



# **INTERPRETATION (AMENDMENT) BILL 2015**

## **EXPLANATORY NOTES**

*These notes are circulated for the information of Members with the approval of the Member in charge of the Bill, Hon J Watterson BA(Hons) ACA MHK*

### **1. INTRODUCTION**

These explanatory notes relate to the Interpretation (Amendment) Bill 2015. They have been prepared by the Cabinet Office in order to assist readers of the Bill. They do not form part of the Bill.

These notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill.

### **2. SUMMARY AND BACKGROUND**

The intention of this Bill is to reinstate the longstanding provision whereby the Chief Minister had the power to delegate statutory functions of Her Majesty's Attorney General during occasions when the Attorney General is absent, off-island or otherwise unable to carry out their duties.

The Law Officers Act 2014, which allowed for the appointment of Her Majesty's Solicitor General, contained a consequential amendment that inadvertently removed this power from the Chief Minister under section 20(1) of the Interpretation Act 1976.

There was an initial oversight as transitional arrangements should have been made in connection with the commencement of the Law Officers Act 2014 pending the appointment of the Solicitor General. However, it has since become apparent that the power previously held by the Chief Minister could still be required in the future, even when a Solicitor General has been appointed. Circumstances could arise where either the Attorney General or Solicitor General is off-Island and the other is ill.

The Attorney General is required to carry out functions under various legislative provisions and, without this amendment Bill, only the Attorney General (or Solicitor General, when appointed) can legally undertake these. This is clearly a vulnerable position and so, in order to address this and ensure the smooth machinery of Government, this Bill has been drafted to reinstate the Chief Minister's ability to delegate such duties if the Attorney General (or Solicitor General) is unable to fulfil them.

### **3. CONTENT OF BILL**

#### **Clause 1**

Gives the short title – the Interpretation (Amendment) Act 2015.

#### **Clause 2**

Provides that section 20(1) of the Interpretation Act 1976 is amended to remove the Attorney General as a public officer to whom this section does not apply. The effect of this is that the situation will revert to the longstanding position (prior to the Law Officers Act 2014 being enacted) whereby the Attorney General's statutory obligations could be delegated to another person by the Chief Minister if the officer holder is absent or unable to carry out such duties, or if there is no Attorney General.

The anticipation is that a Solicitor General will be appointed. He or she will be able to carry out the functions of the Attorney General as the legislation stands. However, a Solicitor General is not yet in post and, once he or she is appointed, should the Attorney General or the Solicitor General be off-Island and the other absent due to sickness, for example, there needs to be a method for someone else to be able to undertake his or her duties.

The Chief Minister's authority to delegate the Attorney General's various, and often urgent, statutory functions is to be reinstated so that such duties can be undertaken by another if the Attorney General is unable to do so.

#### **Clause 3**

Repeals section 5(2) of the Law Officers Act 2014, which becomes redundant as a consequence of the change made by clause 2.

### **4. FINANCIAL EFFECTS OF THE BILL**

It is anticipated that the Bill will be cost-neutral in respect of Government's income and expenditure.

### **5. HUMAN RIGHTS**

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.