

2.2. Interpretation (Amendment) Bill 2015 – Second Reading approved

Mr Watterson to move:

That the Interpretation (Amendment) Bill 2015 be read the second time.

The Speaker: Mr Watterson to move the Second Reading, please.

Mr Watterson: Thank you, Mr Speaker.

I am pleased to be before you today to present the Interpretation (Amendment) Bill and would like to thank Hon. Members for agreeing to suspend Standing Orders in order to progress this matter.

The purpose of this Bill is to rectify a situation that has occurred due to an amendment brought about by the Law Officers Act 2014.

The Bill comprises three clauses and its sole intention is to reinstate the Chief Minister's power under section 20(1) of the Interpretation Act 1976 to authorise the functions of the Attorney General to be undertaken by other persons in case of absence, inability or vacancy of the holder.

Royal Assent to the Law Officers Act 2014 was announced in Tynwald on 20th January 2015. Section 2 provides for that Act to come into operation on such day or days as Council of Ministers may, by order, appoint. The Appointed Day Order was made on 22nd January 2015 to bring the entire Act into force. The timing of this was driven around the recruitment for the position of Her Majesty's Solicitor General.

Section 5 of the Law Officer's Act contains minor amendments and repeals to other Acts. This included an amendment to section 20(1) of the Interpretation Act 1976, excluding section 20 from applying to the role of the Attorney General as well judicial officers.

The Bill should have included transitional arrangements, but unfortunately there was an oversight in this matter.

The effect of this amendment is that only the Attorney General or the Solicitor General has the power to undertake statutory functions which rest with the Attorney General. Previously, the Chief Minister has had the power to delegate other persons to undertake these functions in the Attorney General's absence. Such statutory functions include, but are not limited to, providing advice to the Chief Minister on interception of communications warrants, urgent international requests for assistance in relation to criminal, administrative or clemency proceedings and the review of sentences on criminal matters.

The process of appointing a Solicitor General is ongoing and when the Solicitor General is in post the instances where this power will be required should reduce, but there could still be occasions where there will be a need for another person or persons to be able to exercise the functions of the Attorney General. Such an instance would be if the Attorney General was off Island and the Solicitor General was absent due to sickness or *vice versa*.

Hon. Members, it is vital that the power for the Chief Minister to delegate other persons to undertake statutory functions which rest with the Attorney General is restored as quickly as possible to ensure the functions of the Attorney General can be discharged at any given time.

This Bill is required to ensure smooth machinery of Government and is particularly important pending the appointment of a Solicitor General.

I hope that Hon. Members will be able to give their support to the Bill and I beg to move that the Interpretation (Amendment) Bill 2015 be read for a second time.

The Speaker: Mr Teare.

Mr Teare: Thank you, Mr Speaker.

I beg to second and to reserve my remarks.

The Speaker: Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

Can the Minister moving this Bill advise who... and how this inadvertent removal was discovered?

I ask this because they are becoming quite common. For instance, recently we had to address the perception that all the functions of the Department of Infrastructure had been transferred to DEFA; and there have been other errors made in legal drafting. I think it is important to know how and by whom this inadvertent removal was discovered.

Also, I am not quite sure – and I would like the Minister to advise me about this – why this is so serious. For instance, we do not have a deputy chief minister; we do not have any legislation that compels us to have another person (**Mr Watterson:** Yes, we do.) acting as Chief Minister if the figure is removed completely, so I wondered why we had to have it in this case. Couldn't we just wait some time?

The Speaker: The mover to reply. Mr Watterson.

Mr Watterson: I am unable to answer the Hon. Member's first question about how this was discovered. I am just not privy to that information, sir, I am sorry.

In terms of there being no provision to act in the absence of the Attorney General, in terms of the absence of the Chief Minister, that is not the case. There are provisions there, through the Interpretation Act, which allow others to act in the absence of the Chief Minister. So there are mechanisms there in the Constitution. This one has fallen out due to the Law Officers Bill, sir. I can only apologise for that.

The Speaker: I put the question that the Interpretation (Amendment) Bill be read for the second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.