

Isle of Man

Ellan Vannin

INTERPRETATION BILL 2014

INTERPRETATION BILL 2014

Explanatory Memorandum

1. This Bill is promoted by the Council of Ministers.

PART 1 – INTRODUCTORY

2. *Clause 1* states the short title of the Act resulting from the Bill, if enacted (this “Act”).
3. *Clause 2* provides for commencement of this Act to be by order of the Council of Ministers.
4. *Clause 3* sets out the main purposes of this Act.
5. *Clause 4* states that this Act is not intended to be a complete code for interpreting Manx legislation, and so it does not exclude other laws about, or the general rules of, statutory interpretation.
6. *Clause 5* provides for the Act to be read together with the Act resulting from the Legislation Bill. Both Bills apply to all Manx legislation and to non-legislative public documents.
7. *Clause 6* provides that the application of this Act may be displaced wholly or partly by a contrary intention.
8. *Clause 7* states that, unless contrary provision is made, applied Parliamentary enactments are to be interpreted under Parliamentary enactments about interpretation, but that they are taken to include all necessary changes for effective operation in the Island.
9. *Clause 8* introduces the definitions specific to this Act, other than for Part 7 (repeals and amendments). The definitions specific to this Act are set out in paragraph 2 of the *Schedule*.

PART 2 – BASIC DEFINITIONS AND REFERENTIAL PROVISIONS

Division 1 – Acts and provisions

10. *Clause 9* defines “Manx legislation” as Acts of Tynwald (including the Act resulting from this Bill), statutory documents and UK legislation applying to the Island. “Statutory provision” is defined as a provision of Manx legislation.
11. *Clause 10* defines “Act” to mean an Act of Tynwald. It also provides for a reference in a Manx enactment to an Act by its unamended short title to include a reference to the Act by any amended short title. Under *clause 11* a “Manx enactment” is an Act or a provision of an Act and a reference to a Manx

enactment includes any public document in operation under it. References to an enactment are to the enactment as amended or re-enacted. *Clause 12* defines “provision”.

12. *Clause 13* defines “Parliamentary enactment”, provides that references to them include a reference to any instrument of a legislative character in operation under them and provides that a reference in an Act to any UK legislation is a reference to that legislation as it was in operation when the provision containing the reference commenced.
13. *Clause 14* provides that a reference to an EU instrument amended, extended or applied by another instrument is a reference to the instrument as so amended, extended or applied.

Division 2 – Public documents

14. *Clause 15* defines “public document”.
15. *Clause 16* contains definitions of “statutory document” and its “responsible authority”. Under *clause 17* a “non-legislative public document” is a public document other than a statutory document. *Clause 18* defines “authorising legislation” for a public document.

PART 3 – LEGISLATIVE TEXT

Division 1 – Introductory

16. *Clause 19* sets out what the Division provides for, namely what forms the “text” of an Act or statutory document or particular provisions.

Division 2 – The text of an Act or statutory document

17. *Clause 20* provides for the general proposition that the text of an Act or statutory document is all the material from the start of the first section to the last one, or if there any Appendix or Schedule, the last Appendix or Schedule. *Clause 21* includes any preamble, enacting words or heading in the text. However, *clause 22* excludes the long title and any marginal citations, derivations, footnotes, reprint notes and material differentiating amendments from the rest of the text.

Division 3 – The text of certain provisions

18. *Clause 23* makes a heading part of the provision to which it relates.
19. *Clause 24* makes an example of or note to a provision part of the provision. Also, the clause clarifies that an example or note is not exhaustive but may extend the provision’s meaning.
20. *Clause 25* makes a penalty provision part of the subsection or section to which it relates.

21. *Clause 26* provides that a provision reference associated with a heading to a Schedule is part of the heading rather than the body of the Schedule.

PART 4 – INTERPRETATION AIDS

Division 1 – Introductory

22. *Clause 27* applies the Part to all Manx legislation and *clause 47* to non-legislative public documents and all other documents.

Division 2 – General Aids

Subdivision 1 – Common terms and references

23. *Clause 28* introduces the general definitions set out in paragraph 1 of the Schedule. *Clause 29* states that a definition applying to Manx legislation applies to the whole of it, but if expressed to be for a particular provision it does not apply to another provision. Definitions apply except to the extent the context or subject matter otherwise indicates or requires (*clause 30*). Other parts of speech, grammatical forms of, and derivations from or associated terms with, a defined term have corresponding meanings (*clause 31*).
24. *Clause 32* provides that a reference to the reigning Sovereign at the time Manx legislation commences is a reference to the Sovereign for the time being and his or her predecessors and his or her heirs and successors. Words indicating a gender include other genders (*clause 33*) and the singular includes the plural and *vice versa* (*clause 34*). A reference to “person” includes bodies corporate as well as individuals (*clause 35*). *Clauses 36* and *37* define “may” and “shall” if either word is used in the context of a function. *Clause 38* is an interpretative provision for common names and *clause 39* deals with the meaning of “commencement” for Manx legislation. Under *clause 40*, a reference to repealed legislation is a reference to that legislation as it was in operation immediately before it was repealed, though for legislation applied from the UK it is a reference to the legislation as it was in operation when the provision applying it commenced.

Subdivision 2 – References

25. *Clause 41* states that a reference to a provision of Manx legislation or a Parliamentary enactment is to everything included within that provision, including the start and end of the provision. *Clause 42* caters for references to provisions or part of a provision.

Subdivision 3 – Other general aids

26. *Clause 43* states that Manx legislation applies to the entire Island and *clause 44* provides that it continues to have effect and may be applied from time to time

as each occasion requires. *Clause 45* provides that changes in drafting practices are not of themselves to suggest that a different meaning is intended.

Division 3 – Distance and time

27. *Clause 46* provides that distance is to be measured in a straight line on a horizontal plane.
28. *Clause 47* makes provision for references (in any document) to Tynwald Day or the special sitting of Tynwald Court to cover when the sitting is to take place in a particular year and any day to which the Court may be adjourned.
29. *Clause 48* provides rules for working out periods of time generally.
30. *Clause 49* provides for the exclusion of non-working days for certain requirements to do something on or within a certain period of time. *Clause 50* provides that if something must or may be done but no time is provided for doing it, the thing must or may be done as soon as reasonably possible and as often as needed. If an act must be done the obligation continues even if the time for doing it has passed (*clause 51*).

Division 4 – Offences and penalties

31. *Clause 52* provides that if an offence is created by a provision of Manx legislation it is only an offence if committed after the provision commences. The same rule applies to any increase in penalty. *Clause 53* provides for the charging of continuing offences. *Clause 54* makes provision for the liability of officers of bodies corporate. *Clause 55* introduces the concept of a standard scale of fines which may be imposed on summary conviction for all criminal offences other than those for which daily penalties are prescribed, or those for which the maximum summary penalty is already greater than £5,000 (although a number of these are the subject of specific amendment to enable them to be adjusted automatically in line with any future increase in the standard scale). *Clause 56* enables a shorthand reference to a penalty to be used in future legislation by use of the words “maximum penalty” followed by a stated penalty and *clause 57* is an interpretative provision for when the maximum penalty is accompanied by the words “(on information)” or “(summary)”.

Division 5 – Service of documents

32. *Clause 58* provides that this Division applies if a document is authorised or required to be “served” (irrespective of the wording used) if no particular manner of service is provided for. *Clause 59* explains how service may be done for individuals and *clause 60* makes similar provision for bodies corporate and associations. *Clause 61* makes provision for electronic service. *Clause 62* covers service on an unknown owner, lessee or occupier and *clause 63* is concerned with service by prepaid post and the time of such service.

Division 6 – Statutory forms

33. *Clause 64* states that the Division applies if Manx legislation authorises or requires a form to be approved or prescribed. *Clause 65* states that a statutory form may be made for any matter under or relating to it even though a form is not mentioned in the relevant provision of the legislation. *Clause 66* provides for the extent to which the forms need to be completed or complied with.

Division 7 – Public documents

34. *Clause 67* states that words and expressions used in a public document have the same meanings as they have under the legislation under which the public document is made. *Clause 68* provides that references to “Act” or “the Act” in a public document without mentioning a particular Act means the Act under which the public document is made. A reference in the public document to “these Regulations” or “this Order” etc. includes any public document made under it.

PART 5 – FUNCTIONS AND POWERS

Division 1 – General

35. *Clause 69* makes general provision about the exercise of functions and powers. Under *clause 70* a power to make a decision includes a power to reverse or change it. *Clause 71* makes provision for the exercise of powers between the making and commencement of Manx legislation.

