

**LAW OFFICERS BILL 2013**

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**Explanatory Memorandum**

1. This Bill is promoted by the Council of Ministers.
2. The Bill serves two purposes; first it empowers a person appointed by Her Majesty by a warrant under Her Majesty's Royal Sign Manual as Acting Attorney General to attend sittings of both Tynwald and the Legislative Council in the absence of the Attorney General, and secondly it empowers the Acting Attorney General to discharge all the other functions of the Attorney General.
3. *Clause 1 and 2* deal with the short title of the resulting Act and its commencement.
4. *Clause 3* substitutes a new definition of "the Attorney General" in the Interpretation Act 1976. This has the effect of broadening any reference in the general law of the Island to the Attorney General so as to include an Acting Attorney General.
5. *Clause 4* amends section 7(a)(1) of the Isle of Man Constitution Amendment Act 1919 so as to permit either the Attorney General, or the Acting Attorney General, but not both, to attend any sitting of Tynwald or the Legislative Council.
6. *Clause 5* provides that resulting Act expires on the day following the later of its promulgation and the commencement of the final provision of the Act. But the repeal does not affect the continuing operation of the amendments.
7. No statement of the financial consequences arising from the resulting Act has been prepared.
8. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.





*Ellan Vannin*

## LAW OFFICERS BILL 2013

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*Ellan Vannin*

## LAW OFFICERS BILL 2013

- 1 **A BILL** to make provision about the discharge of the functions of the Attorney  
2 General; and for connected purposes.

**BE IT ENACTED** by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

3 **1 Short title**

4 The short title of this Act is the Law Officers Act 2013.

5 **2 Commencement**

- 6 (1) This Act, other than section 1 and this section, comes into operation on  
7 such day or days as the Council of Ministers may by order appoint.
- 8 (2) An order under subsection (1) may include such incidental and  
9 transitional provision as appears to the Council of Ministers to be  
10 appropriate.

11 **3 Meaning of “Attorney General”: Interpretation Act 1976, s. 3 amended**

- 12 (1) Section 3 of the *Interpretation Act 1976* (interpretation of certain terms) is  
13 amended as follows.
- 14 (2) Renumber the existing text as subsection (1) of that section.
- 15 (3) In subsection (1) for the definition of “the Attorney General” substitute—  
16 **“the Attorney General”** means, subject to subsection (2), Her Majesty’s  
17 Attorney General for the Island and includes any person  
18 discharging the functions of Her Majesty’s Attorney General by  
19 virtue of a warrant under Her Majesty’s Royal Sign Manual; **”**.
- 20 (4) After subsection (1) insert —  
21 **“(2)** The substitution of the definition of “**the Attorney General**” in  
22 this section by section 3(3) of the *Law Officers Act 2013* does not  
23 limit any existing rule of law or practice authorising others to act  
24 on behalf of the Attorney General. **”**

1 **4 Membership of Tynwald and Legislative Council: Isle of Man**  
2 **Constitution Amendment Act 1919, s. 7 amended**

3 In section 7(a)(1) of the *Isle of Man Constitution Amendment Act 1919* (which  
4 concerns *ex-officio* members of the Council) for the words following “the Bishop  
5 and” substitute —

6 | ~~to~~ either —

- 7 | (i) the Attorney General. or  
8 | (ii) a person exercising the functions of the Attorney General  
9 | by virtue of a warrant under Her Majesty’s Royal Sign  
10 | Manual;

11 | (such members being referred to below as the “*ex-officio members*”). ~~to~~

12 **5 Repeal and expiry**

13 (1) The Isle of Man (Constitution) (Amendment) Act 1975 is repealed.

14 (2) This Act ceases to have effect on the day following —

- 15 (a) its promulgation, or  
16 (b) if all of its provisions are not in operation when it is promulgated,  
17 the day on which the last of those provisions come into operation.

18 (3) Subsection (2) does not affect the continuing effect of the amendments  
19 made by sections 3 or 4.



IN THE KEYS

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**LAW OFFICERS BILL 2013**

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A **BILL** to make provision about the discharge of the functions of the Attorney General; and for connected purposes.

Approved by the Council of Ministers  
for introduction in the House of Keys.

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MR BELL

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JANUARY 2013