<sup>106</sup>;
(t) Sea-Fisheries Act 1971<sup>107</sup>;
(u) Game (Hares) Act 1971<sup>108</sup>;
(v) Animal Boarding Establishments (Isle of Man) Act 1973<sup>109</sup>;
(w) European Communities (Isle of Man) Act 1973<sup>110</sup>;
(x) Fertilisers and Feeding Stuffs Act 1975<sup>111</sup>;
(y) Inland Fisheries Act 1976<sup>112</sup>;
(z) European Communities (Implementation of Article 3 of Regulation 706/73) Act 1979<sup>113</sup>;
(aa) Wild Animals (Restriction of Importation, Etc.) Act 1980<sup>114</sup>;
(ab) Endangered Species (Import and Export) Act 1981<sup>115</sup>;
(ac) Breeding of Dogs and Cats Act 1981<sup>116</sup>;
(ad) Plant Health Act 1983<sup>117</sup>;
(ae) Forestry Act 1984<sup>118</sup>;
(af) Food (Emergency Provisions) Act 1986<sup>119</sup>;
(ag) Minerals Act 1986<sup>120</sup>;
(ah) Food Protection Act 1988<sup>121</sup>;
(ai) Bees Act 1989<sup>122</sup>;
(aj) Wildlife Act 1990<sup>123</sup>;
(ak) Public Health Act 1990<sup>124</sup>.

<sup>103</sup> XX p.7
<sup>104</sup> XX p.502
<sup>105</sup> XXI p.134
<sup>106</sup> XXI p.482
<sup>107</sup> c.18
<sup>108</sup> c.20
<sup>109</sup> c.9
<sup>110</sup> c.14
<sup>111</sup> c.31
<sup>112</sup> c.26
<sup>113</sup> c.15
<sup>114</sup> c.4
<sup>115</sup> c.3
<sup>116</sup> c.27
<sup>117</sup> c.19
<sup>118</sup> c.20
<sup>119</sup> c.33
<sup>120</sup> c.46
<sup>121</sup> c.12
<sup>122</sup> c.7
<sup>123</sup> c.2
<sup>124</sup> c.10
(al) Dogs Act 1990;
(am) Water Act 1991;
(an) Tree Preservation Act 1993;
(ao) Water Pollution Act 1993;
(ap) Wildlife Etc. (Amendment) Act 1994;
(aq) Food Act 1996;
(ar) Electricity Act 1996;
(as) Animal Health Act 1996;
(at) Livestock (Import and Export Statistics) Act 1996;
(au) Cruelty to Animals Act 1997;
(av) Town and Country Planning Act 1999;
(aw) Genetically Modified Organisms Act 2001;
(ax) Minimum Wage Act 2001;
(ay) Medicines Act 2003;
(az) Heath Burning Act 2003;
(ba) Veterinary Surgeons Act 2005;
(bb) Trees and High Hedges Act 2005;
(bc) Coastline Management Act 2005;
(bd) Agricultural Marketing (Amendment) Act 2006;
B Consequential amendments

The Acts are consequentially amended as follows.

Agricultural and Rural Industries Act 1914

1 In section 2, in the definition of "the Department" for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Seeds Act 1921

2 (1) In section 2(7), for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

(2) In section 15, in the definition of "the Department" for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Agricultural Credits Act 1924

3 In section 2, in the definition of "Department" for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Land Drainage Act 1934

4 In section 28(1) and (6), for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Agricultural Marketing Act 1934

5 In section 2, in the definition of "the Department" for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Exportation of Horses Act 1948

6 In section 7, in the definition of "the Department" for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Agricultural Wages Act 1952

7 (1) In section 2A(4), for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

(2) In section 17(1), in the definition of "the Department" for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Protection of Birds Act 1955

8 In section 1(2), for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture". 
Agricultural Returns Act 1955

9 In section 6, in the definition of “Department” for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Prevention of Damage by Agricultural Pests Act 1956

10 In section 4, in the definition of “Department” for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Weeds Act 1957

11 In section 2, for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Game Act 1957

12 In sections 1 (including the marginal note), 9(1), 10(1) and 11 for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Destructive Imported Animals Act 1963

13 In section 1(1), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Pinfolds Act 1963

14 In section 2(1), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Curraghs Acquisition Act 1963

15 In section 9(2) and (3), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Agriculture and Horticulture Act 1966

16 In section 1, for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Riding Establishments (Inspection) Act 1968

17 In section 6(3), in the definition of “Department” for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Agricultural Holdings Act 1969

18 In section 31, in the definition of “Department” for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

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Consumer Protection (Trade Descriptions) Act 1970

19 In section 38(2), for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Sea-Fisheries Act 1971

20 In section 11, in the definition of "Department" for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Game (Hares) Act 1971

21 In section 2(1) (including the marginal note to the section), for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Animal Boarding Establishments (Isle of Man) Act 1973

22 In section 5(2), in the definition of "Department" for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

European Communities (Isle of Man) Act 1973

23 In section 7, for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Fertilisers and Feeding Stuffs Act 1975

24 (1) In section 1, for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

(2) In section 22(1), in the definition of "the Department" for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

Inland Fisheries Act 1976

25 (1) In the heading of Part I, for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

(2) In section 1 (including the marginal note), for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

(3) In section 83(1), in the definition of "the Department" for "Department of Agriculture, Fisheries and Forestry" substitute "Department of Environment, Food and Agriculture".

European Communities (Implementation of Article 3 of Regulation 706/73) Act 1979

26 Paragraph 9 of Schedule 11 has effect to amend sections 1 and 2.
In section 1(2), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Endangered Species (Import and Export) Act 1981

In section 1(2), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Breeding of Dogs and Cats Act 1981

In section 1(2), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Plant Health Act 1983

In section 8(1A), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Forestry Act 1984

(1) In section 1(1), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

(2) In section 12, in the definition of “the Department” for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Food (Emergency Provisions) Act 1986

Paragraph 19 of Schedule 11 has effect to amend sections 1 and 8.

Minerals Act 1986

In paragraph 1(3) of Schedule 2, for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Food Protection Act 1988

Paragraph 20 Schedule 11 has effect to amend the Act.

Bees Act 1989

In section 1, for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Wildlife Act 1990

In sections 2(3), 31(6) and 32(5), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Public Health Act 1990

Paragraph 24 of Schedule 11 has effect to amend the Act.
Dogs Act 1990

38 In sections 7(9)(a), 24(7) (in the definition of “open space”), 27A(6)(a) and 30 (in the definition of “authorised officer”) for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Water Act 1991

39 (1) In sections 6(3), 7(2), and 36(2), for “Agriculture Department” substitute “Department of Environment, Food and Agriculture”.

(2) In section 46(1), omit the definition of “the Agriculture Department”.

(3) Paragraph 27 of Schedule 11 has effect to amend the Act.

Tree Preservation Act 1993

40 (1) In section 1(1)(b), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

(2) In section 11, in the definition of “the Department”, for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Water Pollution Act 1993

41 (1) In section 19(2), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

(2) Paragraph 29 of Schedule 11 has effect to amend sections 5(3)(b), 9(1) and (3)(b), 11(1) and 15(1).

Wildlife Etc. (Amendment) Act 1994

42 In section 3, for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Food Act 1996

43 Paragraph 31 of Schedule 11 has effect to amend the Act.

Electricity Act 1996

44 In paragraph 9(3) of Schedule 2, for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Animal Health Act 1996

45 In section 1, for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Livestock (Import and Export Statistics) Act 1996

46 In section 7, in the definition of “the Department” for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

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Cruelty to Animals Act 1997

47 In section 2(5), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Town and Country Planning Act 1999

48 In section 6(3)(d), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Genetically Modified Organisms Act 2001

49 In section 6(1), in the definition of “the Department” for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Minimum Wage Act 2001

50 (1) In sections 12(2) and (3)(b), 41(2) and in the definition of “regulations” in section 47(1), for “Agriculture Department” substitute “Department of Environment, Food and Agriculture”.

(2) In section 47(1), omit the definition of “the Agriculture Department”.

Medicines Act 2003

51 In section 32(4), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Heath Burning Act 2003

52 In section 12, in the definition of “the Department” for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Veterinary Surgeons Act 2005

53 In section 8, in the definition of “the Department” for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Trees and High Hedges Act 2005

54 In each of the following provisions for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”–

(a) section 4(4)(b) (5)(b);
(b) section 5(3);
(c) section 6(2)(c);
(d) section 7(2)(c);
(e) section 13(1);
(f) section 14(2);
(g) section 16.
Coastline Management Act 2005

55 Paragraph 38 of Schedule 11 has affect to amend section 6 and Schedule 1 paragraph 4(2)(b).

Agricultural Marketing (Amendment) Act 2006

56 In sections 2 and 3, for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

Animal Health (Amendment) Act 2009

57 In section 7(2), for “Department of Agriculture, Fisheries and Forestry” substitute “Department of Environment, Food and Agriculture”.

PART 2: FUNCTIONS OF
THE DEPARTMENT OF LOCAL GOVERNMENT AND THE ENVIRONMENT

A Transfer of functions

1 The functions of the above mentioned former Department under the following provisions are transferred—

(a) Local Government Consolidation Act 1916\(^{145}\) (in respect of the functions in sections 220 and 343E);
(b) Local Government Amendment Act 1929\(^{146}\) (in respect of functions under section 4);
(c) Slaughter of Animals Act 1936\(^{147}\);
(d) Housing Act 1955\(^{148}\) (in respect of the functions under Part I, sections 17, 21 and 22 in Part II, Part III and sections 72, 86 and 88 in Part VII);
(e) Cremation Act 1957\(^{149}\);
(f) Sea-Fisheries Act 1971\(^{150}\);
(g) Local Government (Miscellaneous Provisions) Act 1976\(^{151}\) (in respect of the function in section 2);
(h) Inland Fisheries Act 1976\(^{152}\);
(i) European Communities (Implementation of Article 3 of Regulation 706/73) Act 1979\(^{153}\);
(j) Chronically Sick and Disabled Persons Act 1981\(^{154}\) (in respect of the functions in section 6);

\(^{145}\) X p.57
\(^{146}\) XIII p.35
\(^{147}\) XIV p.389
\(^{148}\) XVIII p.544
\(^{149}\) XVIII p.789
\(^{150}\) c.18
\(^{151}\) c.6
\(^{152}\) c.26
\(^{153}\) c.15
\(^{154}\) c.36
(k) Local Government (Miscellaneous Provisions) Act 1984\textsuperscript{155} (in respect of the functions under Part III);
(l) Local Government Act 1985\textsuperscript{156} (to the extent indicated in paragraph 16 of Schedule 11);
(m) Burials Act 1986\textsuperscript{157} (except in respect of functions in sections 14 to 20 and Schedule 3);
(n) Food (Emergency Provisions) Act 1986\textsuperscript{158};
(o) Food Protection Act 1988\textsuperscript{159};
(p) Wildlife Act 1990\textsuperscript{160};
(q) Housing (Amendment) Act 1990\textsuperscript{161};
(r) Public Health Act 1990\textsuperscript{162};
(s) Dogs Act 1990\textsuperscript{163};
(t) Building Control Act 1991\textsuperscript{164} (in respect of functions in sections 22 to 25);
(u) Water Act 1991\textsuperscript{165};
(v) Water Pollution Act 1993\textsuperscript{166};
(w) Maritime Security Act 1995\textsuperscript{167};
(x) Licensing Act 1995\textsuperscript{168};
(y) Food Act 1996\textsuperscript{169};
(z) Sewerage Act 1999\textsuperscript{170} (except in respect of the functions under section 31(1) and (2), 33(1)(b) and (2), 37(3), 43(2) and (3) and 45(2));
(aa) Housing (Multi-Occupancy) Act 2005\textsuperscript{171};
(ab) Noise Act 2006\textsuperscript{172};
(ac) Public Health (Tobacco) Act 2006\textsuperscript{173}.

2 The functions of the above-mentioned former Department in respect of the Government Laboratory are also transferred.

\textsuperscript{155} c.5
\textsuperscript{156} c.24
\textsuperscript{157} c.26
\textsuperscript{158} c.33
\textsuperscript{159} c.12
\textsuperscript{160} c.2
\textsuperscript{161} c.7
\textsuperscript{162} c.10
\textsuperscript{163} c.16
\textsuperscript{164} c.21
\textsuperscript{165} c.24
\textsuperscript{166} c.14
\textsuperscript{167} c.5
\textsuperscript{168} c.8
\textsuperscript{169} c.8
\textsuperscript{170} c.2
\textsuperscript{171} c.4
\textsuperscript{172} c.6
\textsuperscript{173} c.19
B Consequential amendments

The Acts are consequentially amended as follows.

*Local Government Consolidation Act 1916*

1 (1) In section 220, for “Department” substitute “Department of Environment, Food and Agriculture”.

(2) In section 343E(1) (including the marginal note), for “Department” substitute “Department of Environment, Food and Agriculture”.

*Local Government Amendment Act 1929*

2 In section 4, for “Department of Local Government and the Environment” (wherever occurring) substitute “Department of Environment, Food and Agriculture”.

*Slaughter of Animals Act 1936*

3 In paragraph 7 of the Schedule, in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

*Housing Act 1955*

4 (1) In each of the following provisions for “Department” (wherever occurring) substitute “Department of Environment, Food and Agriculture” –

   (a) section 1;
   (b) section 7(2)(b) and the proviso to section 7;
   (c) section 12(2);
   (d) section 30(2);
   (e) section 31;
   (f) the proviso to section 34(1).

(2) Paragraph 3 of Schedule 11 has effect to amend sections 17(2), 21(4), 22(1)(a), 72, 86 and 88(1).

*Cremation Act 1957*

5 (1) In section 1, in the definition of “Department” for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

(2) Paragraph 4 of Schedule 11 has effect to amend sections 3 and 8.

*Sea-Fisheries Act 1971*

6 Paragraph 6 of Schedule 11 has effect to amend section 8A(3).
Local Government (Miscellaneous Provisions) Act 1976

7 In section 2(1) and (3), for “Department” substitute “Department of Environment, Food and Agriculture”.

Inland Fisheries Act 1976

8 Paragraph 7 of Schedule 11 has effect to amend section 12.

European Communities (Implementation of Article 3 of Regulation 706/73) Act 1979

9 Paragraph 9 of Schedule 11 has effect to amend sections 1 and 2.

Chromically Sick and Disabled Persons Act 1981

10 (1) In section 6, for “L.G.B.” substitute “Department of Environment, Food and Agriculture”.

(2) In section 16, omit the definition of “the L.G.B.”.

Local Government (Miscellaneous Provisions) Act 1984

11 In Part III, for “Department” (wherever occurring) substitute “Department of Environment, Food and Agriculture”.

Local Government Act 1985

12 Paragraph 16 of Schedule 11 has effect to amend the Act.

Burials Act 1986

13 (1) In section 4(1), for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

(2) In section 24(1), in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

Food (Emergency Provisions) Act 1986

14 In section 8(1), in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

Food Protection Act 1988

15 Paragraph 20 of Schedule 11 has effect to amend the Act.

Wildlife Act 1990

16 Paragraph 22 of Schedule 11 has effect to amend sections 27(1)(a), 31(6) and 32(5).
Housing (Amendment) Act 1990

17 (1) In section 1(3)(c), for "Department of Local Government and the Environment" substitute "Department of Environment, Food and Agriculture".

(2) In Schedule 1, for "Department" (wherever occurring) substitute "Department of Environment, Food and Agriculture".

Public Health Act 1990

18 In section 95, in the definition of "the Department" for "Department of Local Government and the Environment" substitute "Department of Environment, Food and Agriculture".

Dogs Act 1990

19 In section 30, in the definition of "the Department" for "Department of Local Government and the Environment" substitute "Department of Environment, Food and Agriculture".

