

**Interpretation (Amendment) Bill 2015 –
Second Reading approved**

The Acting Attorney General to move:

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

The President: The Second Reading and clauses.

The Acting Attorney General: Thank you, Madam President.

The purpose of the Bill, as I have mentioned, 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.

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

Section 5 of the Law Officers Act 2014 contained a minor amendment 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 as judicial officers. The Bill should have included transitional arrangements, but unfortunately there was an oversight in this matter.

The effect of the 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 had the power to delegate other persons to undertake these functions in the Attorney'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 the 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 would 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 that 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.

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

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

The President: The Hon. Member, Mr Turner.

Mr Turner: Just a query; it may not be actually relevant, but we recently put through the Interpretation Bill 2014, which I think we are waiting for Royal Assent. I take it that Bill does not contain the same error.

The President: The learned Acting Attorney to reply.

The Acting Attorney General: Yes, Madam President.

I thank the Hon. Member, Mr Turner, for that question. I can confirm the error is not in that Bill.

And I am very grateful to the Clerk: I can advise Hon. Members, if I may, Madam President, that 'judicial officer' means a Judge of the High Court, High Bailiff or Justice of the Peace.

Thank you.

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

Interpretation (Amendment) Bill 2015 – Clauses considered

The President: Clauses.

The Acting Attorney General: Thank you, Madam President.

The President: Clause 1.

The Acting Attorney General: Clause 1 gives the Bill the short title.

I beg to move clause 1 do stand part of the Bill.

Mr Butt: I beg to second, Madam President.

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: This clause, Madam President, provides for the Interpretation Act 1976 to be amended to allow the Chief Minister to authorise the functions of either or both the Attorney General and the Solicitor General to be fulfilled in case of absence, inability or vacancy of the holder. This restores the position to how it was prior to the Law Officers Act 2014 coming into force.

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

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

The President: 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: Thank you, Madam President.

Clause 3 provides that section 5(2) of the Law Officers Act 2014 be repealed. This removes the inadvertent oversight which stood to remove the power of the Chief Minister to delegate another person to fulfil the Attorney General's statutory obligations.

I beg to move that clause 3 do stand part of the Bill.

Mr Butt: I beg to second, Madam President.

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.