Division 2 – The Executive

36. *Clause 72* provides a delegation power for the Governor’s functions under a Manx enactment or Tynwald resolution, other than for the power to make a public document. *Clause 73* provides for the signing of orders etc. by the Governor and *clause 74* deals with signing if public documents etc. are made by the Governor in Council or the Council of Ministers. *Clause 75* gives a power to the Council of Ministers to amend Acts of Tynwald as a consequence of UK legislation being applied to the Island.

Division 3 – Appointment powers

37. *Clause 76* facilitates the making of an appointment by name or office and *clause 77* facilitates the making of acting appointments of public officers other than judicial officers during a vacancy in an appointment or if an appointee is not able to perform the functions of the office. *Clause 78* enables the Public Service Commission (for public sector employees), or the Chief Minister or another authorised Minister (for other appointments) to provide for an alternative appointor to make acting appointments. A power of appointment includes the power to decide the terms and conditions and includes other incidental powers (*clause 79*). *Clause 80* provides for the appointment of a

deputy to exercise the functions of a Minister or public officer other than a judicial officer.

Division 4 – General fee power

38. *Clause 81* gives power to the Treasury or another Department or a Statutory Board to levy fees and duties. *Clause 82* sets out the matters for which a general fee power may be exercised and *clause 83* requires the power to be exercised only with the concurrence of the Treasury. *Clause 84* makes provision about access to rates of fees and duties prescribed under the general fee power and *clause 85* makes the fees and duties part of the General Revenue.

Division 5 – Powers for public documents

39. *Clause 86* defines “matter” for the Division. *Clause 87* sets out the additional powers implied by a power to make a public document. *Clause 88* provides for public documents to apply generally or differentially. *Clause 89* enables a public document to make provision by applying other laws or documents. Under *clause 90* a public document that may make provision relating to land or waters may do so by reference to a particular map, plan or register.
40. A power to prescribe a fee includes power to prescribe a fee that is reasonable and not more than the actual cost of doing the thing (*clause 91*). Under *clause 92* if a government authority is authorised but not required to perform a service and no fee is prescribed the authority may charge a reasonable amount for performing the service. *Clause 93* states that the power to make a public document includes the power to amend or repeal it. Under *clause 94* an act done under a public document is taken to have been done under its authorising legislation.

Division 6 – Miscellaneous

41. *Clause 95* provides that a person must produce a document reproducing material kept on a computer in a form capable of being understood by the authority to which it is required to be produced. If an act or thing is required to be done by more than 2 persons, a majority of them may do it (*clause 96*).

PART 6 – OTHER PROVISIONS

Division 1 – General

42. *Clause 97* empowers the Council of Ministers to delegate its powers under this Act to certain persons.
43. *Clause 98* provides for general regulation-making powers of the Council of Ministers, a Department or Statutory Board. However, under subsection (3) of this clause, a Department or Statutory Board may only make regulations for Manx legislation it administers.

Division 2 – Savings and transitionals

44. *Clause 99* applies this Act to existing legislation and documents. However, this Act does not affect the operation of the Interpretation Act 1976 (which it repeals) for something that happened before the commencement of the resulting Act.
45. *Clause 100* is a declaratory provision about marginal notes included in existing reprints.
46. *Clause 101* applies the default savings and transitional provisions under Part 4, Division 4 of the Legislation Bill to the Acts re-enacted by this Act.
47. *Clause 102* continues in operation existing public documents under the Fees and Duties Act 1989.
48. *Clause 103* updates references “enactment” to cover cases not covered by specific amendment under Part 7.

PART 7 – REPEALS AND AMENDMENTS

49. In accordance with section 55 of the Legislation Act, this Part will expire after this Act’s promulgation, depending on when the Part commences.
50. *Clause 104* repeals the 3 Acts this Act re-enacts and *clause 104* repeals various provisions of enactments.
51. *Clauses 106* amends Acts that cross-refer to repealed legislation and updates certain terms to those defined under this Act, grouped for economy of expression. *Clause 107* makes further amendments to other Acts.
52. It is not envisaged this Act will have any significant cost implications. This Act is not expected to increase Government expenditure or reduce its income. Administration of this Act will be funded from the existing budget, and using the existing staffing levels, of the Attorney General’s Chambers.
53. It is expected that the updating of interpretative provisions will result in medium and long-term savings to Government, principally in reduced printing costs for publications.
54. In the view of the member moving the Bill its provisions are compatible with the Convention rights under the Human Rights Act 2001.



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INTERPRETATION BILL 2014

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INTERPRETATION BILL 2014

1 **A BILL** to assist in the interpretation and shortening of the Island’s legislation
 2 and non-legislative public documents; to consolidate and re-enact the Statutory
 3 Time, et cetera, Act 1883, the Interpretation Act 1976 and the Fees and Duties
 4 Act 1989; and to make consequential and minor amendments to other Acts; and
 5 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:—

6 **PART 1 – INTRODUCTORY**

7 **1 Short title**

8 The short title of this Act is the Interpretation Act 2014.

9 **2 Commencement**

10 This Act, other than section 1 and this section, commences on the day or days
 11 appointed by order of the Council of Ministers.

12 **3 Main purposes of Act**

13 The main purposes of this Act are to —

- 14 (a) state what forms part of, and to state basic rules for interpreting,
 15 Manx legislation;
- 16 (b) make generic provisions about functions and powers for Manx
 17 legislation and non-legislative public documents;
- 18 (c) shorten Manx legislation by avoiding the need for repetition; and
- 19 (d) promote consistency in the language and form of Manx
 20 legislation.

1 4 Act not a complete interpretative code

2 (1) This Act is not intended to be a complete code for interpreting Manx
3 legislation.

4 (2) In particular, this Act does not exclude the operation of interpretative
5 rules not inconsistent with this Act.

6 *Example:*

7 *This Act does not affect section 3(1) of the Human Rights Act 2001, which provides*
8 *that:*

9 *“So far as it is possible to do so, Acts and subordinate legislation must be read and given*
10 *effect in a way which is compatible with the Convention rights [under the Convention*
11 *for the Protection of Human Rights and Fundamental Freedoms].”*

12 (3) In this section, “interpretative rules” includes rules, privileges or
13 presumptions at common law or in equity.

14 5 Combined operation of this Act and the Legislation Act 2014

15 (1) This Act and the Legislation Act 2014 (the “**Legislation Act**”) are to be
16 read together.

17 (2) Both Acts apply to all Manx legislation (including this Act) and non-
18 legislative public documents.

19 (3) Subject to sections 6 and 7, Manx legislation and non-legislative public
20 documents are taken to be made on the basis that they will operate in
21 conjunction with both Acts.

22 6 Displacement of Act by contrary intention

23 (1) The application of this Act may be displaced, wholly or partly, by a
24 contrary intention appearing in Manx legislation or a non-legislative
25 public document to which this Act applies (the “instrument”).

26 *Example:*

27 *Section 52(1) of this Act (creation of offences and change in penalties) is displaced by*
28 *section 50A (retrospective application of certain offences) of the International Criminal*
29 *Court Act 2003 for offences under section 45 (genocide, crimes against humanity and*
30 *war crime) of that Act.*

31 (2) However, a provision of this Act is not displaced by a provision of the
32 instrument to the extent the provisions can operate concurrently.

33 (3) Subsection (2) applies even if the provisions deal with the same or a
34 similar subject matter.

35 (4) This section is subject to section 7.

1 **7 Applied Parliamentary enactments: Parliamentary Interpretation Acts**
 2 **apply**

- 3 (1) This section applies if Manx legislation applies (with or without change)
 4 a Parliamentary enactment to the Island (the “applied law”).
- 5 (2) Subject to any contrary intention under the applied law, the applied law
 6 as it has effect in the Island must be interpreted under Parliamentary
 7 Interpretation Acts.
- 8 (3) However, the applied law is taken to include all necessary changes for its
 9 effective operation in the Island.

10 *Example:*

11 *The applied law refers to distributing post. As applied, it still mentions the Royal Mail*
 12 *performing that function. To the extent the function is performed in the Island, the*
 13 *reference to the Royal Mail is taken to be to the Isle of Man Post Office instead.*

- 14 (4) To avoid any doubt, this section does not apply to UK legislation or
 15 another document applied by a non-legislative public document, under
 16 section 89 (public document may apply other laws or documents).
- 17 (5) In this section, “Parliamentary Interpretation Acts” means the
 18 Interpretation Act 1978 of Parliament and any other Parliamentary
 19 enactment relevant to interpreting the applied law.

