

**1. Interpretation Bill 2014 –
Second Reading approved
2. Legislation Bill 2014 –
Second Reading approved**

The Acting Attorney General to move:

- 1. That the Interpretation Bill 2014 be read a second time.*
- 2. That the Legislation Bill 2014 be read a second time.*

The President: The first Item on our Order Paper, Hon. Members, is the Interpretation Bill. I call on Her Majesty's Acting Attorney General to take the Second Reading.

The Acting Attorney General: Thank you, Madam President.

I am pleased to be able to move the Second Reading of the Interpretation Bill 2014 on behalf of the Council of Ministers.

The Interpretation Bill 2014, together with the Legislation Bill 2014 which I will also with your leave, Madam President, move for its Second Reading today, again on behalf of the Council of Ministers, are companion Bills as they are inextricably and intentionally linked.

With your leave, Madam President, I would ask to speak briefly as to both Bills at this Second Reading of the Interpretation Bill if I may –

The President: Is that accepted, Hon. Members? Do you think we can cope with that?
Yes?

The Acting Attorney General: – as doing this might assist both my hon. colleagues and also the public, to better understand their purpose separately, and together.

The main purposes of the two Bills are to simplify the drafting of Manx legislation and improve its presentation; to provide a legal basis for the online publishing of up-to-date official reprints of legislation both for Acts and statutory documents – to which I may at times refer as SDs; to enable minor corrections to legislation to be made administratively; to provide for a shortened procedure for the re-enactment of Bills that are purely consolidations; and to bring together provisions about legislation, or its interpretation, or powers enabling the repeal of a number of different Acts; and also to update and consolidate existing interpretation provisions.

The background to these Bills being brought forward is that they were generated within the Attorney General's Chambers. The driver was partly the result of the move which had occurred to establish an official Isle of Man primary legislation online, on the website. This move has already helped save three sets of costs: the cost to Government of having official reprints prepared by a commercial publisher – you may recall Blackhall Publishing; the cost to members of the public of purchasing copy legislation; and the cost to individual Departments in preparing unofficial reprints of legislation for cases in which official hard copy reprints were not available or up-to-date.

Another driver for the two Bills was the need to modernise and update the current Interpretation Act 1976 and certain other Acts, to make legislation easier to draft and to read, and to improve access to it. Having researched similar legislation in a number of jurisdictions, it was decided the best structure was to have two Acts: one for interpreting legislation and one for legislation and its processes itself. The dividing line between the Bills, however, is not clear cut and they are consequently to be read together.

In the consultation on the Bills it was mooted by some that the Bills might best be consolidated but, on careful reflection, it was agreed to proceed with the two Bill approach. There are, admittedly, arguments for and against each approach. However, with the Council of Ministers' approval, the two Bills were brought forward and they were subjected to lengthy and widespread

consultation; and views were expressed by many contributors whose responses are published, and they were considered.

Since the First Reading of the Bills I have enquired of the Isle of Man Law Society who did not, as a society, respond to the consultation; however, the Society did note the detailed response and submissions to the consultation which were published by Appleby Advocates. The Society confirmed to me on 29th October of this year, that its membership had been again invited to submit any comments before this sitting today of Council; and I can advise Council that I have heard nothing further. The changes made to the Bills as a result of the consultation were largely minor, drafting or technical ones, which were uncontroversial and unremarkable.

There will be, in the submission of the Council of Ministers, some positive outcomes which will flow from the Bills and I would like to briefly mention a few.

Generally, by streamlining the statute book the Bills will contribute to the Government's strategic aim of reducing regulation and making access to legislation easier. They will also save time and money as to the drafting, amending and printing of legislation which will as a result become more efficient. The Bills will remove a great deal of 'dead wood' from the statute book. They consolidate 13 existing Acts and provide for the repeal of over 100 obsolete, or spent, amending Acts. The Bills also provide for the ongoing repeal of future amending Acts and amending provisions once they become spent.

Chambers had been concerned about the current Filing of Statutory Documents Act 1937, which the Legislation Bill 2014 is to replace. Despite its title, that Act did not define 'statutory document.' Section 2 compels the maker of any public document 'having the effect of law' to file it in the General Registry. Chambers considered and advised that the better view is that many public documents not of a legislative character, for example interception warrants under the Interception of Communications Act 1988, are currently required to be made public. To fix this problem, the Bills clarify that only statutory documents, as opposed to public documents generally, need to be filed. A public document is only a statutory document if it is of legislative character.

The reprints and consolidation provisions under the Legislation Bill 2014 will avoid the need for corrections or changes of a minor or totally uncontroversial nature to be made by an Act of Tynwald. The reprint provisions will enable official electronic reprints to be prepared of both Acts and statutory documents, which the Reprints Act 1981 does not allow.

The Legislation Bill 2014 establishes an online electronic gazette, which is common in most other jurisdictions, and requires the notification of the making of legislation on it. These measures will facilitate access to legislation and provide greater certainty about what legislation has been made, and when.

Statutory documents will be able to make provision by applying another law or document, either at a stated time or as in force from time to time. Public documents making provisions about land or waters will be able to describe them by reference to a map, plan or register held by the responsible authority. All this aims to reduce the need to include such documents in the statutory document or public document itself, and so streamline the provisions.

The general power to prescribe a reasonable fee, but no more than the actual cost, will give greater flexibility. The alternative of prescribing a specific prescribed fee typically requires ongoing amendment as costs increase. Also, it may not be appropriate for smaller matters, for example providing copies of documents.

The provisions about statutory forms will reduce the need for detail in legislation. Administrative matters or detailed requirements can be left to a statutory form made by the administering agency. The provisions clarify that if there is a required statutory form for a purpose, for example making an application, the form must be substantially complied with otherwise the purpose is not achieved, for example the application is not valid and does not have to be considered. Other provisions in the Bills will shorten Acts and statutory documents and make them easier to draft.

Madam President, I have spent a little time introducing the Second Reading today of the Interpretation Bill 2014 and also I mentioned the Legislation Bill 2014 together, as they are technical

Bills and by necessity rather long in their drafting; and I have been mindful of the public in particular and us all, perhaps, may become somewhat switched off to the process when we come to deal with the detailed clauses stages of the Bills – but I do welcome Hon. Members of Council's consideration of these detailed provisions as we move on later.

Madam President, I beg to move the Second Reading of the Interpretation Bill 2014; and with your leave, Madam President, I do not know if it is the right time, at the same time to move the Second Reading of the Legislation Bill 2014.

The President: The Hon. Member, Mr Coleman.

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

The President: Hon. Members, we will consider the Interpretation Bill 2014 first, the Second Reading. Those in favour, please say aye...

Sorry, did anyone wish to speak? I am sorry.

Mr Braidwood: Thank you, Madam President.

Madam President, anything which simplifies legislation, I will be supportive of.

The presentation we had on the Interpretation Bill and the Legislation Bill showed this would streamline and modernise the legislation, which will hopefully make it a lot easier to understand and follow. I am supportive.

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

I, too, support the Bill – or both Bills – but I have a query about the online publishing.

Obviously this makes it much simpler and gives it legality to publish online. I just have a query for the Attorney: does this mean there will no longer be a printed version available for applicants, officers etc, or the public, or is there still a printed version to be produced – because I think if there was not, it would mean advocates going to court with iPads perhaps in the future. I am not sure if that has been envisaged as yet.