Building Control Act 1991

20 In section 25(2), for "Department" substitute "Department of Environment, Food and Agriculture".

Water Act 1991

21 (1) In each of the following provisions for "Environment Department" (wherever occurring) substitute "Department of Environment, Food and Agriculture"—
   (a) section 14(1);
   (b) section 20(3);
   (c) section 36(3);
   (d) section 37(2), 5(a) and (8);
   (e) section 42(4);
   (f) section 43(1);
   (g) Schedule 4, paragraph 1(1), 2(1), 3(1), 4(1) and 5.

(2) In section 37(4)(b) for "the Environment Department's opinion" substitute "the opinion of the Department of Environment, Food and Agriculture".

(3) In section 46(1), omit the definition of "the Environment Department".

(4) Paragraph 27 of Schedule 11 has effect to amend the Act.

Water Pollution Act 1993

22 (1) In section 1(2), for "Department of Local Government and the Environment (in this Part called 'the Environment Department')" substitute "Department of Environment, Food and Agriculture".
(2) In each of the following provisions for “Environment Department” (wherever occurring) substitute “Department of Environment, Food and Agriculture” —

(a) the second reference in section 1(2);
(b) section 1(4);
(c) section 2(1), (4) and (6);
(d) section 3(2)(a) and (b), (4) and (5)(a);
(e) section 4(3)(c);
(f) sections 5 to 7;
(g) section 8(1);
(h) sections 9 to 12;
(i) section 13(1);
(j) section 14;
(k) in the definition of “prescribed” in section 15(1).
(3) In section 15(1), omit the definition of “the Environment Department”.
(4) In section 32(5)(a), for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.
(5) In paragraph 1 of Schedule 1, in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

Maritime Security Act 1995
23 In section 8(1) and (2), for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

Licensing Act 1995
24 In section 28(6), for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

Food Act 1996
25 (1) In section 4(2), for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.
(2) In section 46(1), in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

Sewerage Act 1999
26 (1) In section 26(2), for “Environment Department” substitute “Department of Environment, Food and Agriculture”.
(2) In section 42(4), omit the definition of “the Environment Department”.

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(3) Paragraph 35 of Schedule 11 has effect to amend sections 2(6), 18(5) 24(4), 33(1)(b) and 37(1) and (2).

Housing (Multi-Occupancy) Act 2005

27 In section 5, in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

Noise Act 2006

28 In section 18(1)(d), for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

Public Health (Tobacco) Act 2006

29 (1) In section 15(3), for “Department of Local Government and the Environment (“the DLGE”)” substitute “Department of Environment, Food and Agriculture (“the DEFA”)”.

(2) In sections 17, 18(1) and 20(2) and (8) for “DLGE” substitute “DEFA”.

(3) In section 25(1), for the definition of “the DLGE” substitute—

“the DEFA” means the Department of Environment, Food and Agriculture;”.

PART 3: FUNCTIONS OF THE DEPARTMENT OF TRANSPORT

Transfer of functions and consequential amendment

(1) The functions of the above-named Department under the Coastline Management Act 2005\(^ {74} \) are transferred.

(2) Consequently, in the definition of “Department” in section 9 of that Act for “Department of Transport” substitute “Department of Environment, Food and Agriculture”.

\(^{74}\) c.6
SCHEDULE 4

[Article 6(1)(d)]

TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF HEALTH

FUNCTIONS OF THE DEPARTMENT OF HEALTH AND SOCIAL SECURITY

A Transfer of functions
The functions of the above-named former Department under the following provisions are transferred —

(a) Obscene Publications and Indecent Advertisements Act 1907¹⁷⁵;
(b) Cancer Act 1942¹⁷⁶;
(c) Local Government Act 1946¹⁷⁷;
(d) Nurses and Midwives Act 1947¹⁷⁸;
(e) Ionising Radiations (Protection of Workers) Act 1968¹⁷⁹;
(f) Family Law Reform (Isle of Man) Act 1971¹⁸⁰;
(g) Misuse of Drugs Act 1976¹⁸¹;
(h) Chronically Sick and Disabled Persons Act 1981¹⁸²;
(i) Local Government Act 1985¹⁸³ (in respect of the functions in section 1);
(j) Dental Act 1985¹⁸⁴;
(k) Human Tissue Act 1986¹⁸⁵;
(l) Weights and Measures Act 1989¹⁸⁶;
(m) Summary Jurisdiction Act 1989¹⁸⁷;
(n) Public Health Act 1990¹⁸⁸;
(o) Human Organ Transplants Act 1993¹⁸⁹;
(p) Access to Health Records and Reports Act 1993¹⁹⁰;
(q) Termination of Pregnancy (Medical Defences) Act 1995¹⁹¹;

¹⁷⁵ VIII p.91
¹⁷⁶ XVI p.66
¹⁷⁷ XVI p.344
¹⁷⁸ XVI p.617
¹⁷⁹ XX p.449
¹⁸⁰ c.26
¹⁸¹ c.21
¹⁸² c.36
¹⁸³ c.24
¹⁸⁴ c.29
¹⁸⁵ c.13
¹⁸⁶ c.1
¹⁸⁷ c.15
¹⁸⁸ c.10
¹⁸⁹ c.3
¹⁹⁰ c.10
¹⁹¹ c.14
(r) Opticians Act 1996192;
(s) Mental Health Act 1998193 in respect of the functions conferred by sections 5(4), 19(3) and 115(2);
(t) National Health Service Act 2001194;
(u) Children and Young Persons Act 2001195 in respect of the functions in Part 9;
(v) Education Act 2001196;
(w) Medicines Act 2003197;
(x) Employment Act 2006198;
(y) Public Health (Tobacco) Act 2006199.

B Consequential amendments
The Acts are consequentially amended as follows.

Obscene Publications and Indecent Advertisements Act 1907
1 In section 6, for “Department of Health and Social Security” substitute “Department of Health”.

Cancer Act 1942
2 In section 2, in the definition of “the Department”, for “Department of Health and Social Security” substitute “Department of Health”.

Local Government Act 1946
3 In section 23(1), for “Department of Health and Social Security” substitute “Department of Health”.

Nurses and Midwives Act 1947
4 In section 11, for “Department of Health and Social Security” substitute “Department of Health”.

Ionising Radiations (Protection of Workers) Act 1968
5 In section 6(a), for “Department of Health and Social Security” substitute “Department of Health”.

192 c.6
193 c.3
194 c.14
195 c.20
196 c.33
197 c.4
198 c.21
199 c.19
Family Law Reform (Isle of Man) Act 1971
6 In section 14(1)(a), for “Department of Health and Social Security” substitute “Department of Health”.

Misuse of Drugs Act 1976
7 In section 1(3), for “Department of Health and Social Security” substitute “Department of Health”.

Chronically Sick and Disabled Persons Act 1981
8 In section 16, in the definition of “the Department”, for “Department of Health and Social Security” substitute “Department of Health”.

Local Government Act 1985
9 In section 1(1), for “Department of Health and Social Security” substitute “Department of Health”.

Dental Act 1985
10 In section 3(2)(c), for “Department of Health and Social Security” substitute “Department of Health”.

Human Tissue Act 1986
11 In section 1(5), for “Department of Health and Social Security” substitute “Department of Health”.

Weights and Measures Act 1989
12 In section 7(5), for “Department of Health and Social Security” substitute “Department of Health”.

Summary Jurisdiction Act 1989
13 In paragraph 8 of Schedule 2A, in the definition of “the Department”, for “Department of Health and Social Security” substitute “Department of Health”.

Public Health Act 1990
14 (1) In each of the following provisions for “Health Department” substitute “Department of Health” —
(a) section 46(1), (4) and (7);
(b) section 47(1) and (4)(b);
(c) section 50.
(2) In section 95, omit the definition of “the Health Department”.

Human Organ Transplants Act 1993
15 In section 5(2), in the definition of “the Department” for “Department of Health and Social Security” substitute “Department of Health”.

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Access to Health Records and Reports Act 1993
16 In section 10, in the definition of “the Department” for “Department of Health and Social Security” substitute “Department of Health”.

Termination of Pregnancy (Medical Defences) Act 1995
17 In section 8(1), in the definition of “the Department” for “Department of Health and Social Security” substitute “Department of Health”.

Opticians Act 1996
18 (1) In section 3(1), for “Department of Health and Social Security” substitute “Department of Health”.
(2) In section 9, in the definition of “the Department” for “Department of Health and Social Security” substitute “Department of Health”.

Mental Health Act 1998
19 Paragraph 34 of Schedule 11 has effect to amend the Act in consequence of transfers of functions to the Department of Health and the Department of Social Care.

National Health Service Act 2001
20 (1) In section 1(1), for “Department of Health and Social Security” substitute “Department of Health”.
(2) In section 43, in the definition of “the Department” for “Department of Health and Social Security” substitute “Department of Health”.

Children and Young Persons Act 2001
21 In section 85, for “the Department” (wherever occurring) substitute “the Department of Health”.

Education Act 2001
22 (1) In sections 40(3), (4), (6) and (7) and 41(4), (6), (7) and (8), for “the Health Department” substitute “the Department of Health”.
(2) In section 59 omit the definition of “the Health Department”.

Medicines Act 2003
23 (1) In section 1(1) for “Department of Health and Social Security” substitute “Department of Health”.
(2) In the entry in Schedule 2 defining “Department” for “Department of Health and Social Security” substitute “Department of Health”.

Employment Act 2006
24 In section 58(1)(c) and (2)(b), for “the Department of Health and Social Security” substitute “the Department of Health”.

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Public Health (Tobacco) Act 2006

25  (1) In section 3(3), for “the Department of Health and Social Security” substitute “the Department of Health”.

(2) In section 25 for “the Department of Health and Social Security” substitute “the Department of Health”.

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SCHEDULE 5
[Article 6(1)(e)]
TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF INFRASTRUCTURE

PART 1: FUNCTIONS OF THE DEPARTMENT OF LOCAL GOVERNMENT AND THE ENVIRONMENT

A Transfer of functions
All the functions of the above mentioned former Department, except those described in Part 2 of Schedule 3, Part 2 of Schedule 6, Part 2 of Schedule 7 and Schedule 8, are transferred including, but not limited to, those under the following provisions —
(a) Douglas Bay Tramway Act 1876;
(b) Factories and Workshops Act 1909;
(c) Local Government Consolidation Act 1916 (except in respect of the functions in sections 220 and 343E);
(d) Mechanical Contrivances Regulation Act 1923;
(e) Allotments Act 1928;
(f) Dangerous Goods Act 1928;
(g) Local Government Amendment Act 1929 (in respect of functions under section 3);
(h) Petroleum Filling Stations (Regulation) Act 1930;
(i) Employment of Women, Young Persons, and Children Act 193O;
(j) Boiler Act 1934;
(k) Factories and Workshops Amendment Act 1936;
(l) Port St. Mary Estate Act 1936;
(m) Local Government Act 1946;
(n) Local Government (Entertainments) Act 1950;
(o) Mines and Quarries Regulation Act 1950;  
(p) Housing Act 1955 (in respect of the functions under sections 17, 21, 22, 24, 25, 26 and 27 in Part II, section 46 in Part IV, section 63 in Part VI and sections 72, 86 and 88 in Part VII);  
(q) Douglas Market Act 1956;  
(r) Local Government (Ferries) Act 1960;  
(s) Agriculture (Poisonous Substances) Act 1961;  
(t) Local Government Act 1963;  
(u) Onchan Village District (Birch Hill) Estate Act 1967;  
(v) Ionising Radiations (Protection of Workers) Act 1968;  
(w) Government Property Trustees Act 1971;  
(x) Litter Act 1972;  
(z) Fire Precautions Act 1975;  
(aa) Local Government (Miscellaneous Provisions) Act 1976 (in respect of the functions in sections 5, 6, 8 and Schedule 2);  
(ab) Health and Safety at Work, Etc., Act 1977;  
(ac) Rating and Valuation (Amendment) Act 1981;  
(ad) Chronically Sick and Disabled Persons Act 1981 (in respect of the functions in section 5);  
(ae) Manx Heritage Foundation Act 1982;  
#af) Superannuation Act 1984;  
(ag) Local Government (Miscellaneous Provisions) Act 1984 (except the functions under Part III);  
(ai) Gaming (Amendment) Act 1984234;
(ai) Fire Services Act 1984235;
(ak) Forestry Act 1984236;
(al) Collection of Fines etc. Act 1985237;
(am) Local Government Act 1985238
(an) Local Elections Act 1986239;
(ao) Highways Act 1986240;
(ap) Burials Act 1986241 (in respect of functions in sections 14 to 20 and in Schedule 3);
(aq) Ballacosnahan Homes Act 1987242;
(ar) Public Health Act 1990 (in respect of certain functions in Part IV of that Act referred to in Part B);
(as) Dogs Act 1990243;
(at) Copyright Act 1991244;
(au) Consumer Protection Act 1991245;
(av) Isle of Man Survey Act 1991246;
(aw) Building Control Act 1991247 (except in respect of functions under sections 22 to 25);
(ax) Tree Preservation Act 1993248;
(ay) Gas Regulation Act 1995249;
(az) Recreation and Leisure Act 1998250;
(ba) Sewerage Act 1999251 (in respect of the functions in sections 31(1) and (2), 33(1)(b) and (2), 37, 43(2) and (3) and 45(2));
(bb) Town and Country Planning Act 1999252;
(bc) Douglas Head Act 2000253;

234 c.17
235 c.19
236 c.20
237 c.7
238 c.24
239 c.10
240 c.17
241 c.26
242 c.7
243 c.16
244 c.8
245 c.11
246 c.16
247 c.21
248 c.6
249 c.7
250 c.1
251 c.2
252 c.9
253 c.1
(bd) Employment (Sex Discrimination) Act 2000\(^{254}\);
(be) Trees and High Hedges Act 2005\(^{255}\);
(bf) Coastline Management Act 2005\(^{256}\);
(bg) Dogs (Amendment) Act 2006\(^{257}\);
(bb) Audit Act 2006\(^{258}\);
(bi) Local Government Act 2006\(^{259}\).

B Consequential amendments

The Acts are consequentially amended as follows.

*Douglas Bay Tramway Act 1876*

1 In section 12(2), for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

*Factories and Workshops Act 1909*

2 In section 2, in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

*Local Government Consolidation Act 1916*

3 In section 3(1), in the definition of “Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

*Mechanical Contrivances Regulation Act 1923*

4 In section 2, in the definition of “Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

*Allotments Act 1928*

5 In section 2(1), in the definition of “Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

*Dangerous Goods Act 1928*

6 In section 3, in the definition of “Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

\(^{254}\) c.16  
\(^{255}\) c.3  
\(^{256}\) c.6  
\(^{257}\) c.9  
\(^{258}\) c.15  
\(^{259}\) c.18
Local Government Amendment Act 1929

7 In section 3, for “Department of Local Government and the Environment” (wherever occurring) substitute “Department of Infrastructure”.

Petroleum Filling Stations (Regulation) Act 1930

8 In section 2, in the definition of “Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Employment of Women, Young Persons, and Children Act 1930

9 In section 2 —
(a) omit the definitions of “The Department” and “competent authority”;  
(b) before the definition of “industrial undertaking” insert —  
“In relation to the Island, the expression “competent authority” in Part 1 of the Schedule means the Department of Infrastructure.”.

Boiler Act 1934

10 In sections 2(3), 3(3) and the Schedule, for “Department of Local Government and the Environment” (wherever occurring) substitute “Department of Infrastructure”.

Factories and Workshops Amendment Act 1936

11 (1) In section 3(1) —
(a) for the “Department of Local Government and the Environment” substitute the “Department”;  
(b) for “the Department where they are” substitute “if the Department is”;  
(c) for “may certify” substitute “it may certify”.  
(2) After section 6 insert —  
“6A. Interpretation  
In this Act “the Department” means the Department of Infrastructure.”.