20 **8 Interpretative provisions only for this Act**

21 The definitions in paragraph 2 of the Schedule apply only to this Act.

22 **PART 2 – BASIC DEFINITIONS AND REFERENCES**

23 **DIVISION 1 – ACTS AND PROVISIONS**

24 **9 “Manx legislation” and “statutory provision”**

- 25 (1) **“Manx legislation”** means —
 26 (a) Acts of Tynwald, including this Act;
 27 (b) statutory documents; and
 28 (c) UK legislation and other laws that, under an Act of Tynwald or a
 29 statutory document, apply to the Island;
- 30 (2) A reference to a **“statutory provision”** is a reference to any provision of
 31 Manx legislation.

32 *Note:*

33 *Definitions appear in quotation marks. Those in plain text are only for the particular*
 34 *section in which they appear. Those for more than one section are emboldened. The*
 35 *Schedule lists all emboldened definitions. Those that are defined in the body of this Act*
 36 *are signposted in the Schedule.*

10 “Act”

- (1) If the word “**Act**” is used without reference to the legislature that made it, the word means the text of a Bill (as it received Royal Assent) that has been passed by Tynwald as an Act of Tynwald.

Notes:

1. For what forms the text of an Act or statutory document, see Part 3, Division 2.

2. For when an Act commences, see Part 2, Division 2 (commencement) of the Legislation Act.

- (2) In an Act of Tynwald (the “Act in question”), a reference to the term “**Act**” generally without referring to any particular Act is a reference to the text of any Act of Tynwald, including the Act in question.
- (3) If the short title of an Act is amended, a reference in a Manx enactment to the Act by its short title before the amendment includes a reference to the text of the Act by its short title as amended.

11 “Manx enactment”

- (1) A “**Manx enactment**” is an Act or a provision of an Act.
- (2) A reference (either generally or specifically) to a Manx enactment includes a reference to all public documents in operation under the enactment.
- (3) If a Manx enactment refers to another Manx enactment (the “other Act”), the reference is a reference to —
- (a) the other Act as originally enacted, and as amended from time to time since it was originally enacted;
 - (b) if the other Act has been repealed and re-enacted (with or without change) since the reference was made —
 - (i) the other Act as re-enacted (or last re-enacted); and
 - (ii) as amended from time to time since it was re-enacted (or last re-enacted); and
 - (c) if a relevant provision of the other Act has been omitted and re-enacted (with or without change) in another Manx enactment since the reference was made —
 - (i) the Manx enactment in which the provision was re-enacted (or last re-enacted), as in operation when the provision was re-enacted (or last re-enacted); and
 - (ii) as amended from time to time since the provision was re-enacted (or last re-enacted).
- (4) However, if in any particular case Part 4, Division 4 of the Legislation Act (default savings and transitional provisions) applies for the repeal and re-enactment, subsection (3) is subject to that Division.

1 **12 “Provision”**

2 A “**provision**” of Manx legislation or UK legislation consists of words or other
3 material included in its text.

4 *Examples of a provision:*

5 1. A Chapter, Part, Division, Subdivision, section, subsection, paragraph, subparagraph,
6 example note or Schedule.

7 2. Provisions of a type mentioned in example 1 referred to together as a group (for
8 example, “Parts 5 to 8”).

9 3. A map, a diagram, a mathematical formula.

10 **13 “Parliamentary enactment” and references to UK legislation**

11 (1) A “**Parliamentary enactment**” is an Act of Parliament or a provision of
12 an Act of Parliament.

13 (2) A reference (either generally or specifically) to a Parliamentary
14 enactment includes a reference to all instruments of a legislative
15 character in operation under the enactment.

16 (3) A reference in a Manx enactment to UK legislation is a reference to the
17 legislation as it was in operation when the provision containing the
18 reference commenced.

19 *Note:*

20 *For references to repealed UK legislation applied to the Island, see section 40(3).*

21 **14 References in Manx enactments to EU instruments**

22 (1) This section applies if —

23 (a) a Manx enactment passed after section 1B of the repealed
24 Interpretation Act commenced refers to an EU instrument (the
25 “original instrument”); and

26 (b) the original instrument has been amended, extended or applied
27 by another EU instrument.

28 *Note:*

29 *Section 1B of the repealed Interpretation Act commenced on 18 October 2011.*

30 (2) The reference is a reference to the original instrument as so amended,
31 extended or applied.

32 *Note:*

33 *For public documents, see section 89 (public document may apply other laws or*
34 *documents) and section 2C of the European Communities Act.*

DIVISION 2 – PUBLIC DOCUMENTS

1

2

15 “Public document”

3

(1) A “**public document**” is an order, proclamation, warrant, scheme, rule, regulation, byelaw, resolution, notice or other document (whether or not it is legislative in character) made under an Act.

4

5

6

(2) However, a document made under an Act is not a public document if the Act or an order of the Council of Ministers (an “exemption order”) declares it not to be one.

7

8

9

Tynwald procedure - negative.

10

(3) In a public document, a reference to a public document generally includes a reference to the provisions of that particular public document and of any other public document.

11

12

16 “Statutory document” and its “responsible authority”

13

(1) A “**statutory document**” is the text of –

14

15

(a) regulations, orders, bye-laws, schemes or rules of court;

16

(b) a public document declared under an Act to be a statutory document; or

17

18

(c) a public document of a legislative character.

19

(2) For subsection (1)(c), a public document is of a legislative character only if it –

20

21

(a) unilaterally affects a right or liability of someone other than the body making it; and

22

23

(b) is not of an administrative or judicial character.

24

(3) Despite subsection (1), “statutory document” does not include –

25

(a) rules or standing orders of Tynwald;

26

(b) another public document of a judicial character;

27

Example:

28

A court judgment or court order.

29

(c) a warrant; or

30

(d) a public document declared under an Act or an order of the Council of Ministers (an “exemption order”) not to be a statutory document.

31

32

33

Note:

34

If a public document is only machinery, administrative, drafting or formal in nature, subsections (1) to (3) mean that it will only be a statutory document if it falls under subsection (1)(a) or (b) and it is not excluded under subsection (3).

35

36

37

Tynwald procedure - negative.

- 1 (4) The “**responsible authority**” for, or for a provision about, a public
2 document, is —
- 3 (a) if the statutory document is made by the Council of Ministers, the
4 Chief Minister or a member of the Department in which the
5 authorising legislation is administered;
- 6 (b) for the following, the General Registry —
- 7 (i) rules of court;
- 8 (ii) statutory documents made by the General Registry; or
- 9 (c) otherwise, the Department, Statutory Board or other person or
10 body that made, approved or confirmed the statutory document.

11 *Note:*

12 *For the main functions of responsible authorities for statutory documents, see Part 3,*
13 *Division 2 (statutory documents: Tynwald procedures) and Part 4, Division 1*
14 *(numbering, citation and distribution) of the Legislation Act.*

15 17 “**Non-legislative public document**”

16 A “**non-legislative public document**” is any public document that is not a
17 statutory document.

18 *Example:*

19 *A Governor’s warrant mentioned in section 73, that is not the subject of an exemption*
20 *order under section 15(2).*

21 18 “**Authorising legislation**”

22 The “**authorising legislation**”, for a public document, is if it is made, or is in
23 operation, under —

- 24 (a) an Act, that Act; or
- 25 (b) a statutory document, that statutory document and the provision
26 of the Act under which it is made.

27 PART 3 — LEGISLATIVE TEXT

28 DIVISION 1 — INTRODUCTORY

29 19 Operation of Division

30 This Division provides for what material forms part of an Act or statutory
31 document or certain provisions of Acts or statutory documents (its “**text**”).

1 DIVISION 2 — THE TEXT OF AN ACT OR STATUTORY DOCUMENT

2 **20 The text generally**

- 3 (1) Subject to the rest of this Division, the text of an Act or statutory
4 document is all material from the start of its first section to the end of —
5 (a) if there is no Appendix or Schedule, its last section; or
6 (b) if there is an Appendix or Schedule, its last Appendix or Schedule.
- 7 (2) For a statutory document, a reference in this section to a stated type of
8 provision of an Act is a reference to a provision (whatever called) of the
9 document that, if the provision were in an Act, would be called a
10 provision of the stated type.

11 *Example:*

12 *A reference in this Part to a “section” includes a reference to a provision of a statutory*
13 *document called an article, regulation or paragraph.*

14 **21 Inclusion of certain material before first section**

15 The text of an Act or statutory document includes any of the following before its
16 first section —

- 17 (a) a preamble or recital (however described);
18 (b) enacting words, or words similar to enacting words; or
19 (c) a Chapter, Part, Division or Subdivision heading or a cross-
20 heading.