So I would be grateful for that answer please.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: Thank you, Madam President.

Can I ask the hon. mover just for a bit more clarity on the electronic gazette, and will it allow for all Government advertisements to be published electronically, such as for the Companies Acts liquidations and dissolutions?

I know planning applications now are online, but there are lots of other Government notices which may usefully be included on the electronic gazette.

So just a little bit of clarification would help there, Madam President.

The President: The Hon. Member, Mr Wild.

Mr Wild: Thank you, Madam President.

Just to give my support. I think anything that can help modernise Government and legislation is a positive, and I would look forward to the clarification in terms of the questions about the site itself.

Thank you.

The President: The learned Acting Attorney to reply.

The Acting Attorney General: Yes, thank you, Madam President, and thanks to Hon. Members who have spoken in support of the Bills.

Turning to you, Mr Braidwood, and your query... sorry, for your *support*; I am very grateful for what you have said. Certainly the Bills and everything that has been brought forward is designed to streamline things, as I have said, to save cost; and, rather selfishly, I do have a drafter here to help speed up the drafting process which I am sure we would all welcome.

Mr Butt, your query with reference to the printed version: that will still be produced. The online publishing is simply really the main access for the public and it is really developing what is already in place – replacing as I have said, Blackhall Publishing. We now have our own website which we manage and this is enhancing that. It is introducing further powers and further provisions as to how that is going to be used in the future, but it is certainly not designed to dispense with the actual printed version.

Mr Crowe, thank you very much for your question. Again, the electronic gazette is something that has now been created by this legislation, if passed. I certainly share your view that there is, crudely, a great future for this to be rolled out across Government as a vehicle which can be used for all sorts of purposes, be it for the Companies Acts legislation to which you have referred. That is something that will develop in time, but the purpose at this stage is to create the legislative power to have the gazette, to give effect to what is published there, and so this is what we are doing in these Bills; we are not actually down to the detail yet as to what else will go on there, save for legislation at this point in time. So I hope that is of help to you.

And Mr Wild, I thank you very much for your support.

The President: We move then to vote on the Second Reading, Hon. Members, of the Interpretation Bill 2014. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

And the Second Reading of the Legislation Bill 2014, assuming that everyone has made their comments on both Bills jointly. Those in favour of the Second Reading of the Legislation Bill 2014, please say aye; against, no. The ayes have it. The ayes have it.

Legislation Bill 2014 – Consideration of clauses commenced

The President: We will turn now to the second Item on our Order Paper which is the Interpretation Bill – sorry, the Legislation Bill, (*Laughter*) we do not want to go through it again! We have had the Second Reading so we shall proceed with the clauses.

The Acting Attorney General: Thank you, Madam President.

The President: We will take clause 1. I understand you want to take clauses 1 to 7 individually, is that correct?

The Acting Attorney General: Yes, that is correct, Madam President.

The President: Clause 1, then.

The Acting Attorney General: Clause 1, Madam President gives the short title of the Bill. I beg to move that clause 1 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The motion is that clause 1 do stand part of the Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.
Clause 2.

The Acting Attorney General: Madam President, clause 2 provides for commencement of this Act to be by order of the Council of Ministers except for a small number of provisions which will commence on the announcement of Royal Assent to Tynwald.

Madam President, I beg to move that clause 2 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

Mr Crowe: Madam President?

The President: The Hon. Member, Mr Crowe.

Mr Crowe: It is just something that I thought was of interest. The heading of the Interpretation Bill is just the words. On the Legislation Bill we have got Ellan Vannin and our crest. Is there some non-standardisation here, Mr learned Attorney? *(Interjections)*

The President: And are they part of the Act when it becomes an Act? Is it a test? *(Laughter)*

Mr Downie: In a similar vein, Madam President – *(Interjection by Mr Turner)*

The President: Well, I am not sure. Are they different? The Legislation Bill, the Ellan Vannin appears at the start of the index –

Mr Crowe: It starts on page 1, Madam President.

The President: Oh, they both have that, yes.

Mr Braidwood: If you look at page 15 of the actual Bill they are the same.

The President: They are both the same, aren't they?

Mr Coleman: Mine look exactly the same.

Mr Turner: I think the cover is missing –

The President: Hon. Members, they both appear to be the same in my copy.

Mr Crowe: Oh sorry. *(Interjections and laughter)* Sorry to have digressed.

Mr Braidwood: It has been interpreted.

A Member: It has been a long morning.

The President: Did you wish to speak, Mr Connell?

Mr Connell: Madam President, if I might explain. The rules of the new *[inaudible]* are rather complicated *[inaudible]*...

Unfortunately this Bill has been through several hands and although I was responsible for the... *[inaudible]*. Some of my colleagues, now no longer with us were not, and the consequence of that – oh, I do beg your pardon, do I need to repeat all of that?

The Clerk: Yes.

The President: Would you require that to be repeated?

Mr Braidwood: Name!

Mr Connell: Howard Connell, Legislative Drafter, Attorney General's Chambers.

Madam President, the reason why the Bills have appeared in slightly different format is that we use a standard drafting template. It is peculiarly sensitive in the early pages of a Bill, and one or two of my colleagues when they were starting off did not understand that you had to be careful not to remove stuff. Unfortunately, if you took a bookmark out you tended to lose some of the critical bits on the front of the document and those items include the crest, the words Ellan Vannin and the title of the Bill, depending on precisely where you put your cursor at the time you were taking text out.

The two Bills are identical in terms of their intended effect and content; it is simply that one of my former colleagues – now no longer with us – did not understand the need to be careful when using the template. But they should actually appear exactly the same and, Madam President, I promise you the promulgation copies *will* appear correctly.

The President: Thank you for that explanation.

Mr Downie: Yes, Madam President, can I just ask if he would clarify if they will have the words Isle of Man on them, because we have got a copy of the Legislation Bill which says Isle of Man and then Ellan Vannin underneath; and then we have got a copy of the Interpretation Bill which has Ellan Vannin and nothing else underneath it.

Mr Connell: It is precisely because... there is actually a font set, at the risk of becoming terribly technical, which applies for this part of a Bill; and if you have seen documents around your Departments with the letters Cie on them – large 'c', small 'i', small 'e' – you may wonder where that came from.

In fact the designer of the template produced a font set where the character 'C' is represented by the arms of the Island and that, if you are using the right printer, will actually give you the arms of the Island; and on the front of each of these pieces of legislation there *should* have appeared the arms of the Island, the words 'Isle of Man', and below that in italics 'Ellan Vannin'.

One of the things we decided to do when we started modernising legislation was actually to use the Manx name of the Island as well as Isle of Man on the front of legislation, to make it clear that it *was* Manx legislation.

The President: Right, Hon. Members, I hope we are all clear about what appears on the Green Paper and what may appear on the Act. *(Interjections)*

I think this all came out of commencement. *(Laughter)*

I am not sure whether you wish to reply, sir, there is nothing to reply to.

The motion is that clause 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

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

Clause 3 sets out the Act's main purpose to help the reader to navigate within the Bill. The Bill, together with the Interpretation Bill 2014, brings together general provisions about Manx legislation and non-legislative documents.

It aims to update the presentation of Manx legislation, clarify the procedures for making statutory documents, facilitate updating and the availability of Manx legislation.