Port St. Mary Estate Act 1936

12 In section 3(a), for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Local Government Act 1946

13 In section 8(1), for “Department” substitute “Department of Infrastructure”.

260 XIV p.331
Local Government (Entertainments) Act 1950

14 In section 3(2), for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Mines and Quarries Regulation Act 1950

15 In section 15, in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Housing Act 1955

16 (1) In each of the following provisions for “Department” (wherever occurring) substitute “Department of Infrastructure” –
(a) section 24;
(b) section 26(1) and (2);
(c) section 27(6)(b).
(2) In section 26(1) for “published in the prescribed manner” substitute “published in the manner prescribed by the Department of Infrastructure”.
(3) In section 46, for “authority to the Department, and the Department’s decision” substitute “authority to the Department of Infrastructure, and the Department of Infrastructure’s decision”.
(4) In section 63(1) and (3)(b), after “approval of the Department” insert “and the Department of Infrastructure”.
(5) Paragraph 3 of Schedule 11 has effect to amend sections 17(2), 21(4) and 22(1)(a), 25, 72, 86 and 88(1).

Douglas Market Act 1956

17 In section 1, in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Local Government (Ferries) Act 1960

18 In section 1(3), for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Agriculture (Poisonous Substances) Act 1961

19 In section 11(1), in the definition of “Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Onchan Village District (Birch Hill) Estate Act 1967

20 In section 2, for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

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Ionising Radiations (Protection of Workers) Act 1968

21 In section 7, in the definition of “Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Government Property Trustees Act 1971

22 (1) In section 2(1), for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.
(2) In section 12(1), omit “Trustees”.
(3) In consequence of sub-paragraph (2) the short title of the Act becomes the Government Property Act 1971.

Litter Act 1972

23 In section 6(3), in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.


24 In section 27(1), in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Fire Precautions Act 1975

25 In section 30(1), in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Local Government (Miscellaneous Provisions) Act 1976

26 (1) In sections 5(1) and 8(1) for “Department” substitute “Department of Infrastructure”.
(2) In paragraphs 1(1), 6(3) and 7 of Schedule 2, for “Department” (wherever occurring) substitute “Department of Infrastructure”.

Health and Safety at Work, Etc., Act 1977

27 In section 1(1), for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Rating and Valuation (Amendment) Act 1981

28 In section 5(1) and (4), for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Chronically Sick and Disabled Persons Act 1981

29 In section 5, for “L.G.B.” (wherever occurring) substitute “Department of Infrastructure”.

261 c.25
Manx Heritage Foundation Act 1982

30 Paragraph 12 of Schedule 11 has effect to amend section 6.

Superannuation Act 1984

31 In section 8(1), and Schedule 2 paragraph 9, for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Local Government (Miscellaneous Provisions) Act 1984

32 In section 26, in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Acquisition of Land Act 1984

33 In section 3(2), for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Gaming (Amendment) Act 1984

34 In Schedule 1, paragraph 2, for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Fire Services Act 1984

35 Paragraph 15 of Schedule 11 has effect to amend section 1(3).

Forestry Act 1984

36 In Schedule 2, Part 1, paragraph 2, for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Collection of Fines etc. Act 1985

37 In section 1(2C), for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Local Government Act 1985

38 In section 72, in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Local Elections Act 1986

39 (1) In section 1(1), omit all the words following “the Department” where that expression first appears.

(2) In section 24, in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

(3) In the table in Schedule 1, in column 3 of the entry relating to section 77 of the 1995 Act, for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

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Highways Act 1986

40 (1) Sections 2(7) and 22(3)(b) are repealed.
(2) In section 78 —
(a) in subsections (2), (4), (5) and (6) for “Department of Local Government and the Environment” substitute “Department”; and
(b) in subsections (4)(a) and (5) omit “the Department and”.

Burials Act 1986

41 In sections 14 to 20 and in Schedule 3, for “Department” (wherever occurring) substitute “Department of Infrastructure”.

Ballacosnahan Homes Act 1987

42 In section 4, for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Public Health Act 1990

43 (1) In section 64 —
(a) in each of the following provisions, for “Department” substitute “Department of Infrastructure” —
(i) the marginal note;
(ii) subsection (1) (on the first 2 occasions it occurs);
(iii) subsection (2) (on the first 3 occasions it occurs);
(iv) subsection (3) on the first occasion it occurs;
(v) subsection (3)(d);
(b) in subsection (3), for “before it gives effect to the proposal” substitute “before effect is given to the proposal”;
(c) in subsection (7), for “the Department shall discontinue the activities and rescind the direction” substitute “the Department shall rescind the direction and the Department of Infrastructure shall discontinue the activities”.
(2) In section 65(1), (3), (4), (5), (6), (7), (8) and (9) (wherever occurring), for “Department” substitute “Department of Infrastructure”.
(3) In section 66 —
(a) in subsections (7) and (8) (wherever occurring), for “Department” substitute “Department of Infrastructure”;
(b) in subsections (9) and (10), for “Regulations” substitute “Regulations made by the Department of Infrastructure (following consultation with the Department)”.
(4) In section 67 —
(a) for “Department” (wherever occurring) substitute “Department of Infrastructure”;
(b) in subsection (3), for “the Board’s powers” substitute “the Department of Infrastructure’s powers”.

43
(5) In section 68 –
   (a) for “Department” (wherever occurring) substitute “Department of Infrastructure”;
   (b) in subsection (4), for “regulations” (where first occurring) substitute “regulations made by the Department (following consultation with the Department of Infrastructure)”.

(6) In section 69, for “Department” (wherever occurring) substitute “Department of Infrastructure”.

(7) In section 71(3)(a) and (3)(c) after “Department” insert “or the Department of Infrastructure”.

(8) In section 72, after “the Department” (wherever occurring) insert “or the Department of Infrastructure”.

(9) In section 73 –
   (a) for “Department” (wherever occurring) substitute “Department of Infrastructure”;
   (b) in subsection (1)(a), after “Department of Infrastructure” (as substituted by sub-paragraph (a)) on the first occasion it occurs insert “(following consultation with the Department)”.

(10) In section 74, for “Department” (wherever occurring) substitute “Department of Infrastructure”.

(11) In section 75 –
    (a) for “Department” (wherever occurring) substitute “Department of Infrastructure”;
    (b) in subsection (3), for “of an inspector of the Department under” substitute “of a person specified in”.

(12) In section 76, for “Department” (wherever occurring) substitute “Department of Infrastructure”.

(13) In section 77, in the definition of “contractor”, for “Department” substitute “Department of Infrastructure”.

(14) In section 89(6), for “Department” (on the first occasion it occurs) substitute “Department of Infrastructure”.

(15) In section 94 –
    (a) at the beginning of subsection (1), insert “Subject to subsection (1A),”;
    (b) after subsection (1) insert –
        “(1A) The Department of Infrastructure may by regulations prescribe any matter which by this Act is to be prescribed by it.”.

(16) In section 94(3), after “the Department” insert “or the Department of Infrastructure”.

(17) In section 95 –
    (a) in the definition of “authorised officer” –
(i) for "the Department or a local authority" substitute "the Department, the Department of Infrastructure or a local authority";

(ii) for "an officer of the Department" substitute "an officer of that Department"

(iii) for "an authorised officer of the Department" substitute "an authorised officer of that Department";

(b) in the definition of "regulations", after "the Department" insert "or, where so specified, the Department of Infrastructure".

(18) In section 97(3) –

(a) for "the Department under this Act" substitute "the Department or the Department of Infrastructure under this Act (as the context requires)";

(b) at the end insert "or the Department of Infrastructure (as the context requires)".

Dogs Act 1990

44 In section 24(10) and (11), for "Department" substitute "Department of Infrastructure".

Copyright Act 1991

45 In section 156(5A), for "Department of Local Government and the Environment" substitute "Department of Infrastructure".

Consumer Protection Act 1991

46 In section 9(5)(c), for "Department of Local Government and the Environment" substitute "Department of Infrastructure".

Isle of Man Survey Act 1991

47 In section 1, for "Department of Local Government and the Environment" substitute "Department of Infrastructure".

Building Control Act 1991

48 (1) In section 1(1), for "Department of Local Government and the Environment" substitute "Department of Infrastructure".

(2) In section 35(1), in the definition of "the Department" for "Department of Local Government and the Environment" substitute "Department of Infrastructure".

Tree Preservation Act 1993

49 In section 11, in the definition of "the planning authority" for "Department of Local Government and the Environment" substitute "Department of Infrastructure".

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Gas Regulation Act 1995

50 (1) In section 16(1)(c), omit "the Department of Local Government and the Environment".

(2) In section 17(1), in the definition of "regulations" omit "or, as the case may be, the Department of Local Government and the Environment".

Recreation and Leisure Act 1998

51 (1) In section 6(1) and (2)(a), for "Department of Local Government and the Environment" (wherever occurring) substitute "Department of Infrastructure".

(2) In section 8(4)(b), for "Department of Local Government and the Environment" substitute "Department of Infrastructure".

Sewerage Act 1999

52 (1) In sections 31(1) and (2), 33(2), 37(3) and 43(3), for "Environment Department" (wherever occurring) substitute "Department of Infrastructure".

(2) Paragraph 35 of Schedule 11 has effect to amend sections 31(5), 33(1)(b), 37(1) and (2), 43(2) and 45(2).

Town and Country Planning Act 1999

53 (1) In section 1(1), for "Department of Local Government and the Environment" substitute "Department of Infrastructure".

(2) In section 45(1), in the definition of "the Department" for "Department of Local Government and the Environment" substitute "Department of Infrastructure".

Douglas Head Act 2000

54 In section 4(2), in the definition of "the Department" for "Department of Local Government and the Environment" substitute "Department of Infrastructure".

Employment (Sex Discrimination) Act 2000

55 In section 21(3), for "Department of Local Government and the Environment" substitute "Department of Infrastructure".

Trees and High Hedges Act 2005

56 In section 1(3)(b), for "Department of Local Government and the Environment" substitute "Department of Infrastructure".
Coastline Management Act 2005
57 In section 6(1) and (3) and in Schedule 1, paragraph 4(2)(b), for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Dogs (Amendment) Act 2006
58 (1) In section 3(3), for “Department” substitute “Department of Infrastructure”.
(2) Section 6(2) is repealed.

Audit Act 2006
59 In section 21(1), in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

Local Government Act 2006
60 In section 21(3), in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Infrastructure”.

PART 2: FUNCTIONS OF THE DEPARTMENT OF TRADE AND INDUSTRY

A Transfer of functions
The functions of the above-mentioned former Department under the following provisions are transferred—
(a) Water Act 1991\(^{262}\);
(b) Gas Regulation Act 1995\(^{263}\);
(c) Electricity Act 1996\(^{264}\);
(d) Gas and Electricity Act 2003\(^{265}\).

B Consequential amendments
The Acts are consequentially amended as follows.

Water Act 1991
1 (1) In section 2(6), for “Department of Trade and Industry” substitute “Department of Infrastructure”.
(2) In section 46(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Infrastructure”.

\(^{262}\) c.24
\(^{263}\) c.7
\(^{264}\) c.14
\(^{265}\) c.12
2 In section 2(4), for “Department of Trade and Industry” substitute “Department of Infrastructure”.

Gas Regulation Act 1995

3 (1) In section 2(8), for “Department of Trade and Industry” substitute “Department of Infrastructure”.
(2) In section 20(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Infrastructure”.

Electricity Act 1996

4 In section 9, in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Infrastructure”.

PART 3: FUNCTIONS OF THE DEPARTMENT OF TRANSPORT

A Transfer of functions
All the functions of the above-mentioned former Department, except those described in Part 3 of Schedule 3, and Part 2 of Schedule 9, are transferred including, but not limited to, those under the following provisions—
(a) Land Drainage and Boundaries Act 1851266;
(b) Local Government Consolidation Act 1916267;
(c) Petty Sessions and Summary Jurisdiction Act 1927268;
(d) Factories and Workshops Amendment Act 1936269;
(e) Motor Vehicles (International Circulation) Act 1955270;
(f) Housing Act 1955271;
(g) Local Government (Ferries) Act 1960272;
(h) Harbours (Isle of Man) Act 1961273;
(i) Local Government Act 1963274;
(j) Sea-Fisheries Act 1971275;
(k) Isle of Man Loans Act 1974276;
(l) Registration of Pleasure Craft Act 1974277;

266 II p.279
267 X p.57
268 XII p.291
269 XIV p.331
270 XVIII p.518
271 XVIII p.544
272 XIX p.73
273 XIX p.538
274 XIX p.1207
275 c.18
276 c.6
277 c.21
(m) Road Traffic (International Agreements) Act 1974;  
(n) Inland Fisheries Act 1976; 
(o) Wreck and Salvage (Ships and Aircraft) Act 1979; 
(p) Energy Act 1980; 
(q) Criminal Law Act 1981; 
(r) Government Property Trustees (Railway Easements) Act 1982; 
(s) Road Races Act 1982; 
(t) Conveyancing Act 1983; 
(u) Local Government (Miscellaneous Provisions) Act 1984; 
(v) Telecommunications Act 1984; 
(w) Fire Services Act 1984; 
(x) Road Traffic Regulation Act 1985; 
(y) Licensing and Registration of Vehicles Act 1985; 
(z) Road Traffic Act 1985; 
(aa) Oil Pollution Act 1986; 
(ab) Highways Act 1986; 
(ac) Customs and Excise Management Act 1986; 
(ad) Minerals Act 1986; 
(ae) Airports and Civil Aviation Act 1987; 
(af) Mineral Workings (Offshore Installations) Act 1988; 
(ag) Wildlife Act 1990; 
(ah) Public Health Act 1990; 
(ai) Territorial Sea (Consequential Provisions) Act 1991;
(aj) High Court Act 1991\textsuperscript{301};
(ak) Building Control Act 1991\textsuperscript{302} (except functions relating to sewerage);
(al) Water Act 1991\textsuperscript{303};
(am) Water Pollution Act 1993\textsuperscript{304} (except functions relating to sewerage);
(an) Post Office Act 1993\textsuperscript{305};
(ao) Maritime Security Act 1995\textsuperscript{306};
(ap) Food Act 1996\textsuperscript{307};
(aq) Electricity Act 1996\textsuperscript{308};
(ar) Recreation and Leisure Act 1998\textsuperscript{309};
(as) Police Powers and Procedures Act 1998\textsuperscript{310};
(at) Road Transport Act 2001\textsuperscript{311};
(au) Road Traffic (Amendment) Act 2001\textsuperscript{312};
(av) Submarine Cables Act 2003\textsuperscript{313};
(aw) Noise Act 2006\textsuperscript{314};
(ax) Road Traffic (Amendment) Act 2006\textsuperscript{315}.

B Consequential amendments
The Acts are consequentially amended as follows,

\textit{Land Drainage and Boundaries Act 1851}
1 In section 4, for “Department of Transport” substitute “Department of Infrastructure”.

\textit{Local Government Consolidation Act 1916}
2 In section 268, for “Department of Transport” substitute “Department of Infrastructure”.

\textsuperscript{301} c.12
\textsuperscript{302} c.21
\textsuperscript{303} c.24
\textsuperscript{304} c.14
\textsuperscript{305} c.20
\textsuperscript{306} c.5
\textsuperscript{307} c.8
\textsuperscript{308} c.14
\textsuperscript{309} c.1
\textsuperscript{310} c.39
\textsuperscript{311} c.27
\textsuperscript{312} c.32
\textsuperscript{313} c.5
\textsuperscript{314} c.6
\textsuperscript{315} c.24
Petty Sessions and Summary Jurisdiction Act 1927

3 In section 63(5) (wherever occurring) and in section 67(1) and (3), for “Department of Transport” substitute “Department of Infrastructure”.