21 **22 Excluded material**

- 22 (1) The text of an Act or statutory document does not include any —
23 (a) long title;
24 (b) marginal citation or note citing or referring to a provision;
25 (c) derivation;
26 (d) footnote;
27 (e) reprint note; or
28 (f) for amending legislation, formatting or material included only to
29 differentiate amendments from the rest of the legislation.

30 *Example for paragraph (f):*

31 *The amendments are highlighted or italicised or have a change bar next to them. The*
32 *highlighting, italicisation or change bar itself is not included in the text of the amending*
33 *legislation.*

- 34 (2) In this section —

35 “derivation” means words in a provision citing a law from which the provision
36 was derived; and

1 “reprint note” means a declaration or note inserted in a reprint under Part 5
2 (reprints) of the Legislation Act.

3 DIVISION 3 — THE TEXT OF CERTAIN PROVISIONS

4 **23 Headings**

- 5 (1) A provision’s text includes any heading to the provision.
6 (2) If a section has a cross-heading immediately before it and there is
7 another cross-heading immediately after it, the section’s text includes the
8 first cross-heading, but not the second.

9 **24 Example of or note to a provision and their relationship with provision**

- 10 (1) A provision’s text includes any example or note.
11 *Example:*
12 *This example relates to subsection (1). Therefore, an amendment omitting this*
13 *subsection would omit this example.*
14 (2) The following apply to an example of or note to a provision —
15 (a) it is not exhaustive and may extend the provision’s meaning; and
16 (b) it does not limit the provision’s meaning.
17 (3) In this section, “example of or note to” a provision means —
18 (a) an example or note included in the provision’s text;
19 (b) an example or note that is elsewhere but is expressed in a way to
20 indicate it applies to the provision; or
21 (c) a statement at the end of the provision illustrating its operation
22 included in the text of the same sentence as the provision,
23 whether or not the words “for example” or “note” are used.

24 **25 Penalties**

- 25 (1) The text of a section not divided into subsections includes any penalty at
26 the end of the section.
27 (2) A subsection’s text includes any penalty at the end of the subsection.
28 (3) However, subsection (2) does not apply if the penalty is expressed in a
29 way to indicate it applies only to another provision or to another
30 provision as well as the subsection.
31 (4) Subsections (1) and (2) apply even though there is an example or note
32 between the body of the section or subsection and the penalty.

1 **26 Schedule provision references**

2 A provision reference associated with a heading to a Schedule is included in the
3 text of the heading and not the body of the Schedule.

4 *Note:*

5 *The provision referred to is the “authorising section” or other “authorising” provision*
6 *relevant to the Schedule.*

7 **PART 4 – INTERPRETATION AIDS**

8 **DIVISION 1 – INTRODUCTORY**

9 **27 Application of Part**

- 10 (1) This Part applies for interpreting all Manx legislation.
- 11 (2) Section 47 (references to “Tynwald Day” and the special sitting of
12 Tynwald Court) also applies for non-legislative public documents and all
13 other documents.
- 14 (3) For a statutory document, a reference in this Part to a stated type of
15 provision of an Act is a reference to a provision (whatever called) of the
16 document that, if the provision were in in an Act, would be called a
17 provision of the stated type.

18 *Example:*

19 *A reference in this Part to a “section” includes a reference to a provision of a statutory*
20 *document called an article, regulation or rule.*

21 **DIVISION 2 – GENERAL AIDS**

22 **SUBDIVISION 1 – COMMON TERMS AND REFERENCES**

23 **28 Meaning of commonly-used terms**

24 The definitions in paragraph 1 of the Schedule apply to all Manx legislation.

25 **29 Application of definitions**

- 26 (1) A definition applying to all Manx legislation, or to particular Manx
27 legislation, applies to all of the legislation.
- 28 (2) A definition expressed to be for a particular provision does not apply to
29 another provision.

1 **30 Definitions to be read in context**

2 Definitions in or applicable to Manx legislation apply except to the extent the
3 context or subject matter otherwise indicates or requires.

4 **31 Defined terms: other parts of speech, grammatical forms, derivations
5 and associated terms**

6 (1) If Manx legislation defines a term, other parts of speech and grammatical
7 forms of the term have corresponding meanings.

8 *Example:*

9 *“Published”, “publisher”, “publishes”, “publishing” and “publication” are other parts
10 of speech or grammatical forms of the word “publish”.*

11 (2) If Manx legislation defines a term (the “defined term”), a reference to a
12 term derived from, or associated with, the defined term is, subject to the
13 context, to be interpreted as having a meaning based on the defined
14 term.

15 *Example:*

16 *“Occupier”, “occupied” and “unoccupied” are associated terms. A definition of
17 “occupier” applying to a provision of Manx legislation is, subject to the context, to be
18 used to interpret what “occupied” and “unoccupied” means in that provision.*

19 **32 References to the Sovereign**

20 (1) This section applies for a reference in Manx legislation to the Sovereign
21 generally or to the Sovereign reigning when the legislation commences,
22 at some other stated time or when a stated event happens.

23 (2) The reference includes a reference to —

24 (a) the Sovereign’s predecessors and the Sovereign’s heirs and
25 successors; and

26 (b) the capacity of the Sovereign, and the Sovereign’s predecessors
27 and the Sovereign’s heirs and successors, as the Lord of Mann.

28 **33 Gender**

29 Words indicating a gender include other genders.

30 **34 Number**

31 Words in the singular include the plural and words in the plural include the
32 singular.

33 **35 References to “person” generally**

34 (1) An expression used to denote persons generally includes a reference to a
35 body corporate as well as to an individual.

1

Example:

2

“Person”, “anyone else”, “party”, “someone else”, “no-one”, “another”, “whoever” and “employer” are references to a person generally.

3

4

- (2) Subsection (1) is not displaced only because there is an express reference to an individual or corporation elsewhere in the Manx legislation.

5

6

Examples:

7

1. *“Body corporate” and “company” are express references to a corporation.*

8

2. *“Adult”, “child”, “spouse” and “driver” are express references to an individual.*

9

36 Meaning of “may”

10

The word “**may**”, if used for a function, indicates the function may be exercised, or not exercised, at discretion.

11

12

37 Meaning of “shall”

13

The word “**shall**”, if used for a function, indicates the function is required to be exercised.

14

15

38 Names commonly used

16

A common name for someone or something is the person or thing to which the name is commonly applied, or is commonly applied in the Island, whether or not it is the formal or unabbreviated name or designation of the person or thing.

17

18

19

39 “Commencement” and references to commencement

20

- (1) Generally, the “**commencement**”, for Manx legislation or a provision of Manx legislation, is the time at which it comes into operation.

21

22

- (2) However, a reference in Manx legislation to when that legislation or other Manx legislation (the “referenced law”) commences is a reference to the following —

23

24

25

- (a) if the main provisions of the referenced law all commence, or are all required to commence, on a single day or at a single time, the commencement of its main provisions;

26

27

28

- (b) if paragraph (a) does not apply and the reference is in a provision of the referenced law, the commencement of the provision; or

29

30

- (c) otherwise, the commencement of the relevant provision of the referenced law.

31

32

Note:

33

For general provisions about commencement, see Part 2, Division 2 (for Acts) and Part 3, Division 1 (for statutory documents) of the Legislation Act.

34

- 1 (3) In this section, “main provisions”, of the referenced law, means its
 2 provisions other than those providing for its citation and
 3 commencement.

4 **40 References to repealed legislation**

- 5 (1) Generally, a reference to repealed legislation is a reference to that
 6 legislation as it was in operation immediately before it was repealed.
- 7 (2) However, subsection (3) applies if Manx legislation applies (with or
 8 without change) a Parliamentary enactment to the Island and the
 9 enactment is subsequently repealed.
- 10 (3) A reference to the repealed Parliamentary enactment is a reference to the
 11 enactment as it was in operation when the provision applying it to the
 12 Island commenced.

13 *Note:*

14 *For references to extant enactments of Parliament, see section 13.*

- 15 (4) This section is subject to any relevant operation of Part 4, Division 4
 16 (default savings and transitional provisions) of the Legislation Act.

17 SUBDIVISION 2 — REFERENCES

18 **41 References to Manx legislation or Parliamentary enactments are** 19 **inclusive**

20 A reference to a provision of Manx legislation or a Parliamentary enactment (the
 21 “law”) is a reference to —

- 22 (a) the part of the law that starts the provision;
 23 (b) the part of the law that ends the provision;
 24 (c) any part of the law between the start and the end of the provision.