Thank you, Madam President, and I beg to move that clause 3 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Madam President, I beg to second.

The President: The motion is that clause 3 do stand part of the Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Clause 4.

The Acting Attorney General: Madam President, clause 4 provides for this Act and the Interpretation Act to be read together.

The provisions for legislation are presented separately to the provisions for interpretation, primarily for the benefit of users. Most of the provisions related to the management of legislation will be of interest only to persons in the agencies charged with these tasks. The provisions relating to interpretation legislation are for a broader audience and it will help readers if they can access the interpretation provisions in a single Act uncluttered by other matters.

Clause 4 states that both Acts are to apply to all Manx legislation, Acts and statutory documents; and to public documents such as court orders, judgments and warrants. Exception is made for church matters or measures under the Church Legislation Procedure Act 1993, and in two other situations addressed by clauses 5 and 6.

Madam President, I beg to move clause 4 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The motion is that clause 4 do stand part of the Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Clause 5.

The Acting Attorney General: Madam President, clause 5 provides an important exemption for cases where Tynwald decides this is warranted.

Clause 5 provides that this Act is displaced by a contrary intention included in another Act so, if there is a sensible reason to exclude something in another Act from complying with legislation provisions, this can be provided for under that Act.

Madam President, I beg to move that clause 5 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: Sorry to put the learned Attorney on the spot, but is there an example that he could cite for something like this?

Would the Emergency Powers Act, for instance, override all other legislation?

The President: If there are no other Members commenting, perhaps you could reply, sir?

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

I think the Emergency Powers Act is a good example; but also European legislation quite often would, in the ranking, supersede Manx legislation, so that would be displaced. Thank you.

Mr Crowe: Thank you very much.

The President: The motion is that clause 5 do stand part of the Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Hon. Members we will adjourn. The adjournment will be until 2.30 p.m.

*The Council adjourned at 1.00 p.m.
and resumed its sitting at 2.30 p.m.*

Legislation Bill 2014 – Consideration of clauses concluded

The President: Please be seated, Hon. Members, we continue the Legislation Bill at clause 6.

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

Clause 6 makes this Act subject to the provisions of the European Communities (Isle of Man) Act 1973, which is concerned with the application of EU legislation.

Madam President, I beg to move that clause 6 do stand part of this Bill.

The President: Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.

I beg to second.

The President: The motion is that clause 6 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 7 and schedule 2.

The Acting Attorney General: Thank you, Madam President.

Clause 7 introduces schedule 2 which sets out the definitions for this Act.

Madam President, I beg to move that clause 7 and schedule 2 do stand part of the Bill.

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

The President: To schedule 2, Hon. Members, we have an amendment in the name of Mr Coleman.

Mr Coleman: Thank you, Madam President.

The amendment of schedule 2, essentially, amends the definition of the official reprint with the text which is included in the amendment as required –

The President: No, I think we are on... the schedule – oh sorry, the official reprint. You are right.

Mr Coleman: It is required because if you actually look at the... (**Mr Braidwood:** Page 61.) yes – there is a technical error where it says, ‘Error! Reference source not found’. So the actual text which is shown in the amendment substitutes for the whole of the official reprint in schedule 2.

I beg to move:

Amendment to schedule 2

Page 61, for the entry relating to the definition of ‘official reprint’ substitute –

“official reprint” for a provision about Manx legislation, means a hard copy official reprint printed, or an electronic official reprint made, under section 72(2);’.

Mr Downie: I beg to second, Madam President.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: The letter, Madam President, the letter ‘o’ is missing from ‘or’. (**The President:** Sorry?) Oh, it is in the amendment.

The President: It is in the amendment, yes.

Mr Crowe: Yes, it was the ‘Error! Reference source not found,’ that was deleted, wasn’t it? Sorry, I will have to look closer.

The President: If there are no further comments, Hon. Members, I will put to you clause 7 and schedule 2. First of all, I will put the amendment to schedule 2. Those in favour of the amendment in the name of Mr Coleman, please say aye; against, no. The ayes have it. The ayes have it.

I will put the schedule as amended. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 7, which introduces the schedule. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 8 to 16.

The Acting Attorney General: Thank you, Madam President.

Clauses 8 to 16 re-enact existing matters about the promulgation and announcement of Acts; however, clause 8 clarifies the scope of these provisions where there is doubt under the existing Promulgation Act 1988. They are to apply to any Act from when it receives Royal Assent.

Clause 9 provides for announcement of Royal Assent to Tynwald.

Clause 10 provides for an announcement certificate stating the announcement day.

Clause 11 clarifies that the procedure set out in the rest of Division 1 is collectively called ‘promulgation’.

Clause 12 provides that an Act expires if it is not promulgated within 18 months. A provision is included here to clarify that this expiry does not affect anything done under the expired Act and that any Act which has been amended or repealed by or under it, is revived in the form in which it stood before the provisions of the Act which had not been promulgated took effect.

Clause 13 describes what must happen before promulgation.

Clause 14 provides for the promulgation procedure on Tynwald Hill; and clause 15 provides for a promulgation certificate.

Clause 16 states that, for reprints, a statement about its announcement day or promulgation day is sufficient evidence of that day.

Madam President, I beg to move that clauses 8 to 16 do stand part of the Bill.

The President: Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The Hon. Member, Mr Downie.

Mr Downie: No, I am alright, Madam President. (**The President:** No?) Yes.

The President: Mr Turner.

Mr Turner: Yes, I just wondered... obviously this is part of the ancient traditions: have there been any cases where Acts have expired of recent times that have not been promulgated at Tynwald Hill? Is that something the Attorney would know?

The President: If not, I am sure he can find out for you. Any further comments?
Mr Attorney.

The Acting Attorney General: Madam President, I am not aware of any. I might get a note perhaps if my colleague...

Mr Connell: [*Inaudible*]

The Acting Attorney General: Thank you. If that is okay, Madam President?

The President: It is fine. It does not actually alter anything in the Bill, (*Laughter*) but for information purposes it might be useful. Perhaps in 1918, I think, when Tynwald was not held, maybe? (**Several Members:** Yes.)

I do not think we need to wait for the note. We can probably get the answer later. (**The Acting Attorney General:** Thank you.) So I think there is probably nothing else to reply to.

The Acting Attorney General: No. Thank you, Madam President.

The President: The motion is that clauses 8 to 16 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clauses 17 to 21.

The Acting Attorney General: Thank you, Madam President.
Clauses 17 to 21 deal with the commencement of Acts.

Clause 17 states an Act commences when it is announced to Tynwald. It also clarifies the time of day when provisions commence, if none is specifically provided.

Clause 18 provides for an Act's citation and commencement provisions to commence automatically. This will help shorten commencement provisions in all Acts.

Clause 19 makes it possible to commence different parts of an Act on different days using an Appointed Day Order, commonly called an ADO. This will also save the same power being repeated in individual Acts.

Clause 20 allows for amendments of uncommenced Acts without this having undue effect on the commencement dates. This simply clarifies what is considered to be current law.

Clause 21 allows for the repeal of a commencement provision without affecting an Act's continuing operation. This will allow the removal by amendment of spent commencement provisions if desired.

Madam President, I beg to move clauses 17 to 20 do start part of the Bill.

The President: And clause 21, sir? Was it clause 21?