Factories and Workshops Amendment Act 1936

4 In section 2(3), for “Department of Transport” substitute “Department of Infrastructure”.

Motor Vehicles (International Circulation) Act 1955

5 In section 1(1), for “Department of Transport” substitute “Department of Infrastructure”.

Housing Act 1955

6 (1) In section 45(2) for “Highway Department” (wherever occurring) substitute “Department of Infrastructure”.

(2) Consequently, section 45(2A) is repealed.

Local Government (Ferries) Act 1960

7 In section 1(1), for “Department of Transport” substitute “Department of Infrastructure”.

Harbours (Isle of Man) Act 1961

8 In section 1(1), in the definition of “Department” for “Department of Transport” substitute “Department of Infrastructure”.

Local Government Act 1963

9 In sections 25(4) and 32(4), for “Department of Transport” substitute “Department of Infrastructure”.

Sea-Fisheries Act 1971

10 Paragraph 6 of Schedule 11 has effect to amend section 8A(3).

Isle of Man Loans Act 1974

11 In section 35(2), for “Department of Transport” substitute “Department of Infrastructure”.

Registration of Pleasure Craft Act 1974

12 In section 3, in the definition of “the Department” for “Department of Transport” substitute “Department of Infrastructure”.

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In section 1(1), for “Department of Transport” substitute “Department of Infrastructure”.

In sections 13, 32(1) and 33(3), for “Department of Transport” substitute “Department of Infrastructure”.

(1) In section 28(1), for “Department of Transport” substitute “Department of Infrastructure”.

(2) In section 38(1), in the definition of “the Department” for “Department of Transport” substitute “Department of Infrastructure”.

In section 9(2)(a), for “Department of Transport” substitute “Department of Infrastructure”.

In section 77(3)(b), for “Secretary of the Department of Transport” substitute “Department of Infrastructure”.

In section 1(1), for “Department of Transport” substitute “Department of Infrastructure”.

In section 9, in the definition of “the Department” for “Department of Transport” substitute “Department of Infrastructure”.

In section 1(10), for “Department of Transport” substitute “Department of Infrastructure”.

(1) In section 2(4)(c) omit “and, if the road in question is a highway, the Highways Department”.

(2) In section 6(6), for “Highways Department” substitute “Department”.

(3) In section 26, omit the definition of “the Highways Department”.

(1) In paragraph 1(1) of Schedule 1 (Telecommunications Code), omit the definition of “the port authority”.

(2) In paragraph 12—
(a) for "port authority" (wherever occurring) substitute "Department";
(b) for "that authority" (wherever occurring) substitute "the Department";
(c) for "that authority's" (wherever occurring) substitute "the Department's";
(d) in subparagraph (10), before the definition of "remedial works" insert—
""the Department" means the Department of Infrastructure;".

Fire Services Act 1984
23 In section 2(2)(b) for "Department of Transport" substitute "Department of Infrastructure".

Road Traffic Regulation Act 1985
24 In section 38(1), in the definition of "the Department" for "Department of Transport" substitute "Department of Infrastructure".

Licensing and Registration of Vehicles Act 1985
25 (1) In section 1(2), for "Department of Transport" substitute "Department of Infrastructure".
(2) In section 20, in the definition of "the Department" for "Department of Transport" substitute "Department of Infrastructure".

Road Traffic Act 1985
26 In section 72(1), in the definition of "the Department" for "Department of Transport" substitute "Department of Infrastructure".

Oil Pollution Act 1986
27 In section 19(1), in the definition of "the Department" for "Department of Transport" substitute "Department of Infrastructure".

Highways Act 1986
28 (1) In section 1(1), for "Department of Transport" substitute "Department of Infrastructure".
(2) In section 119, in the definition of "the Department" for "Department of Transport" substitute "Department of Infrastructure".

Customs and Excise Management Act 1986
29 In section 82(7), for "Department of Transport" substitute "Department of Infrastructure".

Minerals Act 1986
30 In section 32(6), for "Department of Transport" substitute "Department of Infrastructure".
Airports and Civil Aviation Act 1987

31 In section 1(1) (including the marginal note) and in the heading to Schedule 1, for “Department of Transport” substitute “Department of Infrastructure”.

Mineral Workings (Offshore Installations) Act 1988

32 In section 1(3)(d), for “Department of Transport” substitute “Department of Infrastructure”.

Wildlife Act 1990

33 In sections 31(6) and 32(5), for “Department of Transport” substitute “Department of Infrastructure”.

Public Health Act 1990

34 Paragraph 24 of Schedule 11 has effect to amend section 66(9)(c).


35 In section 3, for “Department of Transport” substitute “Department of Infrastructure”.

High Court Act 1991

36 In Schedule 1, Part 3, paragraph 20, in the definition of “port”, for “Department of Transport” substitute “Department of Infrastructure”.

Building Control Act 1991

37 (1) In section 35(1) omit the definition of “the highway authority”.
(2) Paragraph 26 of Schedule 11 has effect to amend sections 12(3), 25 and 26(4)(c).

Water Act 1991

38 (1) In section 6(4) and Schedule 5 paragraph 9(2)(b), for “Highways Department” substitute “Department”.
(2) In section 46(1) omit the definition of “the Highways Department”.
(3) Paragraph 27 of Schedule 11 has effect to make further amendments to the Act.

Water Pollution Act 1993

39 (1) In section 18(1), for “Department of Transport (in this Part called “the Marine Department”)” substitute “Department of Infrastructure”.
(2) Subject to sub-paragraph (1), in sections 18 to 25 for “Marine Department” (wherever occurring) substitute “Department of Infrastructure”.
(3) In section 26(1) delete the definition of “the Marine Department”.

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(4) In section 32(5)(b), and in the definition of “the Department” in Schedule 1 paragraph 1, for “Department of Transport” substitute “Department of Infrastructure”.

**Post Office Act 1993**

40 (1) In section 32(2), for “Department of Transport” substitute “Department of Infrastructure”.

(2) In section 50(2), for “Department of Highways, Ports and Properties” substitute “Department of Infrastructure”.

**Maritime Security Act 1995**

41 In section 27, in the definition of “Department” for “Department of Transport” substitute “Department of Infrastructure”.

**Food Act 1996**

42 In paragraphs 1, 2 and 9 of Schedule 2, for “Department of Transport” (wherever occurring) substitute “Department of Infrastructure”.

**Electricity Act 1996**

43 In section 15A(1)(c)(v), for “Department of Transport” substitute “Department”.

**Recreation and Leisure Act 1998**

44 In section 4(6), for “Department of Transport” substitute “Department of Infrastructure”.

**Police Powers and Procedures Act 1998**

45 In section 6(10)(a) for “Department of Transport” substitute “Department of Infrastructure”.

**Road Transport Act 2001**

46 (1) In section 2(1), for “Department of Transport” substitute “Department of Infrastructure”.

(2) In section 63(1), in the definition of “the Department” for “Department of Transport” substitute “Department of Infrastructure”.

**Road Traffic (Amendment) Act 2001**

47 In sections 30(2) and 34(2), for “Department of Transport” substitute “Department of Infrastructure”.

**Submarine Cables Act 2003**

48 In section 11(1), in the definition of “the Department” for “Department of Transport” substitute “Department of Infrastructure”.

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Noise Act 2006
49 In section 1(4)(a), for “Department of Transport” substitute “Department of Infrastructure”.

Road Traffic (Amendment) Act 2006
50 In section 16(2) and (3), for “Department of Transport” substitute “Department of Infrastructure”.

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SCHEDULE 6
[Article 6(1)(f)]

TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF SOCIAL CARE

PART 1: FUNCTIONS OF THE DEPARTMENT OF HEALTH AND SOCIAL SECURITY

A Transfer of functions
All the functions of the above-mentioned former Department, except those described in Schedule 4 and Part 1 of Schedule 7, are transferred including, but not limited to, those under the following provisions—
(a) Preferential Payments Act 1908\(^{316}\);  
(b) Blind Persons’ Welfare Act 1937\(^{317}\);  
(c) Personal Injuries (Emergency Provisions) Act 1939\(^{318}\);  
(d) Disabled Persons (Employment) Act 1946\(^{319}\);  
(e) National Assistance (Isle of Man) Act 1951\(^{320}\);  
(f) Employment Act 1954\(^{321}\);  
(g) Criminal Justice Act 1963\(^{322}\);  
(h) Children and Young Persons Act 1966\(^{323}\);  
(i) Income Tax Act 1970\(^{324}\);  
(j) Chronically Sick and Disabled Persons Act 1981\(^{325}\);  
(k) Adoption Act 1984\(^{326}\);  
(l) Road Traffic Regulation Act 1985\(^{327}\);  
(m) Ballacosnahan Homes Act 1987\(^{328}\);  
(n) Child Custody Act 1987\(^{329}\);  
(o) Nursing and Residential Homes Act 1988\(^{330}\);
(p) Income Tax Act 1989331;
(q) Redundancy Payments Act 1990332;
(r) Criminal Jurisdiction Act 1993333;
(s) Custody Act 1995334;
(t) Pension Schemes Act 1995335;
(u) Mental Health Act 1998 (except as provided in Schedule 4);
(v) Police Powers and Procedures Act 1998336;
(w) Social Security Act 2000 (except as provided in Part 1 of Schedule 7) and
the Acts of Parliament specified in paragraph C below337;
(x) Retirement Benefits Schemes Act 2000338;
(y) Criminal Justice Act 2001339;
(z) Residence Act 2001340;
(aa) Children and Young Persons Act 2001341 (except in respect of the functions
in Part 9);
(ab) Data Protection Act 2002342;
(ac) Matrimonial Proceedings Act 2003343;
(ad) Income Tax Act 2003344;
(ae) Disability Discrimination Act 2006345;

B Consequential amendments of Acts of Tynwald
The Acts of Tynwald are consequentially amended as follows.

Preferential Payments Act 1908
1 In section 3(h), for “Department of Health and Social Security” substitute
“Department of Social Care”.

331 c.10
332 c.18
333 c.9
334 c.1
335 c.11
336 c.9
337 c.5
338 c.14
339 c.4
340 c.7
341 c.20
342 c.2
343 c.7
344 c.11
345 c.17
346 c.21
Blind Persons' Welfare Act 1937
2 In section 9, for “Department of Health and Social Security” substitute “Department of Social Care”.

Personal Injuries (Emergency Provisions) Act 1939
3 In section 8(1), in the definition of “the Department” for “Department of Health and Social Security” substitute “Department of Social Care”.

Disabled Persons (Employment) Act 1946
4 In section 1(3), in the definition of “the Department”, for “Department of Health and Social Security” substitute “Department of Social Care”.

National Assistance (Isle of Man) Act 1951
5 In section 53(1), in the definition of “the Department”, for “Department of Health and Social Security” substitute “Department of Social Care”.

Employment Act 1954
6 In section 1, in the definition of “the Department”, for “Department of Health and Social Security” substitute “Department of Social Care”.

Criminal Justice Act 1963
7 In the proviso to section 2, for “Department of Health and Social Security” substitute “Department of Social Care”.

Children and Young Persons Act 1966
8 In section 118, in the definition of “Department” for “Department of Health and Social Security” substitute “Department of Social Care”.

Income Tax Act 1970
9 (1) In sections 106B(1) and 106C(1), for “Department of Health and Social Security” substitute “Department of Social Care”.
(2) In the marginal note to sections 106B and 106C, for “DHSS” substitute “Department of Social Care”.

Chromically Sick and Disabled Persons Act 1981
10 In section 1, for “Department of Health and Social Security” substitute “Department of Social Care”.

Adoption Act 1984
11 In section 58, in the definition of “the Department”, for “Department of Health and Social Security” substitute “Department of Social Care”.

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Road Traffic Regulation Act 1985

12 In section 28(1), (4) and (6) and in section 28(7) (wherever occurring), for “Department of Health and Social Security” substitute “Department of Social Care”.

Ballacosnahan Homes Act 1987

13 (1) In section 1—
(a) in paragraph (a) omit “(in this Act referred to as “the Department”);”;
(b) in paragraph (b) for “the Department” substitute “the Department of Health and Social Security”.

(2) After section 1 insert—
“1A Department of Social Care to be trustee
On the commencement of the Transfer of Functions (New Departments) (No. 2) Order 2010 the Department shall become the trustee of the Anne Thomas Trust.”.

(3) In section 5, for the definition of “the Department” substitute—
“the Department” means the Department of Social Care;”.

Child Custody Act 1987

14 In section 20(1)(b) and Schedule 1 paragraph 3(1)(a), for “Department of Health and Social Security” substitute “Department of Social Care”.

Nursing and Residential Homes Act 1988

15 In section 20 in the definition of “the Department”, for “Department of Health and Social Security” substitute “Department of Social Care”.

Income Tax Act 1989

16 In section 23, for “Department of Health and Social Security” (wherever occurring) substitute “Department of Social Care”.

Redundancy Payments Act 1990

17 (1) In section 23—
(a) in subsection (1) for “Department of Health and Social Security” substitute “DSC”;
(b) in subsection (2A) for “Department” substitute “DSC”;
(c) in subsection (3) —
(i) for “The said Department may” substitute “The DSC may”;
(ii) for “the said Department is” substitute “the DSC is”;
(d) in subsection (5)—
(i) for “The said Department shall” substitute “The DSC shall”;
and
(ii) in paragraph (c) for "on behalf of the said Department" substitute "on behalf of the DSC";
(e) in subsection (7) for "the said Department" (wherever occurring) substitute "the DSC".

(2) In section 25—
(a) in subsection (1) for "Department of Health and Social Security" substitute "DSC";
(b) in subsection (2) for "the said Department" (wherever occurring) substitute "the DSC";
(c) in subsection (2A) for "Department" substitute "DSC";
(d) in subsection (3)—
(i) for "the said Department" (wherever occurring) substitute "the DSC"; and
(ii) in paragraphs (ba) and (bb) for "Department" (wherever occurring) substitute "DSC";
(e) in subsection (4) for "the said Department" (wherever occurring) substitute "the DSC".

(3) In section 26(1)—
(a) for "Department of Health and Social Security" substitute "DSC";
and
(b) for "the said Department" (wherever occurring) substitute "the DSC".

(4) In section 27—
(a) in subsection (1)(b) for "Department of Health and Social Security" substitute "DSC"; and
(b) in subsection (4) for "the said Department" (wherever occurring) substitute "the DSC";
(c) in subsection (5)—
(i) for "the said Department" (wherever occurring) substitute "the DSC"; and
(ii) in paragraph (b) for "Department" substitute "DSC".

(5) In section 28—
(a) in subsection (1) for "Department of Health and Social Security" substitute "DSC"; and
(b) for "the said Department" (wherever occurring) substitute "the DSC".

(6) In section 29—
(a) in subsection (2) for "Department of Health and Social Security" substitute "DSC"; and
(b) in subsections (2) and (4) for "the said Department" substitute "the DSC".

(7) In section 46, after the definition of "dismiss" and "dismissal" insert—
"the DSC" means the Department of Social Care".
(8) In Schedule 1 paragraph 1(a) and Schedule 2 paragraph 10, for “Department of Health and Social Security” substitute “DSC”.

_Criminal Jurisdiction Act 1993_

18 In section 54(1)(c) and (ca)(i) and (7), and 54B(1)(a) and (3) for “Department of Health and Social Security” substitute “Department of Social Care”.

_Custody Act 1995_

19 In the definition of “social inquiry report” in section 9(6) and in Schedule 2 paragraph 8(4)(a), for “Department of Health and Social Security” substitute “Department of Social Care”.

_Pension Schemes Act 1995_

20 In section 1(1), for “Department of Health and Social Security” substitute “Department of Social Care”.

_Mental Health Act 1998_

21 Paragraph 34 of Schedule 11 has effect to amend the Act in consequence of the creation of the Departments of Health and Social Care.

_Police Powers and Procedures Act 1998_

22 In sections 41(6), 42(4) and (5), 49(1)(b)(ii) and in the definition of “parent or guardian” in section 81, for “the Department of Health and Social Security” substitute “the Department of Social Care”.