25 *Examples:*

26 1. A reference to “sections 5 to 9” includes both section 5 and section 9.

27 2. A reference to “sections 260 to 264” includes a Part or other heading and all other
 28 text of the law in and between section 260 and section 264.

29 3. A subsection of an Act contains the words “child who is capable of exercising the
 30 judgement of an adult”. Another Act amends the subsection by omitting from “child” to
 31 “adult”. The amendment omits “child”, “adult” and all words in between them.

32 **42 General references to provisions or a part of a provision**

- 33 (1) If —
 34 (a) Manx legislation refers to a Chapter, Part, Division, Subdivision,
 35 section or Schedule (a “higher level provision”) by a number; and

(b) there is nothing in the context to indicate the reference is to a higher level provision outside the legislation,

the reference is to the higher level provision so numbered in the legislation itself.

(2) However, if —

(a) the higher level provision referred to is a Schedule or Part of a Schedule; and

(b) there is nothing in the context to indicate the reference is to a higher level provision of the body of the Manx legislation or to another Schedule to it,

the reference is to the higher level provision so numbered in the Schedule or Part.

(3) If a section refers to a provision of a section without referring to any particular one, the reference is to that section itself.

Example:

A section numbered “24” has 6 subsections. Section 24(6) just refers to something done “under subsection (3)”. The reference is to section 24(3).

(4) If a paragraph in a Schedule refers to a provision of a paragraph without referring to any particular one, the reference is to that paragraph itself.

(5) If a Manx enactment refers to a public document without referring to any particular one, the reference is to any public document made under the enactment.

(6) A reference in a Manx enactment to a power exercisable, public document made or act or thing done under a Manx enactment is a reference to a power exercisable, a public document made or act or thing done under the enactment or of any public document made under it.

SUBDIVISION 3 — OTHER GENERAL AIDS

43 Application to all of the Island

Manx legislation applies to the entire Island.

44 Manx legislation is always speaking

Manx legislation continues to have effect and may be applied from time to time as each occasion requires.

45 Changes of drafting practice not to affect meaning

(1) The purpose of this section is to encourage improvements in the form of Manx legislation by the following without inadvertently changing its substantive effect —

- 1 (a) replacing older forms of legislative expression with forms
2 reflecting current drafting practice; and
3 (b) updating legislative structure.
- 4 (2) If Manx legislation is amended so that it contains an older form of
5 legislative expression in one provision and a newer form of expression in
6 another, the ideas in those provisions must not be regarded as different
7 only because different words are used or the provisions are structured
8 differently.
- 9 (3) Subsection (2) also applies if the provisions are in different pieces of
10 Manx legislation.
- 11 (4) If Manx legislation is amended so that a provision containing an older
12 form of legislative expression is replaced (whether or not in the same
13 position) by a provision in a newer form, the ideas in those provisions
14 must not be regarded as different only because different words are used
15 or the provisions are structured differently.
- 16 (5) In deciding whether the ideas are different, regard must be had to the
17 context and history of the provisions.
- 18 (6) Subsection (5) does not limit the matters to which regard may be had.

19 DIVISION 3 – DISTANCE AND TIME

20 **46 Measurement of distance**

21 Distance is to be measured in a straight line on a horizontal plane.

22 **47 References to “Tynwald Day” and the special sitting of Tynwald Court**

- 23 (1) This section applies to a reference in Manx legislation, a non-legislative
24 public document or another document to Tynwald Day, or to anything
25 appointed to be done at the Tynwald Court ordinarily held yearly on 5th
26 July.
- 27 (2) For a year “**Tynwald Day**” is —
28 (a) 5th July, if that day is not a Saturday or Sunday;
29 (b) if 5th July is a Saturday, 7th July; or
30 (c) if 5th July is a Sunday, 6th July.
- 31 (3) A reference to the Tynwald Court ordinarily held yearly on 5th July also
32 includes a reference to a sitting to which that Court is adjourned.

33 **48 Working out periods of time generally**

- 34 (1) Subject to section 49, this section applies for working out periods of one
35 day or longer, whether the period is a period in the future or the past.

- 1 (2) A period of time described as starting at, on or with a stated day, act or
2 event includes the stated day or the day of the stated act or event.
- 3 (3) A period of time described as starting from or after a stated day, act or
4 event does not include the stated day or the day of the stated act or
5 event.
- 6 (4) A period of time described as ending at, by, on or with, or as continuing
7 to or until, a stated day, act or event includes the stated day or the day of
8 the stated act or event.
- 9 (5) A period of time described as ending before a stated day, act or event
10 does not include the stated day or the day of the stated act or event.
- 11 (6) A reference to a number of days between 2 events does not include the
12 days when the events happen.
- 13 (7) Despite subsection (3), if something must or may be done within a
14 particular period of time after a stated day, the thing may be done on the
15 stated day.

16 **49 Provisions for non-working days**

- 17 (1) If an act or proceeding is directed or allowed to be done or taken within a
18 period of time of 6 days or less, non-working days are not included in
19 working out the period.
- 20 (2) If —
- 21 (a) something must or may be done on a particular day or within a
22 particular period of time; and
- 23 (b) the day, or the last day of the period, is a non-working day,
24 the thing must or may be done on the next day that is a working day.

25 **50 Doing things for which no time is fixed**

26 If something must or may be done but no time is provided for doing it, the thing
27 must or may be done as soon as reasonably possible and as often as needed.

28 **51 Continuing effect of obligations required within a period or by a time**

29 If an act must be done, the obligation to do the act continues until the act is done
30 even if —

- 31 (a) the provision required the act to be done within a certain period
32 or before a certain time, and the period has ended or the time has
33 passed; or
- 34 (b) someone has been convicted of an offence for not doing the act.

1

DIVISION 4 – OFFENCES AND PENALTIES

2

52 Creation of offences and changes in penalties

3

(1) If a provision of Manx legislation makes an act or omission an offence, the act or omission is only an offence if it happens after the provision commences.

4

5

6

(2) If a provision of Manx legislation increases the penalty for an offence, the penalty as increased applies only to an offence committed after the provision commences.

7

8

9

53 Continuing offences

10

(1) This section applies to a requirement under Manx legislation to do an act if –

11

12

(a) the act is required to be done within a certain period or before a certain time; and

13

14

(b) failure to comply with the requirement is an offence against a provision of the legislation.

15

16

(2) A charge for an offence against the provision may be by reference to a day, stated days or any longer period of time.

17

18

(3) If, on a charge for a period of time (the “charged period”), a person is convicted of an offence against the provision (the “first conviction”), the person may also be convicted of a second or subsequent offences by reference to any period of time during the charged period following the first conviction.

19

20

21

22

23

(4) The maximum penalty for an offence against the provision applies for each of the second or subsequent convictions.

24

25

54 Liability of officers of bodies corporate

26

(1) This section applies if –

27

(a) an offence against a provision of Manx legislation is committed by a body corporate; and

28

29

(b) it is proved that an officer of the body authorised, permitted, participated in, or failed to take all reasonable steps to prevent the commission of, the offence.

30

31

32

(2) The officer, as well as the body, commits the offence.

33

Maximum penalty (on information) or (summary) as the case may be – the maximum penalty to which the body would have been liable had it been a natural person.

34

35

36

(3) In this section, “officer”, of the body, means any or all of the following of or for the body –

37

- 1 (a) a director, manager or secretary or other similar officer;
 2 (b) anyone purporting to act as its director, manager or secretary;
 3 (c) if its affairs are being managed by its members, a member; and
 4 (d) if it has a registered agent under incorporation legislation, the
 5 registered agent or anyone purporting to act as its registered
 6 agent.

7 **55 Maximum fines**

- 8 (1) The following is “**the standard scale**” for offences punishable
 9 summarily –

Level on the scale	Amount of fine
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000

- 10
- 11 (2) If a Manx enactment (whenever passed or made) provides –
- 12 (a) that a person convicted of a summary offence is liable on
 13 conviction to a fine or a maximum fine by reference to a specified
 14 level on the standard scale; or
- 15 (b) confers power by statutory document to make a person liable on
 16 summary conviction to a fine or maximum fine by reference to a
 17 specified level on the standard scale,
- 18 that enactment is to be construed as referring to the standard scale in
 19 subsection (1) as that scale has effect from time to time.
- 20 (3) If it appears to the Council of Ministers that there has been a change in
 21 the value of money since the relevant date, the Council of Ministers may
 22 by order substitute for the amounts in column 2 of the Table containing
 23 the standard scale in subsection (1) such other amounts as appear to
 24 them to be justified by the change.