The Acting Attorney General: And clause 21. I beg your pardon, Madam President.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: If there are no queries, the motion is that clauses 17 to 21 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clauses 22 and 23.

The Acting Attorney General: Thank you, Madam President.

Clauses 22 and 23 are miscellaneous provisions about promulgation and commencement.

Clause 22 clarifies that all Acts must be judicially noticed as public Acts.

Clause 23 provides that each provision within an Act has effect as a substantive enactment. This is a continuation of existing provisions. Before the 19th century, formal words of enactment were required for each section of an Act; now, words of enactment only appear at the beginning of each Act.

Madam President, I beg to move that clauses 22 and 23 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The motion is that clauses 22 and 23 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clauses 24 to 28.

The Acting Attorney General: Madam President, clauses 24 to 28 relate to the making and commencement of public documents.

Clause 24 specifies who is the 'maker' of a public document. It also provides for the execution of public documents by reference to its existing Acts on the constitution of Departments and statutory boards.

Clause 25 states when a public document is to be regarded as having been made.

Clause 26 allows a public document to be commenced by notice. This will enable the drafting of public documents in cases when a precise commencement date has not been finalised. A safeguard is included to require a commencement notice to be published in the electronic gazette or in any other way that will bring it to the notice of the public or those likely to be affected by it.

Clause 27 sets the time of day at which public documents will commence.

Clause 28 provides for amendment of uncommenced public documents without affecting commencement.

Madam President, I beg to move that clauses 24 to 28 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The motion is that clauses 24 to 28 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clauses 29 to 36.

The Acting Attorney General: Thank you, Madam President.

Clauses 29 to 36 streamline existing Tynwald procedures for statutory documents.

Clause 29 defines the meaning of 'Tynwald procedure' where that expression appears in a statutory provision. The effect is, when read with the three following clauses and clause 34, to produce standard expressions which can be used as shorthand for the normal procedures, rather than setting the description of a procedure out in full each time. This will save drafting time and help reduce the length of Bills.

Clauses 30, 31 and 32 define, respectively, the meanings of 'approval required', 'affirmative' and 'negative' when used in the context of a Tynwald procedure for a statutory document.

Clause 34 provides the meaning of 'laying only'.

Clause 33 deals with the effect of a statutory document ceasing to have effect and makes it clear that where a statutory document ceases to have effect, for example because it has not been approved within the relevant time, it is to be treated in the same way as if it had been revoked by a further exercise of the same powers, and everything which it amended or revoked is put back into the same position as it was before.

Clause 35 enables Tynwald to change the state of procedure – 'affirmative', 'negative' or 'approval required' – for a statutory document covered by these provisions.

Clause 36 provides for a default requirement that strategy documents are to be laid before Tynwald as soon as possible after they are made. This just reflects and formalises existing practice.

Madam President, I beg to move that clauses 29 to 36 do stand part of the Bill.

The President: Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

Can I confirm, then, that these procedures detailed in this Bill do not actually change what we do now, they are just a way of making it more simple on the legislation? This does not change any of our powers in terms of approval or negative approval?

The President: Would you like to reply, sir? I think that no-one else wishes to speak.

The Acting Attorney General: Yes, Madam President, I am pleased to confirm that it is simply confirming the structures and practice that are in place at the moment. There is no alteration. (**Mr Butt:** Thank you.)

Whether it makes it clear is another matter! (*Laughter*)

The President: The motion is that clauses 29 to 36 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

The next block contains clause 42, which is subject to amendment. Perhaps... could we take 39 to 41?

The Acting Attorney General: I want to take 37 first –

The President: Or do you want to take – (**Several Members:** Clause 37.) I am sorry. The single ones are missed off my list.

Clause 37.

The Acting Attorney General: Madam President, clause 37 provides a limited mechanism for the correction of obvious mistakes, which are found in a statutory document which has been laid before Tynwald, but before a motion for its approval has been passed or before the time for a motion to annul has expired.

This is intended to obviate the need for relaying where a statutory document is found to contain minor errors which do not affect its substance.

Madam President, I beg to move that clause 37 do stand part of the Bill.

The President: The Hon. Mr Coleman.

Mr Coleman: Thank you, Madam President.

I beg to second.

The President: The motion is that clause 37 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 38.

The Acting Attorney General: Thank you, Madam President.

Clause 38 provides for the presumption that a public document is validly made unless the contrary is proved. This provides greater certainty in terms of the validity of these documents because it places the onus of proof on the person alleging that the document has not been properly made.

Madam President, I beg to move clause 38 do stand part of the Bill.

The President: Mr Coleman.

Mr Coleman: Thank you, Madam President.

I beg to second.

The President: The motion is that clause 38 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Can we take 31 to 41? (**The Acting Attorney General:** Clause 39.) Or do you want to take the whole block and I will split them up afterwards?

The Acting Attorney General: I think we might be best, if I may. (**The President:** Okay.) Thank you.

The President: So it is 39 to 44 and we will be dealing with an amendment.

The Acting Attorney General: Thank you.

Madam President, clauses 39 to 44 deal with numbering, citation and distribution of Manx legislation.

Clause 39 sets up a numbering system for Acts of Tynwald, which aligns with the numbering system currently used for statutory documents.

Clause 40 provides for the Clerk of Tynwald to number statutory documents, which reflects existing practice.

Clause 41 describes how Manx legislation can be cited.

Clause 42 requires the filing of Manx legislation in the Public Record Office and distribution of certified copies to Tynwald Library and the Attorney General. This reflects existing practice but incorporates a change of venue for the deposit at the request of the Chief Registrar. A certified copy given to the Attorney General is needed for inclusion in the electronic gazette.

Clause 43 obliges the Attorney General to make arrangements for the publication and sale of Manx legislation, including electronic publication on an appropriate website. Publication involves providing notice that the legislation has been passed and access to the text of the legislation.

Clause 44 provides for a new general defence to breaking the law if relevant legislation has not been published as required. This mirrors a corresponding provision in the Statutory Instruments Act 1946 of Parliament, in relation to subordinate legislation in England and Wales.

These clauses provide for a new era for access to Manx statutes. A one-stop online facility providing free access to the latest Manx legislation will make it easier for access to this information.

Madam President, I beg to move clauses 39 to 44 do stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and I would like to comment on clause 43, the electronic gazette; and I think this was something that Mr Crowe raised during the Second Reading.

If we look at subsection (6) of that clause, and the Acting Attorney General did mention this:

‘This section does not limit what else may be published in the electronic gazette.’

If we go to clause 91 of the Legislation Bill: at the present time in many Acts – particularly it used to be for Planning, or for a lot of Departments – they have to advertise in two newspapers. So if we have subsection (6) come into force, that means in actual fact could we then stop advertising in the newspapers?

Normally there are two, so apart from the electronic gazette, would we also have to notify them as well by, say, a Manx Government publication? It is only because the amount of money which the Government now spends with the newspapers is a considerable amount of money.

I have raised this previously in a question, I think, which the Hon. Member of Council, Mr Crowe, answered when there were quite a number of Acts where it states that we have to use newspapers and put it in two of them.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: Thank you, Madam President. I go with Mr Braidwood’s remarks about the advertising.

Just on a piece of housekeeping, who will keep the electronic gazette up to date?

Mr Braidwood: As an employee?

The President: The Hon. Member, Mr Corkish.

