

4. Legislation Bill 2014 – First Reading approved

The Acting Attorney General to move:

That the Legislation Bill 2014 be read a first time.

The President: Item 4, the Legislation Bill.

The Acting Attorney General: Yes, thank you, Madam President.

Again, I am pleased to be able to move the First Reading of the Legislation Bill 2014 on behalf of the Council of Ministers. As I have commented, the Legislation Bill together with the Interpretation Bill 2014 are companion Bills and they are linked, and I have explained to Hon. Members the link that exists.

This Legislation Bill 2014 re-enacts and consolidates the Filing of Statutory Documents Act 1937, the Evidence Act 1965, the Evidence Act 1976, the Short Titles Act 1977, the Pre-Revestment Written Laws (Ascertainment) Act 1978, the Reprint Act 1981 and the Promulgation Act 1988. However, the Act is more than just a modernised and consolidated redraft of those Acts. It contains other measures to help to codify, simplify and streamline the making, amendment and publication of legislation.

The main purpose of the Legislation Bill 2014 is to, firstly support, update and streamline procedures for managing Acts and statutory documents; secondly to improve the presentation of Manx legislation; thirdly to streamline procedures for making statutory documents; fourthly to make it easier to update and access Manx legislation; and finally, and generally, to ensure Manx legislation is of the highest standard.

I would beg to move the First Reading of the Legislation Bill 2014.

Mr Coleman: I beg to second, Madam President, and reserve my remarks.

Mr Crowe: Can I... Madam President.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: Yes, again very complex. I am happy to support this First Reading because it is simplifying and improving procedures, and so on.

Can I just ask two questions? Clause 29 on page 21 the 'Meaning of "Tynwald procedure"' which goes over to the next page which is 'Approval required', 'Affirmative', 'Negative', 'Laying only', which is what we are familiar with – except clause 31 the 'Affirmative.'

Is this a new classification of our procedures, because we usually have 'Approval required', 'Negative resolution', or 'Laid before'.

So I am just wondering, is this an improvement, or a change, or is it something that is sitting in existing legislation?

So that was question one, Hon. Attorney.

Clause 39 talks about the 'Numbering of Acts' on page 26, which again must be an improvement to existing legislation to make it easy to find this legislation – as you have mentioned in the previous Bill that sometimes the location of Acts is difficult, or the interpretation difficult, too.

If I can just mention those two clauses at this stage, Mr Attorney?

Thank you.

The President: Lord Bishop.

The Lord Bishop: Thank you, Madam President.

I am an amateur when it comes to this Bill – I do not really understand it very well – but I wonder about clause 5(1):

‘The application of this Act may be displaced, wholly or partly, by a contrary intention appearing in Manx legislation or a non-legislative public document to which this Act applies’

I just wonder about that: it seems to be this Act applies except when it does not – and I am sure that is not what it means, but that is how it reads to me.

Thank you.

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

I was also going to raise section 29 about the Tynwald approval. I am presuming this means there is a change in the way that we approve – or the way that Tynwald approves – regulations – and orders, etc.

But also, I noticed scattered throughout the Bill there are little paragraphs in italics which say ‘Examples’. I wonder is this the way that Bills in the future will be produced, where there are actual practical examples within the Act itself which are there to provide guidance to make it more easy to understand for, say, the layman.

Is this what you mean by modernising legislation, where we have examples within the body of the Bill itself?

Thank you, Madam President.

The President: The learned Acting Attorney to reply.

The Acting Attorney General: Yes, thank you, Madam President, and thank Hon. Members for all their support of the Bill.

Dealing firstly with Mr Crowe’s points: my understanding of clause 29, is that the ‘affirmative’ is a new provision, and that will be explained in the presentation which is given.

With reference to clause 39 again, if I could just say that I have noted the question that has been raised that I will bring forward the response to that at the Second Reading.

With reference to the Lord Bishop’s reference to clause 5, this is actually a reinstatement of where we are – believe it or not it is trying to clarify the position as it stands at the moment. An Act, and the provision of an Act, can be displaced in particular circumstances. It is a point which actually the Hon. Mr Coleman raised by way of query with me yesterday, and the issue there was marine vessels. People often talk of marine vessels as if they were a physical extension of the Island on occasions, and they are not. The jurisdiction of Manx law is capable of extending to them but only insofar as it is not inconsistent with their being a ship. So, for example, Manx employment law does not apply to the international side of the Ship Registry, that is bulk oil cargo vessels, for example, which although owned by a Manx company never come to the Island. So the law in that regard is displaced, in a sense, by reality.

On the other hand, and the example I gave Mr Coleman yesterday, was the Health and Safety at Work Etc Act 1974 does apply to the ships because of the definition of ‘premises’ in the Act, so that would then bring the ships within the confines or restrictions of the legislation.

Then to turn to Mr Butt. Yes, I have dealt with a question with reference to clause 29 and also 39, and I thank him for drawing to Hon. Members’ attention the example of using examples within legislation, which is something that is part of the modernisation process. It has already started to appear on some of the Bills which have come before this place and certainly is something that will happen more in the future. It is there to aid, and is not then part of the legislative provision, but is simply therefore a question of interpretation.

I hope that might assist Members.

I beg to move, Madam President, the First Reading of the Legislation Bill 2014.

The President: The motion is that the Bill be read a first time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That concludes our Order Paper this morning, Hon. Members. I think you have got a lot of reading to be doing in the summer recess (*Laughter*) and I am sure this presentation will assist.

Our adjournment will be until Tynwald next week.