_Social Security Act 2000_

23 In section 3, in the definition of “the Department” for “Department of Health and Social Security” substitute “Department of Social Care”.

_Retirement Benefit Schemes Act 2000_

24 In section 35(b), for “Department of Health and Social Security” substitute “Department of Social Care”.

_Criminal Justice Act 2001_

25 In section 35(10)(b), for “Department of Health and Social Security” substitute “Department of Social Care”.

_Residence Act 2001_

26 In section 7(2), for “Department of Health and Social Security” substitute “Department of Social Care”.

_Children and Young Persons Act 2001_

27 In section 102, in the definition of “the Department” for “Department of Health and Social Security” substitute “Department of Social Care”.

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Data Protection Act 2002
28 In the following provisions for "Department of Health and Social Services" substitute "Department of Social Care" –
(a) in section 26(3)(a);
(b) in section 51(5)(b);
(c) in section 62(1), in the table in paragraph (c) of the definition of "accessible record".

Matrimonial Proceedings Act 2003
29 (1) In section 36(6), in the definition of "the Department" for "Department of Health and Social Security" substitute "Department of Social Care".
(2) In sections 44(4), 56(3), 87(4) and in the definition of "child of the family" in section 138(1)(b), for "Department of Health and Social Security" substitute "Department of Social Care".

Income Tax Act 2003
30 In section 9(3)(b), for "Department of Health and Social Security" substitute "Department of Social Care".

Disability Discrimination Act 2002
31 In section 24, in the definition of "the Department" for "Department of Health and Social Security" substitute "Department of Social Care".

Employment Act 2006
32 (1) In section 147—
(a) in subsection (1) —
(i) for "the Department of Health and Social Security ("the Department")" substitute "the Department of Social Care ("the DSC")";
(ii) for "the Department shall" substitute "the DSC shall"; and
(iii) for "in the opinion of the Department" substitute "in the DSC’s opinion"; and
(b) in subsection (5) for "The Department shall" substitute "The DSC shall".
(2) In section 148—
(a) in subsection (1)—
(i) for "the Department is satisfied" substitute "the DSC is satisfied";
(ii) for "the Department may" substitute "the DSC may"; and
(iii) for "the opinion of the Department" substitute "the DSC’s opinion"; and
(b) in subsection (3) for “The Department shall” substitute “The DSC shall”.

(3) In each of following provisions for “Department” (wherever occurring) substitute “DSC”—
(a) section 149(1) and (7);
(b) section 150(2), (3) and (5);
(c) section 151;
(d) section 153 (including the marginal note);
(e) section 154(1) (including the marginal note);
(f) section 175(2).

(4) In section 152—
(a) in subsections (1) and (2) for “the decision of the Department” substitute “the DSC’s decision”; and
(b) for every other instance of “Department” substitute “DSC”.

(5) In section 153(6) for “Department’s” substitute “DSC’s”.

(6) In section 155(2), omit the definition of “the Department”.

(7) In each of the following provisions for “the Department of Health and Social Security” (wherever occurring) substitute “the DSC”—
(a) section 158;
(b) Schedule 3, Part II, paragraph 1(2)(a);
(c) Schedule 5, paragraphs 12(5) and 13(7).

(8) In section 173(1)—
(a) in the definition of “the Department” omit “(except in Part XI)”;
(b) after that definition insert—
“the DSC” means the Department of Social Care;”.

C  Consequential modifications of Acts of Parliament
The Acts of Parliament listed in column 1 of the Table below are further modified in their application to the Island by the paragraph of Schedule 12 listed in column 2, and those paragraphs of Schedule 12 have effect accordingly.

<table>
<thead>
<tr>
<th>Act of Parliament</th>
<th>Paragraph of Schedule 12</th>
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<tbody>
<tr>
<td>Social Security Act 1986 (c. 50)</td>
<td>6</td>
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<tr>
<td>Social Security Act 1988 (c. 7)</td>
<td>7</td>
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<tr>
<td>Social Security Act 1989 (c.24)</td>
<td>8</td>
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<tr>
<td>Social Security Act 1990 (c. 27)</td>
<td>9</td>
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<tr>
<td>Social Security Contributions and Benefits Act 1992 (c. 4)</td>
<td>10</td>
</tr>
<tr>
<td>Social Security Administration Act 1992 (c. 5)</td>
<td>11</td>
</tr>
<tr>
<td>Social Security (Consequential Provisions) Act 1992 (c. 6)</td>
<td>12</td>
</tr>
</tbody>
</table>
PART 2: FUNCTIONS OF
THE DEPARTMENT OF LOCAL GOVERNMENT AND THE ENVIRONMENT

A  Transfer of functions

1  The functions of the above-mentioned former Department under the following provisions are transferred –

(a)  Housing (Rent Control) Act 1948\(^{347}\);
(b)  Housing Act 1955\(^{348}\) (in respect of the functions under Part IV (except section 46), Part V, Part VI and Part VII);
(c)  Housing Improvement Act 1975\(^{349}\);
(d)  Housing (Miscellaneous Provisions) Act 1976\(^{350}\);
(e)  Landlord and Tenant (Miscellaneous Provisions) Act 1976\(^{351}\);
(f)  Chronically Sick and Disabled Persons Act 1981\(^{352}\) (in respect of the functions in section 3);
(g)  Road Traffic Regulation Act 1985\(^{353}\);
(h)  Road Traffic Act 1985\(^{354}\);

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\(^{347}\) XVII p.190
\(^{348}\) XVIII p.1127
\(^{349}\) c.29
\(^{350}\) c.1
\(^{351}\) c.10
\(^{352}\) c.36
\(^{353}\) c.20
\(^{354}\) c.23
(i) Local Government Act 1985 (as far as provided for in paragraph 16 of Schedule 11)
(j) Property Service Charges Act 1989;
(k) Criminal Justice Act 2001;

2 The functions of the above-mentioned former Department under the following provisions are transferred –
(a) Historic Buildings Conservation Scheme 2005;
(b) House Purchase (Persons Aged 45 or Over) Assistance Scheme 2005;
(c) House Improvement and Energy Conservation Scheme 2005;
(d) House Purchase Assistance Scheme 2007.

3 The properties of the above-mentioned former Department in connection with the provision of public sector housing (but not other properties) are also transferred together with the former Department’s contractual functions in respect of those properties.

B Consequential amendments
The Acts are consequentially amended as follows.

Housing (Rent Control) Act 1948
1 In section 12(1), in the definition of “Department” for “Department of Local Government and the Environment” substitute “Department of Social Care”.

Housing Act 1955
2 (1) In section 92(1), in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Social Care”.

(2) Paragraph 3 of Schedule 11 has effect to amend sections 72, 86 and 88(1).

Housing Improvement Act 1975
3 (1) In section 1(1), for “Department of Local Government and the Environment” substitute “Department of Social Care”.

355 c.24
356 c.14
357 c.4
358 c.2
359 GC 19/05 (as amended by GC 8/06 and GC 22/09)
360 GC 36/05
361 GC 29/09 (as amended by GC 31/06 and GC 68/07)
362 GC 25/07 (as amended by GC 66/07 and GC 19/08)
(2) In section 22, in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Social Care”.

Housing (Miscellaneous Provisions) Act 1976

4 In the marginal note to section 1, for “Department of Local Government and the Environment” substitute “Department of Social Care”.

Landlord and Tenant (Miscellaneous Provisions) Act 1976

5 In section 6(1)(c), for “Department of Local Government and the Environment” substitute “Department of Social Care”.

Chronically Sick and Disabled Persons Act 1981

6 In section 3, for “L.G.B.” (wherever occurring) substitute “Department of Social Care”.

Road Traffic Regulation Act 1985

7 (1) In section 13(1) –
(a) for “Department of Local Government and the Environment” substitute “Department of Social Care”;
(b) for “on any land” (where first occurring) substitute “any of its land”.
(2) In section 29(a) –
(a) for “section 11(4)” substitute “section 11(3)”;
(b) for “Department of Local Government and the Environment” substitute “Department of Social Care”.

Road Traffic Act 1985

8 In section 22, for “Department of Local Government and the Environment” substitute “Department of Social Care”.

Local Government Act 1985

9 Paragraph 16 of Schedule 11 has effect.

Property Service Charges Act 1989

10 In section 13(1), in the definition of “the Department” for “Department of Local Government and the Environment” substitute “Department of Social Care”.

Criminal Justice Act 2001

11 In section 28(12), for “Department of Local Government and the Environment” substitute “Department of Social Care”.

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In section 62(1), in the table in paragraph (c) of the definition of “accessible record”, for “The Department of Local Government and the Environment” substitute “The Department of Social Care”.

Data Protection Act 2002
SCHEDULE 7
[Article 6(1)(g)]

TRANSFER OF FUNCTIONS TO THE TREASURY

PART 1: FUNCTIONS OF
THE DEPARTMENT OF HEALTH AND SOCIAL SECURITY

A Transfer of functions
1 The functions of the above-mentioned former Department under the Social Security Act 2000363 (an Act of Tynwald), so far as they relate to the assessment, collection and enforcement of national insurance contributions established by Part 1 of the Social Security Contributions and Benefits Act 1992 (an Act of Parliament364) in its application to the Island365 are transferred.

2 Consequently, paragraph B amends that Act of Tynwald and makes provision for further modifications of enactments of the United Kingdom in their application to the Island.

B Amendment of enactments

Social Security Act 2000

1 (1) In section 1—
   (a) at the end of subsection (1) add “but subject to subsection (1A).”;
   (b) after that subsection insert—
       “(1A)The Treasury may by order apply to the Island, as part of the law of the Island, subject to such exceptions, adaptations and modifications as may be specified in the order, any legislation of the United Kingdom to which this section applies insofar as that legislation is contained in Part 1 of the Social Security Contributions and Benefits Act 1992 (an Act of Parliament), or relates to the contributory system established by that Part.”;
   (c) in subsections (2), (3) and (4) after “subsection (1)” insert “or (1A)”;
   (d) in subsection (6) after “the Department” insert “or the Treasury”;

2 In section 2—
   (a) in subsection (1) after “section 1(1)” insert “, (1A)”;
   (b) after subsection (2) insert—
       “(2A)Subsection (2) applies to an order made under section 1(1A) as if the reference to the Department were to the Treasury.”;

363 c.5
364 1992 c. 4
(c) in subsection (3) —
   (i) in the opening words after “the Department” insert “or the Treasury (as the case requires)”; and
   (ii) in paragraph (b) for “the Department” substitute “the body supplying it”.

2 The Acts of Parliament listed in column 1 of the Table below are further modified in their application to the Island by the paragraph of Schedule 12 listed in column 2, and those paragraphs of Schedule 12 have effect accordingly.

<table>
<thead>
<tr>
<th>Act of Parliament</th>
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<tbody>
<tr>
<td>Social Security Contributions and Benefits Act 1992(c.4)</td>
<td>10</td>
</tr>
<tr>
<td>Social Security Administration Act 1992 (c.5)</td>
<td>11</td>
</tr>
<tr>
<td>Social Security (Consequential Provisions) Act 1992(c.6)</td>
<td>12</td>
</tr>
<tr>
<td>Social Security Administration (Fraud) Act 1997(c.47)</td>
<td>20</td>
</tr>
<tr>
<td>Social Security Act 1998 (c.14)</td>
<td>21</td>
</tr>
</tbody>
</table>

PART 2: FUNCTIONS OF THE DEPARTMENT OF LOCAL GOVERNMENT AND THE ENVIRONMENT

A Transfer of functions
The functions of the above-mentioned former Department under the War Charities Act 1941366 and the Land Registration Act 1982367 are transferred.

B Consequential amendments
The Acts are consequentially amended as follows.

   War Charities Act 1941
1 In section 3, for “Department of Local Government and the Environment” substitute “Treasury”.

   Land Registration Act 1982
2 (1) In section 24(1), for “The Department of Local Government and the Environment, with the concurrence of the Treasury,” substitute “The Treasury”.

366 XV p.536
367 c.7
(2) In sections 77(3) and 81(1), for “Department of Local Government and the Environment” (wherever occurring) substitute “Treasury”.

SCHEDULE 8
[Article 6(1)(h)]

TRANSFER OF FUNCTIONS TO
THE ISLE OF MAN OFFICE OF FAIR TRADING

FUNCTIONS OF
THE DEPARTMENT OF LOCAL GOVERNMENT AND THE ENVIRONMENT

A  Transfer of functions
The functions of the above-mentioned former Department under the following provisions are transferred –
(a) Estate Agents Act 1975368;
(b) Architects Act 1976369;
(c) Cinematograph Act 1977370;
(d) Estate Agents Act 1999371.

B  Consequential amendments
The Acts are consequentially amended as follows.

Estate Agents Act 1975

1  (1) For “Department” (wherever occurring in the Act) substitute “Board”.
   (2) In section 18(1) –
       (a) insert the following definition –
           “Board” means the Isle of Man Office of Fair Trading;”;
       (b) omit the definition of “the Department”.

Architects Act 1976

2  (1) In section 2(1), for “Department of Local Government and the Environment (in this Act referred to as “the Department”)” substitute “Isle of Man Office of Fair Trading (in this Act referred to as “the Board”)
   (2) For “Department” (wherever occurring in the Act) substitute “Board”.

Cinematograph Act 1977

3  (1) For “Department” (wherever occurring in the Act) substitute “Board”.
   (2) In section 15 –
       (a) insert the following definition –

368 c.6
369 c.11
370 c.6
371 c.7
"Board" means the Isle of Man Office of Fair Trading;";
(b) omit the definition of "the Department".

Estate Agents Act 1999

4 (1) For "Department" (wherever occurring in the Act) substitute "Board".
(2) In section 6 –
(a) insert the following definition –
"Board" means the Isle of Man Office of Fair Trading;";
(b) omit the definition of "Department".
SCHEDULE 9
[Article 6(1)(i)]

AMENDMENTS CONSEQUENT ON RENAMING OF THE ISLE OF MAN WATER AUTHORITY AND THE TRANSFER OF CERTAIN FUNCTIONS TO IT

PART 1: AMENDMENTS CONSEQUENT ON RENAMING

*Civil Defence Act 1954*372

1 In section 11(1) in the definition of “water authority” for “Isle of Man Water and Gas Authority” substitute “Isle of Man Water and Sewerage Authority”.

*Housing Act 1955*373

2 In section 92, in the definition of “Board of Tynwald” for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

*Iisle of Man Loans Act 1974*374

3 (1) In section 32—

(a) in the definition of “borrowing authority” for “Isle of Man Water and Gas Authority” substitute “Isle of Man Water and Sewerage Authority”;

(b) in the definition of “Statutory Body” for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

(2) In section 35(1), for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

*Inland Fisheries Act 1976*375

4 In sections 8(1), 33(7), 37(5) and 55(2), for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

*Telecommunications Act 1984*376

5 In section 42(6), in the definition of “the Water Authority” for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

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372 XVIII p.486
373 XVIII p.544
374 c.6
375 c.26
376 c.11
In section 10, in the definition of “the water authority” for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

Minerals Act 1986

In paragraph 1(3) of Schedule 2, for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

Statutory Boards Act 1987

In Schedule 1, for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

Wildlife Act 1990

In section 3(2), in the definition of “authorised person” in section 26 and in section 32(5), for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

Civil Service Act 1990

In Schedule 2, for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

Public Health Act 1990

In section 77(1), in the definition of “the Water Authority” for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

Water Act 1991

In the heading to Part 1, in section 1(1) and in the definition of “the Authority” in section 46, for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

Electricity Act 1996

In paragraphs 2(1)(b), (2) and 3(1)(b) of Schedule 2, for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

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377 c.19
378 c.46
379 c.14
380 c.2
381 c.8
382 c.10
383 c.24
384 c.14
PART 2: FUNCTIONS OF THE DEPARTMENT OF TRANSPORT

A Transfer of functions
The functions of the above-mentioned former Department relating to drainage and sewerage under the Acts specified in paragraph B are transferred and the Acts there specified are consequentially amended in accordance with that paragraph.