Mr Corkish: Purely for clarification, and explanation really: clause 43 ‘Electronic gazetta’ – I have never seen the word ‘gazetta’.

And in 43(1)(b) in brackets:

'(the electronic gazette)'

– should that be one and the same? Or why is the difference there?

Mr Butt: It has become a verb; 'gazettal' has become a verb, hasn't it.

The President: Before we come to replies, I think we will have the amendment before us, to clause 42.

Mr Coleman: Thank you, Madam President.

This amendment changes every reference to 'General Registry' to 'Public Record Office' in clause 42, to reflect a decision by the Chief Registrar that it would be more appropriate for the documents concerned to be deposited at the Public Record Office rather than the General Registry.

I beg to move:

Amendment to clause 42

Page 27, lines 17, 22, 28, 37 and 38 for 'General Registry' substitute 'Public Record Office'.

Mr Downie: I beg to second, Madam President.

The President: The Hon. Member, Mr Turner.

Mr Turner: Thank you, Madam President.

I just wondered: the Public Record Office is not a term I have currently heard used on the Island; it is obviously part of the General Registry, but is this a new term that is going to be rolled out more so the public knows where to go for this information?

Mr Crowe: Madam President, I think the Public Records Office was set up under an Act of Tynwald, wasn't it?

The President: It is separate from... We will leave the learned Attorney to reply.

Mr Crowe: I think it is separate from the General Registry –

Mr Turner: Where is it?

The Acting Attorney General: Madam President, if I could first deal with the question raised with reference to the electronic gazette and its publication, which Mr Braidwood mentioned.

I can confirm that if there is currently a provision for something to be advertised in two newspapers, that requirement will be met by placing notice in the gazette. So you do not have to comply with the two newspaper regulation or provision.

As far as keeping the gazette up to date, Mr Crowe, that is the responsibility of the Attorney General of the time, and his office; and that is specifically provided for in the legislation.

Mr Corkish: 'gazettal', I think you will learn, is the action of placing something in the gazette.

Mr Corkish: Thank you for that, *learned* Acting Attorney!

Mr Downie: That is one for *Scrabble!*

Mr Corkish: Sorry, Madam President, I just wondered why it was not referred to in the brackets, or is that in a different terminology then, obviously?

Mr Butt: It is a new verb.

The Acting Attorney General: Everything has to be referred, Madam President, in its context –

Mr Corkish: It was worth coming today for that! *(Laughter)*

The Acting Attorney General: And, for clarification, the Public Records Office is referred to in the Public Records Act, so it operates under the aegis of the Chief Registrar. I hope that helps Members.

Mr Braidwood: Madam President, just one small point of clarification: by publishing in the electronic gazette just once, that replaces the two newspaper articles?

The Acting Attorney General: Sorry. If I did not make that clear, that is the case, Mr Braidwood. Yes.

Mr Braidwood: Thank you.

The President: Hon. Members, I will put to you clauses 39 to 41 first. Those in favour of clauses 39 to 41 standing part of the Bill, please say aye; against, no. The ayes have it. The ayes have it.

I now put to you clause 42, to which we have the amendment in the name of Mr Coleman. Those in favour of the amendment, please say aye; against, no. The ayes have it. The ayes have it.

I now put to you the clause as amended. Those in favour of clause 42 as amended, please say aye; against, no. The ayes have it. The ayes have it.

And, finally, clauses 43 to 44. Those in favour of those clauses standing part of the Bill, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 45 to 49.

The Acting Attorney General: Thank you, Madam President.

Clauses 45 to 49 deal with the treatment of amendments.

Clause 45 states that amending legislation is to be read as one with the legislation it amends. This is a restatement of existing provisions in the 1976 Interpretation Act. This approach provides for revision of the words in the legislation, deletions, changes and insertions when the amendments are made.

This is a sensible approach because it leads to a clean, revised version of the legislation which is easier to read. It is still possible to locate and peruse earlier versions, which always continue to be available in existing annual volumes available in the Tynwald Library, the Attorney General's Chambers and in many private collections, and in reprints produced since 1996. Also all Acts, as passed since 2000, will continue to be available on the Tynwald website and the Attorney General's Chambers' website. It will always be there, if needed for historical purposes.

Clause 46 states, where amendments are to be inserted, it provides default rules which are intuitive and follow alphabetical and numerical order. This will streamline and simplify amending legislation which would otherwise be cluttered with multiple commands for inserting text. This clause and the next are a reflection that, for some time, amendments have been drafted and fed in electronically.

Clause 47 provides that an amendment to a provision is to be made wherever possible within that provision. This means that an amendment, such as a name change, can be applied wherever that name appears in the state provision.

The amending legislation does not have to spell out each and every instance where the name appears, and that it must be changed if a global change is intended within the provision in question. This approach is simpler to draft and easier to implement. Of course, if needed, the default approach can be overridden by specific provision.

Clause 48 allows for automatic consequential amendments, such as punctuation, numbering and the like. These amendments are self-explanatory and the provision here will simplify amending legislation. Importantly, this does not allow for renumbering of provisions, since renumbering is neither necessary nor consequential.

Clause 49 clarifies that relocation of provisions does not change their meaning. This clause is included to remove any doubt and to make it easier for provisions to be moved with greater certainty.

Madam President, I beg to move that clauses 45 to 49 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The motion is that clauses 45 to 49 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clauses 50 and 51.

The Acting Attorney General: Madam President, clauses 50 and 51 relate to repeals and amendments.

Clause 50 provides default rules for the time of day at which a repeal takes effect. This eliminates the need for special provisions in each case, to prevent overlapping Acts applying to the same matter during any part of the day on which a transition takes place.

Clause 51 treats expired legislation as having been repealed; so all provisions of this Act about repeals also applies for expiries.

Madam President, I beg to move that clauses 50 and 51 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The motion is that clauses 50 and 51 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clauses 52 to 55.

The Acting Attorney General: Madam President, clauses 52 to 55 will greatly simplify the Manx statute book by tidying up amending provisions as soon as they have done their job and are no longer needed to appear in reprints. It must be reiterated that it will always be possible to locate and peruse earlier amending Acts and provision versions; nothing will be lost and existing access to them will continue as before.

Clause 52 defines 'amending legislation'. These are the provisions which do nothing more than amend legislation. They might change the wording of the text, for example, but once the change has been made they become redundant. The amending legislation is defined so it can be treated differently to enduring legislation which includes *all* of the provisions which continue to have meaning and effect.

Similarly, clause 53 defines 'amending provisions', which are provisions in Manx legislation which do nothing more than make amendments or repeal legislation. They have no enduring purpose or effect.

Clause 54 provides for the repeal of all existing amending Acts and amending provisions if they have taken effect and are spent. This means they can be cleared off future reprint series; this will

declutter future reprints, retaining important enduring provisions but removing the double-up of amending Acts and provisions that have already been fed into the relevant principal Acts.

Clause 55 provides a system for the future removal of amending provisions and Acts once they are spent. In future, amending provisions will be removed once they are used, and the legislation will then remain focused on enduring provisions.

A sleeker version of the Manx statute book will be easier to read and cheaper to publish and maintain. An example of clause 55 in operation is the amendments and repeals under part 8. Once they have done their job and the Act is promulgated, they will fall away because they will be no longer needed. Part 8 will not appear in future reprints of this Act; however, you can still always find it by going to this Act as passed in the hardcopy annual volume, or to the Act as passed on the Tynwald website or the Attorney General's Chambers' website. It will always be there if needed for historical purposes.

