

EUROPEAN UNION (AMENDMENT) BILL 2014

Explanatory Memorandum

1. This Bill is promoted by the Council of Ministers.
2. If enacted, the Bill will amend the European Communities (Isle of Man) Act 1973 (“the 1973 Act”) –
 - (a) to take account of the accession of the Republic of Croatia to the European Union;
 - (b) to reflect the concerns of the Irish people on the Treaty of Lisbon;
 - (c) to enable the Council of Ministers, with Tynwald approval, to amend the 1973 Act by order so as to keep up to date the list of treaties and other measures which comprise the EU Treaties;
 - (d) to change the Tynwald procedure for the purpose of applying EU legislation to the Island; and
 - (e) to make further provisions which have effect in relation to orders which apply EU legislation to the Island and which provide for references to the EU legislation to be construed on an ambulatory basis.
3. *Clause 1* states the short title of the Act resulting from the Bill.
4. *Clause 2* amends section 1 of the 1973 Act to give effect to the amendments referred to in paragraphs (a) to (c) above.
5. *Clause 3* amends section 2A of the 1973 Act to give effect to the amendments referred to in paragraphs (d) and (e) above.
6. *Clause 4* provides for the automatic repeal of the Act resulting from the Bill (but not the amendments made to the 1973 Act) upon its promulgation.
7. It is considered that the Bill has no financial or human resource implications.
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

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Ellan Vannin

EUROPEAN UNION (AMENDMENT) BILL 2014

1 **A BILL** to amend the European Communities (Isle of Man) Act 1973
 2 consequential on the treaty concerning the accession of the Republic of Croatia
 3 to the European Union and the Protocol on the concerns of the Irish people on
 4 the Treaty of Lisbon; to enable the Council of Ministers to amend by order the
 5 list of treaties specified in the definition of ““the Treaties” or “the EU Treaties””
 6 set out in section 1(1) of the Act; to change the Tynwald procedure for the
 7 purpose of applying EU instruments to the Island under section 2A of the Act;
 8 to make further provision in respect of orders made under section 2A of the Act
 9 which contain ambulatory references to EU instruments; and for connected
 10 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:—

11 **1 Short title**

12 The short title of this Act is the European Union (Amendment) Act 2014.

13 **2 Section 1 amended**

14 (1) Section 1 (interpretation) of the European Communities (Isle of Man) Act
 15 1973 is amended as follows.

16 (2) In subsection (1), in the definition of ““the Treaties” or “the EU
 17 Treaties””, after paragraph (o) insert —

18 | “(p) the treaty concerning the accession of the Republic of
 19 | Croatia to the European Union, signed at Brussels on 9
 20 | December 2011; and

21 | (q) the Protocol on the concerns of the Irish people on the
 22 | Treaty of Lisbon, adopted at Brussels on 16 May 2012;”.

23 (3) After subsection (1) insert —

24 | “(1A) The Council of Ministers may by order amend (including by way
 25 | of adding to or deleting from) the list of provisions which are to
 26 | be taken with the pre-accession treaties for the purposes of, and

which are specified in, the definition of ““the Treaties” or “the EU Treaties”” in subsection (1).

(1B) However, an order under subsection (1A) —

- (a) may not amend Schedule 1 (the pre-accession treaties); and
- (b) is subject to subsection (2).

(1C) An order under subsection (1A) must not come into operation unless it is approved by Tynwald.”.

3 Section 2A amended

(1) Section 2A (application to Island of EU instruments) of the European Communities (Isle of Man) Act 1973 is amended as follows.

(2) For subsection (4) substitute —

“(4) Subject to subsection (4A), an order under this section must not come into operation unless it is approved by Tynwald.”.

(3) After subsection (7) insert —

“(8) Subsections (5) to (7) are subject to subsections (9) to (13).

(9) Subsections (10) to (13) apply if an order made under this section provides that a reference in it to an EU instrument (or a provision of an EU instrument) is to be construed as a reference to the instrument or provision as amended from time to time (see section 2C).

(10) To avoid doubt, the text to be annexed under subsection (5) is the text of the legislation at the time the order is made.

(11) However, the Council of Ministers —

- (a) may update the text to reflect any amendment made to the EU instrument or provision after the making of the order; and
- (b) must update the text if a request is made in accordance with subsection (12).

(12) A person making a request under subsection (6) may further request that the copy to be supplied is a copy of the updated text and the Council of Ministers must comply with the request on the payment of such fee as may be prescribed under the *Fees and Duties Act 1989*.

(13) A copy made available to purchase under subsection (12) is admissible in evidence in the same manner and to the same extent as a copy made available under subsection (6) (see subsection (7)).”.

1 **4 Automatic repeal**

2 (1) This Act is automatically repealed on the day after its promulgation.

3 (2) However, the repeal does not affect the continuing operation of the
4 amendments made by sections 2 and 3.

IN THE KEYS

EUROPEAN UNION (AMENDMENT) BILL 2014

A **BILL** to amend the European Communities (Isle of Man) Act 1973 consequential on the treaty concerning the accession of the Republic of Croatia to the European Union and the Protocol on the concerns of the Irish people on the Treaty of Lisbon; to enable the Council of Ministers to amend by order the list of treaties specified in the definition of “the Treaties” or “the EU Treaties” set out in section 1(1) of the Act; to change the Tynwald procedure for the purpose of applying EU instruments to the Island under section 2A of the Act; to make further provision in respect of orders made under section 2A of the Act which contain ambulatory references to EU instruments; and for connected purposes.

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

MR WATTERSON

JANUARY 2014

Printed (by Authority) by the Isle of
Man Post Office
Order No 567046