25 Here “the relevant date” is the date on which this section came into
 26 operation or the date on which the most recent order under it came into
 27 operation.

28 Tynwald procedure – affirmative.

- 29 (4) Subsection (5) has effect in relation to a provision in a Manx enactment
 30 that –
- 31 (a) is in operation on the coming into operation of this section; and

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(b) prescribes, or makes provision for a statutory document to prescribe, a fine on summary conviction of a specified amount or subject to a specified maximum.

But that subsection does not apply to a fine expressed to be calculated on a daily basis.

(5) If this subsection applies, the specified amount or specified maximum in the provision mentioned in subsection (4) is to be read as a reference to the first level in the standard scale that is higher than the specified amount or maximum which was in force immediately before this section comes into operation.

(6) Without limiting the scope of subsection (5) the Council of Ministers may by order amend a provision mentioned in subsection (4) so as to substitute for a fine prescribed in or under it a fine or maximum fine determined by reference to the standard scale.

Tynwald procedure – affirmative.

(7) The enactments specified in column 1 are amended to substitute for the amount in column 2 (wherever occurring) the expression in column 3.

Enactment	Amount	Expression
Credit Unions Act 1993	£20,000	4 times level 5 on the standard scale
Fisheries Act 2012	£50,000	10 times level 5 on the standard scale
Food Act 1996	£20,000	4 times level 5 on the standard scale
Genetically Modified Organisms Act 2001	£20,000	4 times level 5 on the standard scale
Housing (Miscellaneous Provisions) Act 2011	£20,000	4 times level 5 on the standard scale
Merchant Shipping Registration Act 1991	£50,000	10 times level 5 on the standard scale
Oil Pollution Act 1986	£50,000	10 times level 5 on the standard scale
Public Health Act 1990	£20,000	4 times level 5 on the standard scale
Regulation of Care Act 2013	£20,000	4 times level 5 on the standard scale
Town and Country Planning Act 1999	£20,000	4 times level 5 on the standard scale
Tree Preservation Act 1993	£20,000	4 times level 5 on the standard scale
Video Recordings Act 1995	£20,000	4 times level 5 on the standard scale
Water Pollution Act 1993	(a) £20,000 (b) £50,000	4 times level 5 on the standard scale 10 times level 5 on the standard scale

- 1 (8) Despite any provision to the contrary, the maximum fine which may be
 2 imposed on summary conviction of an offence triable on information
 3 (whether by virtue of Schedule 2 to the Summary Jurisdiction Act 1989 or
 4 otherwise) is the amount which equals level 5 on the standard scale.
- 5 (9) Subsection (8) does not apply to —
- 6 (a) a fine expressed to be calculated on a daily basis; or
- 7 (b) an offence for which the maximum fine on summary conviction is
 8 greater than £5,000 immediately before the coming into operation
 9 of this section.

10 56 Meaning of “maximum penalty” followed by a stated penalty

- 11 (1) This section defines the words “**maximum penalty**” if they —
- 12 (a) are —
- 13 (i) included in the text of a particular provision; or
- 14 (ii) expressed in a way to indicate they apply to a particular
 15 provision; and
- 16 (b) are followed by a stated penalty (whether or not including the
 17 words “a fine”).
- 18 (2) The words mean that a contravention of the provision is an offence
 19 punishable by a penalty of no more than the one stated.
- 20 (3) If the penalty is a fine and no amount is stated for the fine, there is no
 21 limit on the amount of the fine that may be imposed.
- 22 (4) If more than one penalty is stated and the penalties are joined by the
 23 word “and” or “or”, the word means that the penalties may be imposed
 24 cumulatively or alternatively.

25 *Examples for section 55:*

26 1. *The following words appear at the end of a section divided into 3 subsections and the*
 27 *words “Maximum penalty” do not appear elsewhere in the section:*

28 *“Maximum penalty (summary) for subsection (3) — £2,500.”.*

29 *The words mean that a contravention of subsection (3) (but not the other subsections) is*
 30 *an offence punishable by a penalty of no more than £2,500.*

31 2. *The following words appear at the end of a subsection divided into paragraphs (a) and*
 32 *(b) (but not at the end of the section in question):*

33 *“Maximum penalty (on information) or (summary) —*

34 *(a) for paragraph (a) — £2,500; or*

35 *(b) for paragraph (b) — a fine or 6 months custody.”.*

36 *The words mean that a contravention of either paragraph (a) or (b) is an offence. For*
 37 *paragraph (a), the penalty is one of no more than £2,500. For paragraph (b), the penalty*
 38 *is a fine of any amount or custody for 6 months and that either or both may be imposed.*

1 **57 Meaning of additional words “(on information)” or “(summary)”**

- 2 (1) This section applies if —
- 3 (a) section 56 applies for a particular provision; and
- 4 (b) the words “(on information)” or “(summary)” appear after the
- 5 words “maximum penalty” (whether or not immediately after)
- 6 but before the stated penalty for the provision.

7 *Examples for paragraph (b):*

- 8 1. “Maximum penalty (on information) — 2 years custody or a fine”.
- 9 2. “Maximum penalty (summary) — £5,000.”.

- 10 (2) The words “(on information)” mean the penalty refers to a conviction on
- 11 information for the offence mentioned in section 55.
- 12 (3) The words “(summary)” mean the penalty refers to a summary
- 13 conviction for the offence mentioned in section 55.
- 14 (4) If the words “(summary)”, but not “(on information)”, appear in the
- 15 provision, or *vice versa*, a proceeding for an offence against the provision
- 16 is a summary offence or an offence triable only on information, as the
- 17 case may be.

18 **DIVISION 5 — SERVICE OF DOCUMENTS**

19 **58 Application of Division**

- 20 (1) This Division applies if —
- 21 (a) a particular document is authorised or required to be served,
- 22 whether the word “serve”, “deliver”, “give”, “notify”, “send” or
- 23 another word of a similar effect is used; and
- 24 (b) no particular manner of service is required.
- 25 (2) This Division does not affect the application of —
- 26 (a) the *Service of Documents Act 1963*;
- 27 (b) the *Electronic Transactions Act 2000*;
- 28 (c) a provision under incorporation legislation about how a
- 29 document may be served on a body corporate; or
- 30 (d) another provision under which a document is authorised or
- 31 required to be served otherwise than as provided under this
- 32 Division.

33 **59 Service of documents on individuals**

- 34 (1) The document may be served on an individual by —
- 35 (a) personal service;

1 (b) sending an envelope containing the document by prepaid post,
2 addressed to the individual at the individual's address; or

3 (c) leaving it for the individual with someone who appears to be at
4 at least 16 years old and to live or be employed at the individual's
5 address.

6 (2) In this section, "address", for an individual, means the individual's usual
7 or last known place of abode or business.

8 **60 Service of documents on body corporate or association**

9 (1) The document may be served on a body corporate or association ("the
10 entity") by —

11 (a) giving it to a relevant officer or agent of the entity;

12 (b) sending an envelope containing the document by prepaid post,
13 addressed to the entity (or a relevant officer or agent of the entity),
14 to its registered address; or

15 (c) leaving it for the entity with someone who appears to be at least
16 16 years old and to live or be employed at its registered address.

17 (2) In this section —

18 "association" means a partnership or other association of persons, whether or
19 not it is incorporated or has legal personality;

20 "entity's board" means any governing body of the entity (however described);

21 "relevant officer or agent", of the entity, means —

22 (a) a director of the entity;

23 (b) anyone (however described and, if the entity is a body corporate,
24 whether or not the person is a director of the entity) —

25 (i) under whose directions or instructions a director of the
26 entity's board may be required, or is, accustomed to act; or

27 (ii) who exercises, or is entitled to exercise, or who controls, or
28 is entitled to control, the exercise of powers that, apart
29 from the entity's constitution, would fall to be exercised
30 the entity's board; and

31 (c) anyone else who, under any relevant Manx legislation, is a
32 registered agent of, or is authorised to accept service for, the
33 entity; and

34 "registered address", for an entity, means its registered office, principal office,
35 business address or other address for its place of business registered
36 under incorporation legislation.

61 Email or other electronic service by agreement

- (1) The document may be served on a person (the “recipient”) by using a particular form of electronic communication to a particular electronic address (the “agreed mode”) agreed to in writing by the recipient before the communication is sent.