Madam President, I beg to move that clauses 52 to 55 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The motion is that clauses 52 to 55 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clauses 56 to 59.

The Acting Attorney General: Madam President, clauses 56 to 59 deal with the operation of repeals and amendments.

Clause 56 states that an automatic repeal, discussed previously for amending provisions, has effect for all purposes. This simply removes any argument that clause 57 might not apply to those repeals, as clause 57 states that an amendment or repeal operates once and for all so that repealed legislation is not revived if the provision that the repealed it is itself repealed, for instance under the automatic expiry provisions under clauses 52 to 55.

It is important that this provision is drafted effectively so there is no ambiguity at all about reviving material that has been repealed.

Clause 58 ensures that amendment or repeal of Manx legislation does not affect matters already underway, and existing rights.

Clause 59 saves of the continuing operation of repealed savings, transitional or validating provisions so that amending legislation can be repealed without changing the law unintentionally.

Madam President, I beg to move that clauses 56 to 59 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The motion is that clauses 56 to 59 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clauses 60 to 68.

The Acting Attorney General: Thank you, Madam President.

Clauses 60 to 68 provide a number of sensible default savings and transitional provisions which will be useful when drafting new legislation. Again, these default provisions will streamline and simplify new legislation and support greater consistency of approach. They will be an important

safeguard, particularly for the drafters of statutory documents. Transitional provisions are important because without them you can cut off the effect of existing laws being re-enacted. They do not stop bespoke transitional provisions from applying if the default provisions do not suit.

Clause 60 explains when the default savings and transitional provisions apply, of course it is always possible for specific provisions in new legislation to override the defaults if this is needed.

Clause 61 provides a number of defined terms which will help to abbreviate the savings and transitional provisions.

Clause 62 allows existing appointments to be retained for the remainder of their existing term.

Clause 63 transitions existing securities, information, documents and other things under the old legislation to corresponding provisions of new legislation.

Clause 64 transitions existing proceedings under old legislation to the corresponding provisions under new legislation.

Clause 65 preserves existing penalties and the rights to enforce them unless they are mitigated or reduced in the new legislation.

Clause 66 provides that things done under the old legislation have the same effect and may be enforced under the new legislation.

Clause 67 converts general references in other legislation: this means if general references to the old legislation exist in other Acts then these are converted to references to the new legislation. This clause also provides for construing references to discontinued bodies as references to their successors under the new legislation.

Clause 68 deals with specific references in other Manx legislation where things might be happening which normally rely on the legislation that is being repealed. For example, one Act might require a person to have a licence granted under the legislation that is going to be repealed. Clause 68 works to make sure that in these circumstances any specific references are transitioned to similar provisions in the new legislation. If there is no corresponding provision in the new legislation the subclause (3) saves the old provision to the extent that is needed for legal effectiveness. This is a sensible safeguard.

Madam President, I beg to move that clauses 60 to 68 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.

I beg to second.

The President: The motion is that clauses 60 to 68 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses and 70 to 73, and we will bring in an amendment.

Mr Coleman: It is clause 69.

The President: Oh sorry, 69 is the odd one missing from my list here.

The Acting Attorney General: Sorry, Madam President.

Madam President, clause 69 provides a necessary clarification. It is sometimes argued that a statutory document amended by an Act cannot be amended or repealed by a later statutory document. Clause 69 is needed to remove doubt.

Madam President, I beg to move that clause 69 do stand part of the Bill.

The President: The Hon. Member.

Mr Coleman: Thank you, Madam President.

I beg to second.

The President: The motion is that clause 69 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 70 to 73.

The Acting Attorney General: Madam President, clauses 70 to 73 make general provisions for official reprints of Manx legislation. Importantly, official reprints will be able to be done for statutory documents as well as Acts; however, this is not an obligation, just the power. They do not *have* to be prepared if resources do not permit.

It *will* streamline the current situation where several Departments have needed to prepare reprints of their legislation to administer it properly; however, they have no official status. Under these provisions, they will.

Clause 70 gives the Attorney General power to authorise and publish versions of Manx legislation and other applied legislation, and to authorise and publish corrections of errors. These publications are collectively known as a 'reprint'.

Clause 71 permits delegation of this power to the Chief Legislative Drafter or any other appropriately qualified person in the Attorney General's Chambers.

Clause 72 says the Attorney General may publish an official reprint of each reprint as a hard copy or electronically. As a safeguard the Attorney General must ensure that electronic reprints are in an approved format and can only be accessed via an approved website.

Clause 73 gives an official reprint authoritative status in court and clarifies that there will be no need to print out a whole document to prove a particular provision is part of the official reprint. A declaration by the Attorney General either incorporated into or associated with the reprint, and relevant notes, will be enough to prove the reprint is valid.

Madam President, I beg to move that clauses 70 to 73 do stand part of the Bill.

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

The President: I would call on Mr Coleman to move his amendment to clause 72.

Mr Coleman: Thank you, Madam President.

This amendment provides a more eloquent and less labour-intensive method of indicating that a reprint of legislation is an official reprint for electronic copies of legislation. In consequence, references to both electronic and hardcopy reprints have had to be adjusted to differentiate between them, as per this amendment.

I beg to move:

Amendment to clause 72

Page 41, lines 6 to 8 omit everything after 'official reprint' in line 6 and substitute —

'— (a) in the case of a hard copy reprint, by declaring before the text of the reprinted legislation starts, that the reprint is an official reprint; and

(b) in the case of an electronic reprint, by including in, or logically associating with, the electronic file containing the data comprising the reprint, a declaration that the reprint is an official reprint.'

Mr Downie: I beg to second, Madam President.

The President: Hon. Members, we have tabled the clauses 70 to 73 and the amendment in the name of Mr Coleman.

I will put to you first clauses 70 and 71. Those in favour of clauses 70 and 71 standing part of the Bill, please say aye; against, no. The ayes have it. The ayes have it.

I will now put clause 72 and the amendment. First, the amendment in the name of Mr Coleman. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

I now put clause 72 as amended. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

And finally in this block, clause 73. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

This time, I will get clause 74 in. *(Laughter)*

The Acting Attorney General: Thank you, Madam President.

Clause 74 deals specifically with the treatment of amendments in reprints. Clause 74 states that a reprint must show all of the legislation in operation on a stated day, including all amendments to it that commenced on or before that day. Uncommenced amendments will be shown but they must be differentiated and there must be a note stating that they have not commenced.

Madam President, I beg to move that clause 74 do stand part of the Bill.

The President: The Hon. Member.

Mr Coleman: Thank you, Madam President.

I beg to second.

The President: The motion is that clause 74 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 75 to 77, and schedule 1.

The Acting Attorney General: Madam President, clauses 75 to 77 provide for reprint changes.

Clause 75 states that changes can be made in reprints if these are minor changes, uncontroversial corrections or updates as set out in schedule 1. Schedule 1 includes such things as metric conversions and punctuation or spelling errors.

Clause 76 states that the Attorney General must approve all reprint changes and must consult with the Clerk of Tynwald before giving that approval. It also clarifies that any proposed change cannot change the effect of the text, or renumber or relocate any provision.

Clause 77 clarifies the status of any reprint change, which is the same as if it had been made under an amending provision.