B Consequential amendments

Land Drainage Act 1934\textsuperscript{385}

1 (1) In section 3, for the definition of “the Department” substitute –

“the Authority” means the Isle of Man Water and Sewerage Authority.”.

(2) Subject to sub-paragraph (3), for “Department” throughout the Act substitute “Authority”.

(3) Sub-paragraph (2) does not apply to –

(a) section 15 (which is substituted by paragraph 1 of Schedule 11);

(b) the second references to “Department” in section 28(1) and (6) (referring to the Department of Agriculture, Fisheries and Forestry, which references are amended elsewhere in this Order);

(c) the second reference in the second paragraph of section 32 (referring to the Department of Trade and Industry, which reference is amended elsewhere in this Order);

(d) section 40(1)(c).

Local Government Act 1985\textsuperscript{386}

2 In section 8(3), for “Department of Transport” substitute “Isle of Man Water and Sewerage Authority”.

Building Control Act 1991\textsuperscript{387}

3 In section 35(1), in the definition of “the sewerage authority”, for “Department of Transport” substitute “Isle of Man Water and Sewerage Authority”.

Water Act 1991\textsuperscript{388}

4 (1) For section 2(1) substitute –

“(1) It shall be the duty of the Authority –

(a) to supply water in the Island subject to and in accordance with this Act;

\textsuperscript{385} XIV p.222
\textsuperscript{386} c.24
\textsuperscript{387} c.21
\textsuperscript{388} c.24
(b) to exercise the functions conferred on it with respect to drainage within the Island subject to and in accordance with the Land Drainage Act 1934; and

(c) to provide a sewerage system for the Island subject to and in accordance with the Sewerage Act 1999.”.

(2) In section 46(1), in the definition of “drainage works” for “Highways Department” substitute “Authority”.

(3) Paragraph 27 of Schedule 11 has effect to make further amendments to the Act.

Water Pollution Act 1993

5 (1) In sections 3(6) and 4(7), for “A sewerage authority” substitute “The sewerage authority”.

(2) In each of the following provisions for “a sewerage authority” substitute “the sewerage authority” –

(a) section 4(8);

(b) section 13(3);

(c) section 15 in the definitions of “public sewer” and “sewage effluent”;

(d) section 28(2)(b).

(3) In section 5(3)(b), for “, the sewerage authority and the Water Authority” substitute “and the Isle of Man Water and Sewerage Authority”.

(4) In section 13(3), omit “in which the sewer or outfall is vested”.

(5) In section 15(1)–

(a) in the definition of “sewerage authority” for “Department of Highways, Ports and Properties” substitute “Isle of Man Water and Sewerage Authority”;

(b) omit the definition of “the Water Authority”;

(c) in the definition of “watercourse” for “Water Authority” in the first place where it occurs substitute “the Isle of Man Water and Sewerage Authority” and in the second place where it occurs substitute “that Authority”.

Sewerage Act 1999

6 (1) Subject to sub-paragraphs (2) to (6), for “Department” throughout the Act substitute “Sewerage Authority”.

(2) Sub-paragraph (1) does not apply to –

(a) section 1(1);

(b) section 2(6);

(c) section 15(1)(a);
(d)  section 18(5);
(e)  section 24(4);
(f)  section 26(2);
(g)  section 31(1), (2) and (5);
(h)  section 33(1)(b) and (2);
(i)  section 37;
(j)  section 42(4);
(k)  section 43(2);
(l)  section 45(2);
(m)  Schedule 3, paragraphs 1, 2(1), 3(1), 5 and 7; or
(n)  the first reference to “Department” in paragraph 2(6) of that Schedule;

(3)  In section 1(1) for “the Department of Transport ("the Department")” substitute “the Isle of Man Water and Sewerage Authority ("the Sewerage Authority")”.

(4)  For section 15(1)(a) substitute—

"(a)  every sewer and sewage disposal works which, immediately before the coming into operation of the Transfer of Functions (New Departments) (No. 2) Order 2010, were vested in the Department of Transport (as it existed before that Order came into operation) or a local authority;”.

(5)  In section 42(4)—

(a)  omit the definition of “the Department”;
(b)  in the definition of “public sewer” for “Department” substitute “Sewerage Authority”;
(c)  after the definition of “the road works code” insert—

“Sewerage Authority” means “the Isle of Man Water and Sewerage Authority”;
(d)  in the definition of “watercourse” for “Isle of Man Water Authority” substitute “Isle of Man Water and Sewerage Authority”.

(6)  In Schedule 3, paragraph 1—

(a)  renumber the existing text as sub-paragraph (1);
(b)  after that sub-paragraph add—

“(2)  References in this Schedule to “the Department” are to the Department of Transport (as it existed prior to the coming into operation of the Transfer of Functions (New Departments) (No. 2) Order 2010).”.

(7)  Paragraph 35 of Schedule 11 has effect to amend sections 2(6), 18(5), 24(4), 43(2) and 45(2) of the Act.
In section 30, in the definition of “statutory undertakers” in the inserted section 78(3) of the Highways Act 1986 for “Department” substitute “body”.

Road Traffic (Amendment) Act 2001

7
SCHEDULE 10

[Article 6(2)]

AMENDMENTS CONSEQUENT ON RENAMING OF THE DEPARTMENT OF EDUCATION AND CHILDREN

Blind Persons Welfare Act 1937

1 In section 10 and the marginal note to that section for “Department of Education” substitute “Department of Education and Children”.

Children and Young Persons Act 1966

2 (1) In section 8(1A) and (4) for “Department of Education” substitute “Department of Education and Children”.
   (2) In section 118(1) omit the definition of “Authority”.

Income Tax Act 1970

3 In section 39D(5)(a) for “Department of Education” substitute “Department of Education and Children”.

Misuse of Drugs Act 1976

4 In section 1(4) for “the Department of Education” substitute “the Department of Education and Children”.

Chronically Sick and Disabled Persons Act 1981

5 In section 12(1) for “the Department of Education” substitute “the Department of Education and Children”.

Superannuation Act 1984

6 (1) Section 1 is amended as follows—
   (a) in subsection (1)(c) after Board insert “or Department”;
   (b) for subsection (7) substitute —
   “(7) Whole-time employment by the governing body of a maintained school (otherwise than as a teacher) shall, if the Department of Education and Children so resolves, with the

392 XIV p.534
393 XX p.89
394 XXI p.260
395 c.21
396 c.36
397 c.8
consent of the Commission, be deemed to be employment by the Department.”.

(2) In section 4 for “The Isle of Man Board of Education” substitute “The Department of Education and Children”.

(3) Part III of Schedule 1 is repealed.

Road Traffic Regulation Act 1985

7 (1) In section 8(1) for “Department of Education” substitute “Department of Education and Children”.

(2) In section 33(2) for “Department of Education” substitute “Department of Education and Children”.

Civil Service Act 1990

8 In Schedule 1, Part II, paragraph 3—

(a) in the opening words for “Department of Education” substitute “Department of Education and Children”; and

(b) in sub-paragraph (c) omit the words following “Department”.

Redundancy Payments Act 1990

9 In section 1(4) for “Department of Education” substitute “Department of Education and Children”.

Copyright Act 1991

10 In section 171(2) for “Department of Education” substitute “Department of Education and Children”.

Criminal Justice Act 1991

11 In section 27B(6) for “the Department of Education” substitute “the Department of Education and Children”.

Licensing Act 1995

12 In section 22(4) for “Department of Education” substitute “Department of Education and Children”.

398 c.20
399 c.8
400 c.18
401 c.8
402 c.25
403 c.8
Representation of the People Act 1995

13 In paragraph 20(1)(a)(i) of Schedule 2 for “Department of Education” substitute “Department of Education and Children”.

Value Added Tax Act 1996

14 In Schedule 10, in the Notes to Group 6, in Note (1)(a)(i) for “Department of Education” substitute “Department of Education and Children”.

Cruelty to Animals Act 1997

15 (1) In section 16(2)(b) for “Department of Education” substitute “Department of Education and Children”.
(2) In section 32(3) for “Department of Education” substitute “Department of Education and Children”.

Criminal Justice Act 2001

16 In section 28(12) for “Department of Education” substitute “Department of Education and Children”.

National Health Service Act 2001

17 (1) In section 16(6)(a) and (8) for “Department of Education” substitute “Department of Education and Children”.
(2) In section 17(b) for “Department of Education” substitute “Department of Education and Children”.

Children and Young Persons Act 2001

18 (1) In section 46(5) for “Department of Education” substitute “Department of Education and Children”.
(2) In Schedule 9 for “Department of Education” substitute “Department of Education and Children” in —
(a) paragraph 4(7); and
(b) paragraph 7(1) and (2)(a).

Education Act 2001

19 (1) In section 1(1) (general duties of the Department) for “Department of Education” substitute “Department of Education and Children.”
(2) In section 59 (interpretation) in the definition of “the Department” for “Department of Education” substitute “Department of Education and Children”.

Data Protection Act 2002\textsuperscript{411}

20 (1) In section 26(2)(b) (exemption from subject access provisions) for “Department of Education” substitute “Department of Education and Children”.

(2) In section 62(1) (interpretation) in the definition of “educational record” for “Department of Education” in each place where it occurs substitute “Department of Education and Children”.

Employment Act 2006\textsuperscript{412}

21 (1) In section 39(2)(d) (time off for public duties) for “Department of Education” substitute “Department of Education and Children”.

(2) In paragraph 10(2) of Schedule 5 (continuity of employment under different educational employers) for paragraph (a) substitute — “(a) the Department of Education and Children;”.

Education (Miscellaneous Provisions) Act 2009\textsuperscript{413}

22 In section 5(4) for “Department of Education” substitute “Department of Education and Children”.

\textsuperscript{411} c.2
\textsuperscript{412} c.21
\textsuperscript{413} c.3
SCHEDULE 11

[Article 7(2)]

MISCELLANEOUS AMENDMENTS CONSEQUENT ON THE TRANSFER OF VARIOUS FUNCTIONS

Land Drainage Act 1934\(^4^{14}\)

1 For section 15 substitute –

"15 Accounts of Authority
The Authority shall keep separate accounts of all receipts and expenditure under this Act and may apportion any items of expenditure between functions of the Authority under other enactments and its functions under this Act, any such apportionment to be subject to the approval of the Treasury."

Rating and Valuation Act 1953\(^4^{15}\)

2 In section 24, omit "or a decision of the Department of Local Government and the Environment made under section 3 of the Rating and Valuation (Amendment) Act 1981,\

Housing Act 1955\(^4^{16}\)

3 (1) In section 17(2), for "Department" substitute "Department of Environment, Food and Agriculture and the Department of Infrastructure".

(2) In section 21(4) –

(a) for "Department had and obtained" substitute "Department of Environment, Food and Agriculture and the Department of Infrastructure";

(b) for "the Department in terms" substitute "both of the Departments in terms".

(3) In section 22(1)(a), for "Department" substitute "Department of Environment, Food and Agriculture and the Department of Infrastructure".

(4) In section 25, for "Department" substitute "Department of Infrastructure, after consulting the Department of Social Care,".

(5) In section 45(3), for "Department" substitute "Department of Infrastructure".

(6) After section 51 insert –

\(^{414}\) XIV p.222
\(^{415}\) XVIII p.258
\(^{416}\) XVIII p.544
"51A Requirement to consult
(1) The Department must consult with the Department of Infrastructure before exercising its powers under this Part.
(2) This section does not apply to section 45(2)."

(7) In section 52, after "the Department" (wherever occurring) insert "(following consultation with the Department of Infrastructure)".

(8) In section 56, after "consultation with the Department" insert "and the Department of Infrastructure".

(9) After section 61(2) add -
"(3) Before making regulations under this section, the Department must consult with the Department of Infrastructure.".

(10) After section 64(1) insert -
"(1A) The Department must consult with the Department of Infrastructure before giving directions under subsection (1).".

(11) In section 72 -
(a) for "Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority or the Department" substitute "Any person authorised in writing by a local authority or a relevant Department stating the particular purpose or purposes for which the entry is authorised";
(b) in paragraph (c) for "or Department" substitute "or the relevant Department".

(12) In section 73, for "the Department" substitute "the relevant Department".

(13) In the cross-heading before section 86, omit "of the Department".

(14) In section 86 -
(a) for subsection (1) substitute -
"(1) A relevant Department may by regulations prescribe anything which by this Act is to be prescribed by that Department and the form of any notice, advertisement, statement or other document which is required or authorised to be used under, or for the purposes of, this Act and which relates to the function of that relevant Department under this Act;"

(b) in subsection (2), for "The Department" substitute "The relevant Department";

(c) in subsection (3) -
(i) omit "by the Department"
(ii) for "as the Department" substitute "as the relevant Department"

(d) in the marginal note to section 86 for "of Department" substitute "of relevant Department".

(15) In section 87, for "All regulations made by the Governor or the Department under the provisions of this Act" substitute "Regulations under this Act".
(16) In section 88(1), for “the Department” substitute “a relevant Department”.
(17) In section 89, after “or not, the Department” insert “, after consulting the Department of Infrastructure,”.
(18) In section 92(1) –
   (a) omit the definition of “building byelaws”;
   (b) after the definition of “owner” insert the following definition –
       “relevant Department” means any of the Department of Environment, Food and Agriculture, the Department of Infrastructure and the Department of Social Care.”.

Cremation Act 1957417

4 In sections 3 and 8(1), after “approved by the Department” insert “following consultation with the Department of Infrastructure”.

Ramsey Town Act 1970418

5 In section 49, the definition of “Department” is repealed.

Sea-Fisheries Act 1971419

6 For section 8A(3) substitute –
   “(3) An aquaculture licence shall not be granted to engage in aquaculture without the concurrence of the Department of Infrastructure.”.

Inland Fisheries Act 1976420

7 In section 12(1) omit “, with the concurrence of the Department of Local Government and the Environment,”.

Health and Safety at Work Etc. Act 1977421

8 In section 1(1), for “Gas Regulation Act 1927” substitute “Gas Regulation Act 1995”.

European Communities (Implementation of Article 3 of Regulation 706/73) Act 1979422

9 (1) In section 1 –
   (a) in subsections (1) and (3) for “appropriate Board” substitute “Department”;
   (b) in subsection (1) for “Board” (wherever occurring) substitute “Department”.

   (2) In section 2 –

417 XVIII p.789
418 XXI p.432
419 c.18
420 c.26
421 c.1
422 c.15

-102-
(a) omit the definition of “appropriate Board”;
(b) after the definition of “the Council” insert –
   “the Department” means the Department of Environment, Food and Agriculture”.

*Jury Act 1980*\(^{423}\)

10 In Part 1 of Schedule 1, in Group E—
   (a) for the entry in respect of the chief executive officer of the Department of Health and Social Security substitute—
       “The chief executive officer of the Department of Health.
       The chief executive officer of the Department of Social Care.”;
   (b) for the entry in respect of persons employed for fire-fighting purposes at an aerodrome by the Department of Transport substitute—
       “Persons employed for fire-fighting purposes at an aerodrome by the Department of Infrastructure.”.

*Control of Advertising Act 1981*

11 In section 1(1) for “Isle of Man Highway and Transport Board” substitute “Department of Infrastructure”.

*Manx Heritage Foundation Act 1982*\(^{424}\)

12 In section 6 —
   (a) for “Isle of Man Board of Education” substitute “the Department of Education and Children”; and
   (b) for “the Department of Local Government and the Environment” substitute “the Department of Infrastructure”.