Example of a written agreement:

A Department makes an electronic statutory form for electronic dealings concerning its administration of a particular Act, for those who choose to do so. The form requires someone completing the form (the “participant”) to —

- (a) *state the participant’s email address for such dealings;*
- (b) *agree to certain conditions, including one that the Department may serve documents about such dealings by email to the participant at the stated address (“service by email”); and*
- (c) *show the participant’s agreement to the conditions in a box located near to, or that is referenced by, a statement to that effect.*

An electronic tick in the box is the participant’s written agreement to service by email.

- (2) Subsections (3) to (5) apply if —
- (a) the sender sends the recipient an electronic communication using the agreed mode; and
- (b) the communication states that a document (whether or not identified) for the recipient is available for viewing by opening a stated hyperlink (or words to a similar effect).
- (3) The recipient is taken to have also been served with the document if it was able to be viewed at the location so hyperlinked (the “hyperlinked address”) —
- (a) when the communication was sent (the “sending time”); and
- (b) for a period after the sending time that, in all the circumstances, was reasonable to allow the recipient to open the hyperlink and read or copy the document.
- (4) Subsection (3) applies whether or not, or whenever, the recipient opened the hyperlink.
- (5) In a civil or criminal proceeding, a certificate signed by the sender (or, if the sender is a body corporate, an officer of the sender) attaching a copy of the communication and stating the following matters is evidence of those matters —
- (a) the sending time; and
- (b) that the document was able to be viewed at the hyperlinked address at the sending time and for a stated period after that time.
- (6) In this section —
- “electronic communication” means a communication, by means of a telecommunication system, of information —

- 1 (a) in the form of data, text or images; or
2 (b) in the form of speech processed at its destination by an automated
3 voice recognition system; and

4 “sender” means the person sending the document by electronic communication,
5 or an agent or principal of that person.

6 *Note:*

7 *See also section 2 (time and place of dispatch and receipt of electronic communications)*
8 *of the Electronic Transactions Act 2000.*

9 **62 Service on unknown owner, lessee or occupier**

- 10 (1) This section applies if —
11 (a) a person (the “sender”) wishes to serve the document on someone
12 (the “recipient”) who owns, leases or occupies certain premises;
13 (b) the sender does not know the recipient’s identity; and
14 (c) reasonable enquiries by the sender to find out that identity have
15 been unsuccessful.
- 16 (2) The sender may serve the document on the recipient by properly
17 addressing the document to the recipient and by doing one or both of the
18 following —
19 (a) delivering it to someone at the premises who appears to be at least
20 16 years old and to live or be employed there; or
21 (b) fixing the document, or a copy of it, to some conspicuous part of
22 the premises.
- 23 (3) In this section, “properly addressing” the document to the recipient
24 means writing on it words that —
25 (a) address it to the “owner”, “lessee” or “occupier” (as the
26 case may be) of the premises; and
27 (b) name or otherwise identify the premises.

28 **63 When service by prepaid post happens**

- 29 (1) This section applies if, under this Division, a document is served by
30 sending it by prepaid post.
- 31 (2) The document is taken to have been served —
32 (a) generally, when it would be delivered in the ordinary course of
33 post; or
34 (b) if it was sent by registered post in the Island for delivery at a place
35 in the Island or the United Kingdom, 48 hours after it was sent.
- 36 (3) However, subsection (2) does not apply if the contrary is proved.

- (4) In this section, “registered post” means prepaid post sent under a scheme under section 13 (charges, terms and conditions) of the *Post Office Act 1993* under which scheme that office accepts limited liability under section 19 (limited liability for registered post) of that Act.

DIVISION 6 – STATUTORY FORMS

64 Application of Division

This Division applies if Manx legislation (the “**empowering law**”) generally authorises or requires a written form (a “**statutory form**”) to be approved or prescribed (“**made**”).

65 Power to make statutory forms

A statutory form may be made for a matter under or relating to a provision of the empowering law, even though the provision does not mention any form.

Example:

Section 23 of the X Act provides for a person to apply for registration but does not mention the form to be used for the application. The X Act does not empower the Department administering the X Act to make forms for that Act. This section authorises that Department to make a statutory form for the application.

66 Compliance with statutory forms

- (1) Substantial compliance with a statutory form is sufficient.

Example of substantial compliance:

The current statutory form for an application requires it to be made at a stated address. An applicant uses a superseded version of the form that states an old address. The applicant makes the application to the stated address and not the old one. Apart from the statement of the old address in the superseded form, the application complies with the current form.

- (2) However, if a statutory form requires any or all of the following, it is properly completed only if the requirement is (or are) complied with —

- (a) that the form is to be signed;
- (b) that the form is to be prepared in a particular way;

Examples:

On paper of a particular size or quality, or in a particular electronic form.

- (c) that the form is to be completed in a particular way;
- (d) that particular information is to be included in the form, or a particular document is to be attached to or given with it; or
- (e) that the form, information in the form, or a document attached to or given with it, is to be verified in a particular way.

Example:

1 *By a statutory declaration.*

- 2 (3) Despite subsection (2), one need not comply with the requirement
3 mentioned in subsection (2)(d) (and the statutory form is taken to be
4 properly completed despite the non-compliance) if —
5 (a) the form is approved or prescribed for one or more purposes; and
6 (b) the information or document is not reasonably necessary for any
7 of the purposes because it is irrelevant to all of them.
- 8 (4) If the empowering law requires a statutory form to be completed for an
9 application or another purpose, the application is not made or the
10 purpose is not achieved unless the form is completed as required under
11 this section.

12 DIVISION 7 — PUBLIC DOCUMENTS

13 **67 Words and expressions follow authorising legislation**

14 Words and expressions used in a public document have the same meanings as
15 they have, from time to time, under its authorising legislation.

16 **68 References to “Act” etc**

- 17 (1) In a public document a reference to “Act” or “the Act” without
18 mentioning a particular Act, means the Act under which the document is
19 made or is in operation.
- 20 (2) A reference in a public document to “these Regulations”, “this Order” or
21 a similar expression signifying the document itself includes any public
22 document made under it.

23 **PART 5 — FUNCTIONS AND POWERS**

24 DIVISION 1 — GENERAL

25 **69 General provisions**

- 26 (1) A function under Manx legislation may be performed from time to time
27 as the occasion requires.
- 28 (2) If the function is conferred on a stated officer or the holder of a stated
29 office, it may be performed by any person for the time being occupying
30 or acting in the office concerned.
- 31 (3) A power under Manx legislation to do an act or thing includes the power
32 to do anything else reasonably necessary for, or incidental to, doing the
33 act or thing.

- 1 (4) A power under a Manx enactment to amend a Manx enactment (the
2 “subject enactment”) other than by an Act does not include a power to
3 repeal or to amend in a way that will render the subject enactment
4 ineffective or of no value or importance.
- 5 (5) In this section, “person” includes an unincorporated body.

6 **70 Power to make decision includes power to reverse or change**

- 7 (1) If Manx legislation authorises or requires the making of a decision, the
8 power includes a power to reverse or change the decision.
- 9 (2) The power to reverse or change is exercisable in the same way, and
10 subject to the same conditions, as the power to make the decision.

11 **71 Exercise of powers between making and commencement**

- 12 (1) This section applies for a power to do anything, given under —
- 13 (a) Manx legislation (the “authorising law”) that has been made, but
14 has not commenced; or
- 15 (b) Manx legislation that has been made, as amended under other
16 Manx legislation that has been made, and either or both such
17 legislation has not commenced (either or both also called the
18 “authorising law”).

19 *Examples:*

20 *A power to make a public document or appoint members of a body to be established*
21 *under the authorising law.*

- 22 (2) Any of the following may take place at any time —
- 23 (a) the exercise of the power; or
- 24 (b) doing anything else to bring the authorising law into operation or
25 to give full effect to it.
- 26 (3) For the exercise of the power or doing the other thing, the authorising
27 law is taken to have commenced.
- 28 (4) However, a public document or appointment made under this section
29 cannot commence before the provision of the authorising law
30 empowering that document or appointment commences.

31 **DIVISION 2 — THE EXECUTIVE**

32 **72 Governor’s delegation power**

- 33 (1) The Governor may delegate the performance of any of the Governor’s
34 functions under a Manx enactment or Tynwald resolution, other than a
35 power to make a public document.
- 36 (2) The delegation may be to —

- 1 (a) a named person or body; or
2 (b) the officer, or the holder of an office, identified by reference to the
3 title of the office concerned.
- 4 (3) The Governor may impose conditions on the performance of the
5 delegated function.

6 **73 Making and signing by or on behalf of Governor**

- 7 (1) An authority, direction or order is taken to have been made by the
8 Governor if it purports to have been so made and is signed by the Chief
9 Secretary.
- 10 (2) However, a proclamation or warrant must be signed by the Governor
11 personally.