Madam President, I beg to move that clauses 75 to 77 and schedule 1 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.

I beg to second.

The President: The motion is that clauses 75 to 77 and schedule 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 78 to 80.

The Acting Attorney General: Madam President, clauses 78 to 80 deal specifically with reprint notes.

Clause 78 requires an official reprint to include, before the text of the legislation reprinted, notes stating that the Attorney General has authorised the reprint as an official reprint, and the reprint date.

Clause 79 provides that a reprint must include endnotes giving details of amendments and corrections and changes at the end of the text.

Clause 80 enables reprints to include other notes to help users.
Madam President, I beg to move that clauses 78 to 80 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The motion is that clauses and 78 to 80 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clauses 81 to 85.

The Acting Attorney General: Madam President, clauses 81 to 85 establish the Legislation Consolidation Board. The Legislation Consolidation Board will oversee the drafting of Bills that consolidate, but do not change, the existing law.

Clause 81 establishes the Board; clause 82 describes the function of the Board; and clause 83 describes the composition of the Board.

Clause 84 sets out the powers of the Board; and clause 85 deals with the scope of changes which can be drafted in a consolidation. A consolidation must *not* change the existing legislation's effect, but minor amendments can be made if the Board considered these are necessary or desirable to clarify Tynwald's intent in enacting a legislation, or to reconcile inconsistencies between provisions.

Madam President, I beg to move clauses 81 to 85 do stand part of the Bill.

The President: The Hon. Member.

Mr Coleman: Thank you, Madam President.
I beg to second.

Mr Braidwood: Madam President, the Legislation Consolidation Board: as the learned Acting Attorney General knows, there was going to be a new Companies Bill to try and put all the companies legislation together; so in actual fact we could use the Legislation Board, could we, to put all those Acts under one umbrella?

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

I am sure this is an excellent idea and will actually help in the long run, but I do have some concerns.

I would like to know first of all the composition of the Board: how was that arrived at? When you see the list there are two Members of our parliament, in effect, who are the presiding officers, who are part of the Board; but also two Members of Government. In fact legislation should be solely a matter for the two Houses, the House of the Keys and this Council. I am a bit concerned that Government have such a strong seat on this Board and it is not really part of their remit to be the arbiters on Acts or Bills.

Also, in section 85, although it says it must not change the nature of the legislation, there is a bit of a 'get out' in (2)(a) which can be quite subjective, 'to clarify Tynwald's intent'. This Board may have a view on the intent which the rest of our parliament may not have.

So I just wonder how that can be reconciled, because from what I understand it will go to Tynwald for approval but if one Member objects to the definition or the change of a word they will be perhaps a lone voice and it is only Tynwald *en bloc* that can approve these things.

So, I would just like some clarification from the Attorney General as to the composition of the Board and what their function will be.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: Thank you, Madam President.

Just a query as to whether... is this formalising what happens informally at the present time, is one question. And how many would be the quorum, or would it need to be all of its members sitting together; and would the voting be unanimous?

The President: Would the learned Acting Attorney General reply, please?

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

Dealing with Mr Braidwood's point: certainly, this provision could be made use of to consolidate the companies legislation if it was, in terms of the Bill, a simple consolidation. I think the Companies Bill which was drafted started its life in its drafted form as a consolidation, but I am sure Members will not be surprised that it then changed its shape a little. But certainly if this could be dealt with in the context of the rules on consolidation as set out in the Bill it could be used to consolidate the various bits of company legislation we have at the present time – which should be encouraged.

Mr Butt, thank you very much for your comments. I cannot actually answer the question as to how the constitution of the Board was made up; simply, it is as I represent this Bill on behalf of the Council of Ministers as they wish following the wide consultation that took place. I have noted your comments and I can take those back, but certainly in the confines of my remit I cannot really say any more as to why the Board is constituted as presently appearing in the draft Bill.

There is a get out, as you quite rightly identified, to the extent that if Tynwald approve – and I must emphasise that, that they accept the recommendation of the Board – that perhaps Tynwald's *intention* in the legislation had not been accurately effected, then this provision, or the provisions under this Bill, could be used to make a change. That will require the approval of Tynwald.

You have made the point that it could be that there might be a small number of Tynwald Members who object to that: I can only say that in this democratic world that we live in, the will of Tynwald will actually rule the day here, and if it passes with the required majority that will be the case.

Mr Crowe, I do not believe that this is formalising what is happening at the present time – there is not any formal arrangement in place at the moment. There is clearly consultation across various Departments which might be looking at legislation that may need, or might be worthy of, consolidation but there is certainly nothing there by way of the shape of a Legislation Consolidation Board, or call it by another name, that I am aware of.

As to the question of the majority decision of the Board: I cannot recall reading anything that provides for that, and I would imagine –

Mr Crowe: Can I interject and say –

The President: It is in the amendment.

Mr Crowe: – it is in the previous clause and it says 'must act unanimously', so I had spotted that after I had asked the question. Sorry I put you on the spot.

The Acting Attorney General: Oh, I beg your pardon. You are very kind. I am very grateful to Madam President and yourself for reminding me of that, it clearly is there, so it has to be a unanimous decision.

Thank you.

The President: The motion before Council is that clauses 81 to 85 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clauses 86 to 88.

The Acting Attorney General: Madam President, clauses 86 to 88 establish the enactment procedures for consolidation Bills.

Clause 86 provides for the Board to certify to the Clerk of Tynwald that a Bill is a consolidation. Without the certificate a Bill for a consolidation cannot be introduced.

Clause 87 provides for an abridged Tynwald procedure for consolidated Bills, once approved for introduction by the Council of Ministers. The Bill need not pass through any stages in the Branches of Tynwald so long as at least one sitting of Tynwald has passed since its introduction. If approved by Tynwald it is taken to have been passed by both the Keys and the Council. An amendment may be moved only with the leave of the President of Tynwald, or if the Board has certified in writing that the amendment is necessary to correct an error.

Clause 88 provides that if a consolidation is approved by Tynwald, the Board must certify to the Governor that the Act is a consolidation and that any changes that affect existing legislation are minor, or wholly due to amendments moved by Tynwald.

Madam President, I beg to move clauses 86 to 88 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

On a similar theme to my previous comments, again I do not see what role Government have in this – the Council of Ministers have to approve this to go forward to Tynwald. Surely it is purely a parliamentary matter, the changing of legislation, and in my view it would be better if there was more representation from the two legislative bodies rather than the Government, i.e. the Chief Secretary and then the Council of Ministers.

So I think there, personally, that is a flaw that Government are having an input into this.

The President: The Hon. Member, Mr Braidwood.

Mr Braidwood: A small point on clause 87(5):

‘An amendment to the consolidation may be moved only —

(a) with the leave of the President of Tynwald; or

(b) if the Board has certified in writing that the amendment is necessary to correct an error.’

So therefore, with the leave of the President of Tynwald, it can only be a minor amendment then because it cannot change existing legislation.

The President: You are asking the question, not making a statement?

Mr Braidwood: What I am trying to say is, in subsection (5) the amendment is necessary to correct an error; however, an amendment to the consolidation may be moved with the leave of the President of Tynwald. So all I am saying is any amendment must only be a minor amendment if the President gives leave because the consolidation cannot change existing legislation’s effect, and therefore the amendment cannot affect the legislation’s effect.