*Superannuation Act 1984*\(^{425}\)

13 In section 2(1)(a), for “Department of Health and Social Security” substitute “Department of Health”.

*Limitation Act 1984*\(^{426}\)

14 In section 36(4)(b) for “provided or registered by the Department of Health and Social Security” substitute “provided or registered by the Department of Health or by the Department of Social Care”.

\(^{423}\) c.9
\(^{424}\) c.12
\(^{425}\) c.8
\(^{426}\) c.18
Fire Services Act 1984427

15 In section 1(3), for “Department of Local Government and the Environment” substitute “Department of Infrastructure and every other Department”.

Local Government Act 1985428

16 (1) For section 1(2) substitute –

“(2) A director of public health shall provide the relevant Department with such assistance as the relevant Department may consider necessary in order to fulfil its obligations under any enactment.”.

(2) In section 2 –

(a) in subsection (2) omit “appearing to it to be suitably qualified in that behalf as an inspector of the Department”;

(b) in subsection (3) for “inspector” substitute “officer”.

(3) In the following provisions for “Department” (wherever occurring) substitute “relevant Department” –

(a) in section 2;

(b) in section 4(1) and (3);

(c) in section 4A(1) and (3);

(d) in section 5(2), (4), (5) and (6);

(e) in section 35 (2);

(f) in sections 70 and 71.

(4) In section 35 –

(a) in subsection (2), for “inspector of the Department, or a person authorised in writing by a local authority” substitute “or a person authorised in writing by a relevant Department or a local authority”;

(b) in subsection (4), for “an inspector of the Department or a person authorised in writing by a local authority” substitute “or a person authorised in writing by a relevant Department or a local authority”;

(c) in subsection (5) for “inspector’s” substituted “relevant Department’s”.

(5) In section 72 –

(a) omit the definition of “inspector of the Department”;

(b) after the definition of “register of electors” insert the following definition –

“relevant Department” means any of the Department of Environment, Food and Agriculture, the Department of Infrastructure and the Department of Social Care;”.

427 c.19
428 c.24
Health and Social Security Act 1986⁴²⁹

17 The Act is repealed.

Highways Act 1986⁴³⁰

18 In section 3(2)(h), omit "by a local authority or the Local Government Board or the Department of Local Government and the Environment".

Food (Emergency Provisions) Act 1986⁴³¹

19 (1) In section 1(1) omit ", after consultation with the Agriculture Department;".
(2) In section 8 –
(a) omit the definition of "the Agriculture Department";
(b) in the definition of "officer" omit "or the Agriculture Department".

Food Protection Act 1988⁴³²

20 (1) In section 1(1) for "The Departments may jointly" substitute "the Department may".
(2) In section 2 –
(a) in subsection (3) for "Either of the Departments" substitute "The Department";
(b) in subsection (4) for "If a Department" substitute "If the Department".
(3) In section 3(1) for "Either of the Departments" substitute "The Department".
(4) In section 4(1), for "either of the Departments" substitute "the Department".
(5) In section 6 (wherever occurring) for "the Departments" substitute "the Department".
(6) In section 7(1), for the definition of "Departments" substitute -- "the Department" means the Department of Environment, Food and Agriculture;"
(7) In Schedule 1 –
(a) in paragraphs (a), (e) and (f), for "either of the Departments" substitute "the Department";
(b) in paragraph (b) for "the Departments, or either of them," substitute "the Department".

⁴²⁹ c.14
⁴³⁰ c.17
⁴³¹ c.33
⁴³² c.12
Summary Jurisdiction Act 1989

21 In section 57(5)(a), for "Department of Health and Social Security" substitute "Department of Social Care".

Wildlife Act 1990

22 (1) Section 27(1)(a) is repealed.
(2) In section 31(6) and 32(5) omit "the Department of Local Government and the Environment".

Civil Service Act 1990

23 In Schedule 1 Part II in paragraph 1, for "Department of Health and Social Security" substitute "Department of Health".

Public Health Act 1990

24 (1) In sections 59(4)(a) and 64(3)(b) omit "and the Department of Agriculture, Fisheries and Forestry".
(2) In section 66(9)(c), omit "with the consent of the Department of Transport".

Dogs Act 1990

25 In section 7(9)(a), omit the words "the Department or".

Building Control Act 1991

26 (1) For section 12(3) substitute—
"(3) In the case of a building falling within subsection (1)(a), the building authority may not give a consent under subsection (2) without the consent of the sewerage authority, which consent may be given either unconditionally or subject to compliance with any condition that the sewerage authority may specify."

(2) Section 25 is amended as follows—
(a) subsection (1) is repealed;
(b) in subsection (2), for "may also" substitute "may"; and
(c) in the marginal note, for "highway authority etc" substitute "Department of Environment, Food and Agriculture".
(3) Omit section 26(4)(c).
(4) In section 27(3) for "Where the Department or a local authority have served a demolition order on a person" substitute "Where a demolition order has been served on a person".

433 c.2
434 c.8
435 c.10
436 c.16
437 c.21
Water Act 1991

27 (1) In section 6(3) and 7(2) omit “and the Highways Department”.
(2) Sections 7(3) and 15(3) are repealed.
(3) For Schedule 1 paragraph 1(3)(c) substitute –
“(c) the Department of Environment, Food and Agriculture.”.
(4) In Schedule 2, paragraph 2(1) omit “at the Environment Department’s premises”.
(5) In Schedule 5, paragraph 2(2) for “the sewerage authority concerned or the Highways Department, as the case may be” substitute “Department”.

Sexual Offences Act 1992

28 In section 9B(3)(a), for “the Department of Health and Social Security” substitute “the Department of Social Care”.

Water Pollution Act 1993

29 (1) In section 5(3)(b) omit “the Department of Agriculture, Fisheries and Forestry and”.
(2) In section 9(1) omit “, after consultation with the Agriculture Department,”.
(3) For section 9(3)(b) substitute –
“(b) send a draft of the order and of any relevant map to the Isle of Man Water and Sewerage Authority”.
(4) In section 11(1) omit “and the Agriculture Department, acting jointly,”.
(5) In section 15(1), omit the definition of “the Agriculture Department”.

Value Added Tax Act 1996

30 (1) In Schedule 9, in Note (4H) to Group 12 for paragraph (a) substitute—
“(a) the Department of Health;
(ab) the Department of Social Care; or”.
(2) In Part II of Schedule 9, in Note 4(a) to Group 15 for paragraph (a) substitute—
“(a) the Department of Health;
(ab) the Department of Social Care;”.
(3) In Part II of Schedule 10, in Note 7 to Group 7 for “the Department of Health and Social Security” substitute “the Department of Health, the Department of Social Care”.

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438 c.24
439 c.6
440 c.14
441 c.1
Food Act 1996

31  (1) Omit section 4(3)(b).
     (2) In each of the following provisions, omit “or the Agriculture Department” —
         (a) section 4(5);
         (b) section 18(2)(b);
         (c) section 38(1) and (5);
         (d) section 41(1) and (3);
         (e) section 42(1)(b);
         (f) section 46(3).
     (3) In section 26(8), for “Agriculture Department” substitute “Department”.
     (4) In section 41(8), (10) and (11) omit “or the Agriculture Department, as the case may be,”.
     (5) In section 42(1)(a), omit “, the Agriculture Department or the Departments”.
     (6) In section 46(1), omit the definitions of “the Agriculture Department” and “the Departments”.

Limited Liability Companies Act 1996

32 In section 26(8) for “Commission” substitute “Treasury”.

Recreation and Leisure Act 1998

33 (1) In section 6(2)(b) for “Department” substitute “Department of Infrastructure”.
     (2) In section 8(4)(a), for “the Department” substitute “the Department of Economic Development”.

Mental Health Act 1998

34 (1) In Part 2 before section 2 insert—
     “A2 Department to maintain hospitals for the purposes of this Part
     (1) The Department shall make arrangements for the provision, to such extent as it considers necessary to meet all reasonable requirements arising under this Part, of—
         (a) hospital accommodation; and
         (b) medical, nursing, dental and other services required at or for the purposes of accommodation referred to in paragraph (a).
     (2) The provisions of —
(a) Part 3 of the NHS Act 2001 (provision of hospital and specialist services); and
(b) Part 4 of that Act (general provisions) other than sections 40, 44 and 45,
apply for the purposes of subsection (1) as they apply for the purposes of that Act, references in those provisions to "the Department" and "the managers of the hospital" being read as references to the Department of Social Care.

(2) In section 5(7) for "the Department" substitute "the Department of Health".

(3) In section 8 after subsection (1) insert—
"(1A)Before making regulations under subsection (1) the Department must consult the Department of Health.".

(4) In the opening words of section 9(1) after "this Part, the Department" insert, ", after consulting the Department of Health,".

(5) In section 19—
(a) in the opening words of subsection (1) after "made by the Department" insert ", after consulting the Department of Health,"; and
(b) in subsection (3) after "Department" insert "for the purposes of its functions under this Act or the Department of Health".

(6) In section 32 at the end add—
"(12) Before making any decision under subsection (1), (3) or (4) the Department must consult the Department of Health.".

(7) In section 43(1) after "The Department" insert ", after consulting the Department of Health,".

(8) In sections 12(2), 25(3), 26(3)(a), 61, 72(2), 90(1), 91(1), 93(1) and (4) and 120(1) and paragraph 16 in Part II of Schedule 6 and in the definition of "regulations" in section 88(1) after "Department" insert ",after consulting the Department of Health,".

(9) In sections 65(4) and 66(5) after "consult" insert "the Department of Health and".

(10) In section 115—
(a) in subsection (2) after "in co-operation with" insert "the Department of Health and"; and
(b) in subsection (3)(a) omit "by the Department".

(11) In section 116(3) after "consult" insert "the Department of Health and".

(12) In section 138(1)—
(a) in the definition of "the Department" for "Department of Health and Social Security" substitute "Department of Social Care".
(b) for the definition of "hospital" substitute —
" "hospital", except in the expression "hospital within the meaning of Part 2", means a hospital vested—
(a) in the Department for the purposes of its functions under Part 2 of this Act (see section A2); or
(b) in the Department of Health for the purposes of its functions under the NHS Act;
(c) after the definition of “hospital order” insert—
"“hospital within the meaning of Part 2” shall be construed in accordance with section 45(3);”;
(d) for the definition of “the managers” substitute—
"the managers” means—
(a) the Department of Health in relation to —
(i) a hospital vested in that Department for the purposes of its functions under the NHS Act; and
(ii) any accommodation provided by that Department and used for hospital and specialist services under Part II of that Act;
(b) the Department in relation to—
(i) a hospital vested in the Department for the purposes of its functions under this Act; and
(ii) any accommodation provided by the Department and used for hospital and specialist services in connection with a hospital falling within head (b)(i) of this definition; and
(c) in relation to a mental nursing homes registered in pursuance of the Nursing and Residential Homes Act 1988\textsuperscript{446}, the person registered in respect of the home under that Act;
and section 45(3) applies for the purposes of this definition;”.

\textit{Sewerage Act 1999}\textsuperscript{447}

35 (1) For section 2(6) substitute—
"(6) Before exercising its powers under this section the Sewerage Authority shall consult the Department of Environment, Food and Agriculture and the Department of Infrastructure.”.

(2) For section 18(5) substitute—
"(5) Before granting a consent under this section with respect to a discharge of any special category effluent, the Sewerage Authority shall consult the Department of Environment, Food and Agriculture—

(a) as to whether the discharge to which the notice relates should be prohibited; and

\begin{footnotesize}\textsuperscript{446} c.9  
\textsuperscript{447} c.2\end{footnotesize}
(b) if it is not prohibited, as to the conditions on which it may be made.

(3) For section 24(4) substitute—

"(4) Before entering into an agreement under this section with respect to the reception or removal and disposal of special category effluent, the Sewerage Authority shall consult the Department of Environment, Food and Agriculture.".

(4) In section 31(5) for "Environment Department" substitute "Department of Infrastructure".

(5) In section 33(1)(b) for "Environment Department" substitute "Department of Infrastructure, having consulted the Department of Environment, Food and Agriculture,".

(6) In section 37(1) and (2) for "Environment Department" substitute "Department of Environment, Food and Agriculture or the Department of Infrastructure,"

(7) For section 43(2) substitute—

"(2) The Sewerage Authority shall not make—

(a) an order which makes such provision as is mentioned in section 5(1)(b), or

(b) an order under paragraph 3(5) of Schedule 1, without the consent of the Department of Infrastructure.".

(8) For section 45(2) substitute—

"(2) This Act shall come into operation on such day or days as the Sewerage Authority may by order appoint after consultation with the Department of Infrastructure and such local authorities (if any) as appear to the Sewerage Authority to be concerned.".

Criminal Justice Act 2001

In section 28(2), omit the words "and the Department of Health and Social Security".

Road Transport Act 2001

Sections 11(1)(c) and 26(2)(c) are repealed.

Coastline Management Act 2005

(1) In section 6—

(a) omit subsection (2);

(b) in subsection (3) omit "and the Department of Agriculture, Fisheries and Forestry".

448 c.4
449 c.27
450 c.6
(2) In Schedule 1 paragraph 4(2)(b) omit "`, the Department of Agriculture, Fisheries and Forestry and".

Dogs (Amendment) Act 2006

39 In section 3(2), for "Department" substitute "Department of Local Government and the Environment (as it existed prior to the coming into operation of the Transfer of Functions (New Departments) (No. 2) Order 2010)".

Insurance Act 2008

40 In Schedule 5 paragraph 6(1)(b) and Schedule 6 paragraph 6(2)(j), for "Department of Health and Social Security" substitute "Department of Social Care".

451 c.9
452 c.16
SCHEDULE 12

[Article 7(3)]

AMENDMENTS TO UNITED KINGDOM LEGISLATION APPLYING TO THE ISLAND CONSEQUENT ON THE TRANSFER OF VARIOUS FUNCTIONS

Nuclear Installations Act 1965\(^{453}\)

1 In section 22(6), for “Department of Local Government and the Environment (a Board of Tynwald)” substitute “Department of Environment, Food and Agriculture”.

Hovercraft Act 1968\(^{454}\)

2 In section 4(1), in the definition of “the Department” for “Department of Trade and Industry” substitute “Department of Economic Development”.

Immigration Act 1971\(^{455}\)

3 In Schedule 2 paragraph 1(2) and (3) and 7(5)(b), for “Department of Health and Social Security” substitute “Department of Health”.

Nuclear Safeguards and Electricity (Finance) Act 1978\(^{456}\)

4 In section 2(8)(b), for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

Reserve Forces Act 1980\(^{457}\)

5 In Schedule 2, paragraph 2(b), for “Department of Health and Social Security” substitute “Department of Social Care”.

Social Security Act 1986\(^{458}\)

6 In section 84(1) before the definition of “modifications” insert—” “Department” means the Department of Social Care;”.

Social Security Act 1988\(^{459}\)

7 The Social Security Legislation (Application) (No. 7) Order 1988 is revoked and accordingly the Act shall cease to apply to the Island.