The President: If you would care to reply, sir?

The Acting Attorney General: Yes, Madam President.

I thank Mr Butt for his comments and, again, I can assure him that I will take his concerns back to the Council of Ministers for their comment.

As far as Mr Butt's point is concerned, I agree with the point he has made that the amendment to the consolidation can only be moved with the leave of the President of Tynwald, and that must therefore follow to be something minor; because for it to be a consolidation it has got to either, as we understand it, consolidate or alternatively tidy up something which the Board has recognised does not perhaps express the wish of Tynwald – which we have already addressed. That is where the Board itself could then certify in writing that the amendment is necessary to correct an error.

So certainly the provisions of 87(5) will be looking at simply minor matters, or matters that are obviously an error in the consolidation itself.

Thank you, Madam President.

The President: The motion is that clauses 86 to 88 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 89 and 90.

The Acting Attorney General: Madam President, clause 89 empowers the Council of Ministers to delegate its powers to make public documents under this Act to the Chief Minister.

Such delegations are under the Council's supervision. They can be limited to particular things. Conditions can be imposed and are revocable at any time.

Clause 90 contains general regulation-making powers for the Council of Ministers for the purposes of the Act. This clause particularly empowers the Council of Ministers to make one-off ascertainment regulations for statutory documents so the public will know, with certainty, which ones are still in force.

To do this the regulations repeal all statutory documents except those in a stated published list. As a safeguard, the Attorney General is obliged to consult with the Clerk of Tynwald and do everything reasonable to identify existing documents.

Also, Tynwald must approve draft regulations before they are made. Importantly, the provisions empowering ascertainment regulations are just powers. There is no obligation to make them if resources do not permit the preparation of such a list.

Madam President, I beg to move that clauses 89 and 90 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.

I beg to second.

The President: The motion is that clauses 89 and 90 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 91 to 94.

The Acting Attorney General: Madam President, clauses 91 to 94 provide for a small number of savings and transitional matters.

Savings provisions preserve the effect of some things which have already happened. Transitional provisions carry over some elements of the old law to the new law where this is needed for legal effectiveness.

Clause 91 converts newspaper publication requirements under the existing Manx legislation for notices and other matters by Government authorities. Generally, they are changed to a publication in the electronic gazette instead.

The purpose of this clause is to streamline Government publications in the gazette and reduce the costs involved in full newspaper publications. However, to safeguard the interests of those who may be affected, if appropriate, reasonable steps must also be taken to bring the matter to the attention of the public or persons likely to be affected. Examples are given of when such steps will be needed; the example of reasonable steps includes that of a newspaper publication under the existing requirement.

Clause 92 makes provision for the effect of existing reprints and notes. It transitions to this Act those made under the Reprints Act 1981 and clarifies the status of notes inserted under that Act.

Clause 93 applies the default savings and transitional provisions under part 4 of this Act for the Acts this Act re-enacts.

Clause 94 declares that there is no revival or provisions which have been amended or repealed. This is a re-enactment of section 15 of the Interpretation Act 1976 in clearer terms.

Madam President, I beg to move clauses 91 to 94 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: Thank you, Madam President.

Just a reference in clause 92 to Juta & Co Ltd or Blackhall Publishing: do we still have a contractual responsibility or liability or agreement with Blackhall Publishing? Are there financial settlements with Blackhall on any of the reprints?

Mr Downie: Just to make the point that I made earlier on when we were discussing the preceding Bill: everything that we have dealt with in the past has always had the crest on the piece of legislature, and then it has always had 'Statutes of the Isle of Man'; and that appears in Juta's and Blackhall and all the other places where we have had legislation printed in the past.

That is really what caused me to mention whether it was appropriate to continually use 'Manx' legislation throughout the two Bills, and whether we should not replace it adjectively with the 'Isle of Man' so there is no confusion.

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

I think I should make a point about the electronic gazetteering of notices and Acts etc. There is still about 30% of the population that do not access the internet and I wondered how they are going to be catered for, and they are especially amongst the older age group of people – often the ones who *do* read newspapers, who get that information from newspapers. How would the 30% be catered for, Attorney?

Mr Downie: Public library.

The President: The learned Acting Attorney General to reply.

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

Firstly, dealing with Mr Crowe's enquiry, I can confirm there are no continuing contractual obligations or relationship with Blackhall Publishing.

Progressing to Mr Downie's comments, I can assure you, Mr Downie, through Madam President, that we have taken on board your comments with reference to how the legislation has appeared in its draft form today and we will take away the message of your view concerning reference to 'Isle of Man' as opposed to 'Manx' legislation.

Mr Butt, thank you for your comments. I did say when I introduced these clauses that there is still, at this point in time, an overarching obligation on the authority considering the question of publication to take reasonable steps; and I do not believe, in *all* situations, that – to use a bland expression – they would get away. At the moment we are just simply gazetting something.

I think we have got to have some form of transition and a bit of common sense here, and that will be really dictated by the type of notes that perhaps are going to be given. But there is a requirement to take reasonable steps, which will have to be considered by the publishing authority.

Thank you, Madam President.

The President: The motion is that clauses 91 to 94 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 95 to 98.

The Acting Attorney General: Madam President, clauses 95 to 98 deal with repeals and related amendments.

Clause 95 repeals nine Acts, most of which have been re-enacted in this Act.

Clause 96 makes consequential amendments to three Acts which contain cross-references about the filing and distribution of Manx legislation.

Clause 97 amends the Evidence Act 1871, to take into account the changes in this Legislation Act; for example, to give evidentiary value to the electronic gazette.

Clause 98(1) repeals the Douglas Library Act 1938, as the Douglas Corporation has a general power to provide libraries, so this Act is not only unnecessary but was proving an encumbrance.

Clause 98(2) substitutes a new section 25 in the Rating and Valuation Act 1953 to modernise the appeal process.

Clause 98(3) amends the Civil Evidence Act 1973 reflecting a change in England and Wales where it refers to 'county court', refers 'county court' to 'family court'.

Clause 98(4) provides for an amendment to the Tourist Act 1975, which is to clarify where there has been a refusal of registration under the Act, the position is preserved until there has been a determination of the appeal.

Clause 98(5) deletes a reference to redundant legislation; as does clause 98(6).

Clause 98(7) amends the Copyright Act 1991. Subclause (8) amends the Merchant Shipping Registration Act 1991. Subsection (9) amends the Value Added Tax 1996; subsection (10), the Mental Health Act 1998; and subsection (11), the Data Protection Act 2002.

These are all amendments – that is, in subsections (7) to (11) – to bring the Act mentioned into line with the procedures laid down in the Tribunals Act 2006.

Subsection (12) – so clause 98(12) – then amends the Tribunals Act 2006, which introduces greater flexibility concerning the appointment of tribunal members and their removal, as the tribunal legislation did not previously have a procedure for the removal of tribunal members which may have made them non-compliant with human rights legislation.

Madam President, I beg to move clauses 95 to 98 do stand part of the Bill.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.

I beg to second.

The President: The motion is that clauses 95 to 98 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

The President: That concludes the public business on our Order Paper for today, Hon. Members.

Mr Downie: Madam President.

Two Members: Public Services.

The President: Sorry?

Mr Crowe: Public Services Bill.

The President: My apologies. We move to the Public Services Commission Bill 2014 for First Reading. I was trying to escape!