\(^{453}\) c.57
\(^{454}\) c.59
\(^{455}\) c.77
\(^{456}\) c.25
\(^{457}\) c.9
\(^{458}\) c.50 (applied to the Island by GC 85/87)
\(^{459}\) c.7: applied to the Island by GC 318/88
Social Security Act 1989

8 In section 30(1) after the definition of “Commissioner” insert—
“Department” means the Department of Social Care;”.

Social Security Act 1990

9 In section 20 after the definition of “the 1973 Act” insert—
“Department” means the Department of Social Care;”.

Social Security Contributions and Benefits Act 1992

10 (1) In section 1—
(a) in subsection (1) for “the Department” substitute “the Treasury”;
(b) in subsection (4)(b) for “the Department and not by the Assessor of
Income Tax” substitute “the Treasury”.
(2) In section 4(5A) for “the Department” substitute “the Treasury”.
(3) In section 4A—
(a) omit subsection (8);
(b) in subsection (9)—
(i) for “the Department” (in each place) substitute “the Treasury”;
and
(ii) omit “with the concurrence of the Treasury”.
(4) In section 7(2) for “Department” substitute “Treasury”.
(5) In section 12(4) and (6) for “The Department may by regulations” substitute “Regulations may”.
(6) In section 13(7) for “The Department may by regulations” substitute “Regulations may”.
(7) In section 17—
(a) in subsection (1) for “The Department may by regulations made
with the concurrence of the Assessor of Income Tax” substitute “Regulations may”;
(b) in subsection (4) omit “to the Department”.
(8) In section 19A(1)(c) for “the Department” substitute “the Treasury”.
(9) At the end of Part 1 insert—
“19B Power to make regulations
Regulations authorised by any provision of this Part shall be made
by the Treasury, subject to any requirement for concurrence
specified in the provision in question.”.
(10) In section 175(1) for “section” substitute “sections 19B and”.
(11) After section 175 insert—

460 c. 24 (applied to the Island by GC 422/89)
461 c. 27 (applied to the Island by GC 406/90 and 492 and 493/92)
462 c. 4 (applied to the Island by 505/94)
463 Subsection (5A) inserted by SD 221/95 and renumbered by SD 268/03
464 Section inserted by SD 600/00
“175A Requirement for Treasury concurrence

Regulations made by the Department under any provision of this Act that would affect the operation of Part 1 shall only be made with the concurrence of the Treasury.”.

(12) In Schedule 1—
(a) in the following provisions for “Department” substitute “Treasury”—
(i) paragraph 4(a);
(ii) paragraph 7B(1)(b);
(iii) paragraph 7B(2) (in each place);
(iv) paragraph 7B(5)(b) and(e);
(v) paragraph 7B(7); and
(vi) the heading to paragraph 7B;
(b) in paragraph 7B(1)(a) for “Department (and not the Treasury)” substitute “Treasury”; and
(c) in paragraph 7B(4) and (6) omit “(instead of the Department)”.

(13) The following provisions are revoked—
(a) section 5(6);
(b) section 6(7)\(^{465}\);
(c) section 6A(7).

Social Security Administration Act 1992\(^{466}\)

11 (1) In section 162(1) for “Contributions received by the Department” substitute “Sums in respect of contributions received from the Treasury by the Department”.

(2) After section 189 insert—

“189A Requirement for Treasury concurrence

Regulations made by the Department under any provision of this Act that would affect the operation of Part 1 of the Contributions and Benefits Act shall only be made with the concurrence of the Treasury.”.

(3) In section 191 after the definition of “the Contributions and Benefits Act” insert—

“the Department” means the Department of Social Care;“.

Social Security (Consequential Provisions) Act 1992\(^{467}\)

12 In Schedule 3—
(a) before paragraph 1 (and the italic heading preceding it) insert—

“Powers to make regulations

\(^{465}\) Section substituted by SD 600/00

\(^{466}\) c.5 (applied to the Island by 506/94)

\(^{467}\) c.6 (applied to the Island by SD 507/94)
A1. Insofar as any power to make regulations under this Schedule is exercisable on or after 1st April 2010, it shall be exercisable by the Department of Social Care and references to "the Department" (without more) shall be construed accordingly.

(b) in paragraph 5 for "Department has" substitute "the Department of Health and Social Security had";
(c) in paragraph 7(1) for "Department had" substitute "Department of Health and Social Security had"; and
(d) omit paragraph 23(1).

Pension Schemes Act 1993

13 In section 181(1) for the definition of "the Department" substitute —
" "the Department" means the Department of Social Care;"

Social Security (Incapacity for Work) Act 1994

14 After section 15 insert—
"15A Meaning of "Department"
In this Act "the Department" means the Department of Social Care.".

Jobseekers Act 1995

15 In section 35 for the definition of "the Department" substitute—
" "the Department" means the Department of Social Care;"

Merchant Shipping Act 1995

16 (1) In each of the following provisions for "Department of Trade and Industry" (wherever occurring) substitute "Department of Economic Development" —
(a) section 91(5);
(b) section 107(1);
(c) section 130(1), (2)(c) and (f);
(d) section 157(2), (4) and (5);
(e) section 163(1), (3)(a) and (c) and (4);
(f) section 163A(1), (3)(a) and (c) and (4);
(g) section 164 and the heading to the section;
(h) section 171(2);
(i) section 173(8) and (9)(a);
(j) section 174(1) and (4);
(k) section 176(5);

468 c.48 (applied to the Island by SD 531/95)
469 c.18 (applied to the Island by SD 508/94)
470 c.18 (applied to the Island by SD 8/96)
471 c.21
(l) section 182(2);
(m) section 182B(1), (3)(c) and (f) and (4)(d);
(n) section 182C(1) and the heading to the section;
(o) section 185(2C);
(p) section 192A(1) and (6)(b) and (c);
(q) section 283(3);
(r) section 287(1);
(s) section 288(3) and (4);
(t) section 289;
(u) section 306;
(v) section 311(1);
(w) Schedule 6, Part II, paragraphs 4 and 11;
(x) Schedule 7, Part II, paragraphs 4(1) and 5(2) and (3).

(2) In section 313(1), in the definition of "harbour authority" for "Department of Transport" substitute "Department of Infrastructure".

Pensions Act 1995\textsuperscript{472}

17 In section 176 before the definition of "enactment" insert—
""the Department" means the Department of Social Care;".

Asylum and Immigration Act 1996\textsuperscript{473}

18 In section 8(1) and (2), for "Department of Trade and Industry" substitute "Department of Economic Development".

Social Security (Recovery of Benefits) Act 1997\textsuperscript{474}

19 In section 29 after the definition of "Commissioner insert—
""the Department" means the Department of Social Care;".

Social Security Administration (Fraud) Act 1997\textsuperscript{475}

20 In section 24(1) and (2) after "Department" insert "of Social Care".

Social Security Act 1998\textsuperscript{476}

21 (1) In section 1A(1) for ""The Department" substitute "The Treasury".
(2) In section 7A(1)(ca)(ii) for "the Department" substitute "the Treasury".
(3) In section 11A(3) for "Department" substitute "Treasury" and after "regulations" add "with the concurrence of the Department".

\textsuperscript{472} c.26: applied to the Island by SD 501/97
\textsuperscript{473} c.49
\textsuperscript{474} c.27: applied to the Island by SD 494/97
\textsuperscript{475} c.47: applied to the Island by SD 495/97
\textsuperscript{476} c.14
(4) In section 11C(1) for “The Department” substitute “The Treasury”.
(5) In section 11D(aa) for “the Department” substitute “the Treasury”.
(6) In section 84 after the definition of “the Contributions and Benefits Act” insert—
“‘the Department’ means the Department of Social Care;”.

Welfare Reform and Pensions Act 1999

22 In section 91(2) after the definition of “the Contributions and Benefits Act” insert—
“‘the Department’ means the Department of Social Care;”; and in consequence omit the definition in section 26(1).

Immigration and Asylum Act 1999

23 In section 25(6A) for “Department of Transport” substitute “Department of Infrastructure”.

Nuclear Safeguards Act 2000

24 In section 1(1), in the definition of “Department” for “Department of Local Government and the Environment” substitute “Department of Environment, Food and Agriculture”.

Child Support, Pensions and Social Security Act 2000

25 After section 84 insert—
“84A  Meaning of “Department”
In this Act “the Department” means the Department of Social Care.”.

Social Security Fraud Act 2001

26 In section 18—
(a) for the heading substitute “Interpretation”; and
(b) at the end add—
“‘the Department’ means the Department of Social Care.”.

Nationality, Immigration and Asylum Act 2002

27 In section 133(4), for “Department of Health and Social Security” substitute “Department of Health”.

477 c.30 (applied to the Island by SD 600/00)
478 Part III was (among other provisions) applied to the Island by SD 291/01
479 c.33
480 c.5
481 c.19 (applied to the Island by SD 378/01)
482 c.11 (applied to the Island by SD 53/04)
483 c.41
In section 42(6A), for “Department of Trade and Industry” substitute “Department of Economic Development”.

Civil Partnership Act 2004

In section 1 for the definition of “Department” substitute —
“the Department” means the Department of Social Care.”.

Pensions Act 2004

In section 318(1) in the list of definitions before the definition of “modifications” insert —
“the Department” means the Department of Social Care;”.

Companies Act 2006

(1) In section 948(7) for paragraph (aa) substitute—
“(aa) the Department of Economic Development of the Isle of Man;”.

(2) In section 950(1) for paragraph (aa) substitute—
“(aa) the Department of Economic Development of the Isle of Man;”.

(3) Omit section 964.

(4) In Schedule 2 —
(a) omit paragraph 5A; and
(b) in paragraph 25A for “the Financial Supervision Commission of the Isle of Man” substitute “the Department of Economic Development of the Isle of Man”.

(5) Consequently, paragraphs 1(b), 3, 8 and 9(b) of the Schedule to the Companies Act 2006 (Extension of Takeover Provisions) (Isle of Man) Order 2008 are revoked.

Digital Switchover (Disclosure of Information) Act 2007

In each of the following provisions for “Department of Health and Social Security” substitute “Department of Social Care” —
(a) in section 1(1) and (2);
(b) in section 2(3)(h), (4)(b)(i), (5)(b)(vi), (7) and (8).
EXPLANATORY NOTE
(This note is not part of the Order)

This Order, which is made under Schedule 2 to the Governments Departments Act 1987 (including as it applies to Statutory Boards by virtue of section 5 of the Statutory Boards Act 1987) replaces, prior to its commencement the Transfer of Functions (New Departments) Order 2010 (as amended). The replacement is necessary because the previous Order did not fully reflect policy intentions as to the transfer of functions. This Order, like its predecessor —

(1) establishes 6 new Government Departments;
(2) dissolves 6 of the Government Departments in existence prior to its commencement;
(3) renames the Department of Education as the Department of Education and Children;
(4) renames the Isle of Man Water Authority as the Isle of Man Water and Sewerage Authority;
(5) transfers functions from the existing Departments (and the Financial Supervision Commission) to the new Departments and the Isle of Man Water and Sewerage Authority; and
(6) makes amendments to Acts of Tynwald consequent on the renaming and transfer of functions.

Article 1 is the title of the Order,

Article 2 provides for the Order to come into operation on 1 April 2010, if it is approved by Tynwald.

Article 3 contains 2 interpretation provisions. Paragraph (1) defines “former Department” to mean not just the Departments dissolved by the Order but bodies whose functions were previously transferred to them. Where functions were previously transferred and textual changes were not made in the relevant legislation, standard provisions in Schedule 2 to the Government Departments Act 1987 enable references in legislation to old bodies to be construed as references to the Departments to which they are transferred. The interpretation in this Order merely confirms the intention to transfer functions where the legislation giving effect to it has not been amended textually. Paragraph (2) enables a reference to “functions” to be read as including property, rights and liabilities, so that these are also transferred from the old Department or Board to the new.

Article 4 provides, in paragraph (1), for the establishment of the 6 new Departments (Community, Culture and Leisure; Economic Development; Environment, Food and Agriculture; Health; Infrastructure and Social Care). Paragraph (2) provides for 6
existing Departments to be dissolved (Agriculture, Fisheries and Forestry; Health and Social Security; Local Government and the Environment; Trade and Industry and Transport). Paragraph (3) provides for the renaming of the Department of Education as the Department of Education and Children. As a result of these changes section 1(1) of the Government Departments Act 1987 is amended, by paragraph (4), to show a list of the 9 Departments now established (including the Treasury and the Department of Home Affairs which remain).

Article 5 renames the Isle of Man Water Authority as the Isle of Man Water and Sewerage Authority.

Article 6 provides for the transfer of functions by introducing the various Schedules under which the transfers are effected. Schedules 1 to 6 set out the functions that are transferred into the new Departments from the 6 dissolving Departments (and in one case from the Financial Supervision Commission). Schedule 7 is concerned with the transfer of the assessment, collection and enforcement responsibilities of the dissolving Department of Health and Social Security in respect of National Insurance Contributions, and a few of the functions of the dissolving Department of Local Government and the Environment, to the Treasury. Schedule 8 provides for the transfer of certain functions to the Isle of Man Office of Fair trading and Schedule 9 transfers a function (sewerage) from the dissolving Department of Transport to the (now renamed) Isle of Man Water and Sewerage Authority. Each of these Schedules specifies the functions that are to be transferred and then makes consequential amendments to Acts of Tynwald in consequence of the transfers. In order that all of the functions (including non-statutory functions) of each of the dissolving Departments transfer, a provision is included whereby all the functions (including but not limited to the statutory functions then listed) of each dissolving Department transfer to one of the new Departments, being in each case the Department where the largest number of functions devolve, except for functions listed elsewhere in the Schedules. As a result, the non-specified functions of the former Department of Tourism and Leisure (see Schedule 1 Part 1 Paragraph A) transfer to the new Department of Community, Culture and Leisure, the former Department of Trade and Industry to the new Department of Economic Development (see Schedule 2, Part 2, paragraph A), the former Agriculture, Fisheries and Forestry to the new Department of Environment, Food and Agriculture (see Schedule 3, Part 1, paragraph A), the former Departments of Local Government and the Environment (see Schedule 5, Part 1, paragraph A) and Transport (see Schedule 5, Part 3, paragraph A) to the new Department of Infrastructure and the former Department of Health and Social Security to the Department of Social Care (see Schedule 6 Part 1, paragraph A).

Paragraph (2) introduces Schedule 10 which contains amendments consequent on the renaming of the Department of Education.

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Paragraph (3) provides that where a function is transferred, matters ancillary to that function continue to apply to it even though the provision containing the ancillary matter may have transferred to a different Department or Statutory Board.

Paragraph (4) provides, for the sake of clarity, that references in any enactment to a former Department, Department or Statutory Board from which a function is transferred to be read as referring to the Department or Statutory Board to which the function is transferred. Paragraph (5) defines “enactment” to include United Kingdom legislation that applies to the Island, whether expressly, by implication, under an Order in Council or an Act of Tynwald. (The Schedules to the Order make textual amendments to Acts of Tynwald, only to some UK legislation and not to any Statutory Documents, where references must then be construed as referring to the transferee body).

Article 7 makes a minor amendment to the Government Departments Act 1987. It then introduces Schedule 11 and Schedule 12. Schedule 11 contains miscellaneous amendments that are consequential on the transfer of functions in one or more of the other Schedules. Where a function dealt with in another Schedule is provided for instead in Schedule 11, a ‘marker provision’ referring to the relevant paragraph of that Schedule has usually been included in the Schedule effecting the relevant transfer. Schedule 12 makes consequential amendments to certain UK legislation which applies to the Island.

Article 8 revokes the earlier Order and the amendment to it.

The main changes from the previous Order are:

(1) The functions of the former Department of Local Government and the Environment have been adjusted and some have now gone to the Office of Fair Trading (regulation of cinemas, estate agents and architects);
(2) The new Department to which the functions of the former Department of Local Government and the Environment default (if not transferred elsewhere is not the Department of Infrastructure and not the Department of Environment, Food and Agriculture;
(3) The drainage functions of the former Department of Transport are moved to the Isle of Man Water and Sewerage Authority;
(4) Functions with respect to mental health have been transferred to the Department of Social Care instead of to the Department of Health;
(5) New provisions are included moving responsibility for National Insurance (but not its Fund) from the former Department of Health and Social Security to the Treasury (instead of to the new Department of Social Care);
(6) The provisions transferring the functions of the companies registry from the Financial Supervision Commission to the new Department of Economic Development have been refined;

(7) The Department of the Infrastructure is now to be called the Department of Infrastructure;

(8) Schedule 12 has been added making consequential amendments to UK legislation that applies to the Island (certain matters have not been dealt with specifically in this Schedule, most particularly, social security, pensions and health and safety at work).