12 **74 Evidence of signing of public documents etc**

- 13 (1) An authority, direction or public document is taken to have been made
14 by the Governor in Council or the Council of Ministers if it purports to
15 have been so made and is signed by the Chief Secretary.
- 16 (2) To avoid any doubt, subsection (1) does not limit who may execute a
17 public document under section 24 of the Legislation Act.

18 **75 Council of Ministers' amendment power if Parliamentary enactment
19 applied to the Island**

- 20 (1) This section applies if a Parliamentary enactment is applied (with or
21 without change) to the Island (the "applied law").
- 22 (2) The Council of Ministers may, by order, and after having consulted the
23 Attorney General, amend any Manx enactment it considers appropriate
24 to do any of the following —
- 25 (a) carry out, give effect to or reflect the provisions of the applied
26 law;
- 27 (b) remove any inconsistencies with the applied law;
- 28 (c) consequentially amend the Manx enactment because of the
29 application of the applied law; or
- 30 (d) include consequential, supplementary, incidental, savings,
31 transitional or validating provisions it considers appropriate
32 because of the effect of the applied law.
- 33 Tynwald procedure – approval required.

1

DIVISION 3 — APPOINTMENT POWERS

2

76 Appointments may be made by name or office

3

(1) This section applies if the Governor or another officer or body (the “appointor”) is authorised or required under Manx legislation to appoint —

4

5

6

(a) a person to an office; or

7

(b) a person or body to exercise a power or to do another thing.

8

(2) The appointor may make the appointment by appointing —

9

(a) a person or body by name; or

10

(b) a stated officer, or the holder of a stated office, by reference to the title of the office concerned (the “titled appointee”).

11

12

(3) The titled appointee is taken to be the person for the time being occupying or acting in the office concerned.

13

14

77 Acting appointments: general provisions

15

(1) This section applies if Manx legislation or a Tynwald resolution (the “empowering document”) empowers an appointment of a public officer, other than a judicial officer.

16

17

18

(2) The power to appoint (the “primary power”) also includes a power (the “acting appointment power”) to appoint a person, or 2 or more people, to act in the office during —

19

20

21

(a) any vacancy, or all vacancies, in the office, whether or not an appointment has previously been made to the office; or

22

23

(b) any period, or all periods, when the appointee for any reason is not able to perform the functions of the office.

24

25

Example:

26

The current appointee is ill, on leave or outside the Island.

27

(3) The acting appointment power is exercisable in the same way, and subject to the same conditions, as the primary power.

28

29

(4) Subsection (5) applies if the empowering document requires —

30

(a) the appointee to hold a qualification; or

31

(b) the usual appointor (or someone else) to be satisfied about the appointee’s suitability (whether in terms of knowledge, experience, character or another personal quality) before appointing the appointee to the position.

32

33

34

35

(5) Without limiting subsection (3), the acting appointment power may be exercised only if the appointee holds the qualification or the usual appointor (or other person) is so satisfied.

36

37

- 1 (6) An acting appointment under subsection (2) may be expressed to have
2 effect only in the circumstances stated in the document of appointment.
- 3 (7) This section is subject to section 78.
- 4 (8) In this section, “usual appointor” means the person who, under the
5 empowering document, is empowered to appoint someone to the office
6 concerned.

7 **78 Acting appointments: directions about appointor**

- 8 (1) The following person or body may give a direction (an “appointment
9 direction”) that someone (the “alternate appointor”) other than the usual
10 appointor under section 77 is to exercise an acting appointment power
11 under that section —
- 12 (a) for an appointment of an employee of the Public Service
13 Commission, that Commission (the “Commission”); or
- 14 (b) otherwise —
- 15 (i) the Chief Minister; or
- 16 (ii) another Minister whom the Chief Minister or the Council
17 of Ministers has authorised to give the appointment
18 direction.
- 19 (2) The alternate appointor may be —
- 20 (a) a named person or body; or
- 21 (b) a stated officer, or the holder of a stated office, by reference to the
22 person for the time being occupying or acting in the office
23 concerned.
- 24 (3) The effect of an appointment direction is that section 77 applies, subject
25 to the following —
- 26 (a) only the alternate appointor may exercise the acting appointment
27 power;
- 28 (b) the exercise of that power is subject to any conditions imposed
29 under the direction; and
- 30 (c) the appointment must be made under the terms of the direction.
- 31 (4) Before giving an appointment direction, the Commission must seek the
32 concurrence of the relevant Minister.
- 33 (5) However, a failure to comply with subsection (4) does not invalidate the
34 appointment direction.
- 35 (6) In this section “relevant Minister” means —
- 36 (a) generally, the Minister who appears to the Commission to be
37 principally concerned with the exercise of the acting appointment
38 power; or

- 1 (b) if it appears to the commission that there is no Minister
2 principally concerned, or that Minister is absent or unable to act,
3 the Chief Minister.
- 4 (7) Until the coming into operation of the *Public Services Commission Act*
5 *2014*, references in this section to the Commission are to be read as
6 references to the Civil Service Commission established by section 2 of the
7 *Civil Service Act 1990*.

8 **79 Power of appointment includes certain incidental powers**

- 9 (1) A power (the “appointment power”) to appoint a public officer, other
10 than a judicial officer, under Manx legislation includes the power to –
- 11 (a) decide the terms and conditions of the appointment;
12 (b) suspend the appointee, and to end the suspension;
13 (c) end the appointment, and appoint someone else; and
14 (d) if the appointee is still eligible, reappoint the appointee.
- 15 (2) The powers under subsection (1)(b) to (d) are exercisable in the same
16 way, and subject to the same conditions, as the appointment power.

17 **80 Deputies**

- 18 (1) This section applies if, under Manx legislation or a Tynwald resolution,
19 functions are conferred on a Minister or a public officer, other than a
20 judicial officer.
- 21 (2) The Minister or public officer may appoint someone as the Minister’s or
22 public officer’s deputy to perform the functions.
- 23 (3) However, a person may be appointed as a deputy only if –
- 24 (a) the person is appropriately qualified to perform the functions;
25 and
- 26 (b) for a public officer (other than the Chief Minister or a Minister),
27 the person or body who appointed the officer has approved the
28 deputy’s appointment.
- 29 (4) The deputy holds office subject to any conditions imposed by the
30 Minister or public officer.

31 **DIVISION 4 – GENERAL FEE POWER**

32 **81 Grant of power to the Treasury, Departments and Statutory Boards**

- 33 (1) The Treasury, another Department or Statutory Board may do either of
34 the following under regulations or an order –
- 35 (a) levy fees and duties for a matter mentioned in section 82; or

(b) provide for the following for fees and duties levied under paragraph (a) or another Act —

- (i) their time and manner of payment;
- (ii) matters incidental to their due collection and accounting.

Tynwald procedure - negative.

(2) The power under subsection (1) is the “**general fee power**”.

(3) The general fee power does not limit another power to make a public document or section 91 (under which a power to prescribe fee includes a power to prescribe a reasonable fee).

82 Matters for which general fee power may be exercised

The matters for which the general fee power may be exercised are —

- (a) a government authority performing a function or service, or a matter incidental to the performance of the function or service;
- (b) a matter relating to a proceeding;
- (c) a matter for which an Act provides a fee is to be prescribed under the general fee power; and
- (d) a matter for which fees were, or could be, prescribed under a Manx enactment repealed or amended (but not changed) under this Act.

Examples of performing a function or service:

1. Granting or issuing under Manx legislation a right, sanction, certificate, permit, licence, authorisation, permission, or a similar decision or document for that purpose.

2. A government authority considering an application or carrying out an examination, inspection or investigation.

3. A matter relating to or incidental to the registration of deeds or the registration of bodies corporate, industrial and building societies and documents relating to those bodies.

4. Swearing oaths, making declarations, captioning a document or affixing a seal.

5. Registering, recording, filing, enrolling or depositing a document with, or in a register maintained by, a government authority.

6. Issuing, inspecting or producing a copy of a document in a government authority's possession.

Examples of matter relating to a proceeding:

Filing, inspecting, copying, producing or issuing a document or making an order.

83 Treasury concurrence required

The general fee power may be exercised by a Department (other than the Treasury) or Statutory Board only with the concurrence of the Treasury.

- 1 **84 Requirement to make available rate of fees and duties**
- 2 (1) This section applies if a statutory document prescribes fees or duties
- 3 under the general fees power.
- 4 (2) The responsible authority must ensure a copy of, or an extract from, the
- 5 provisions prescribing the fees or duties is available free of charge —
- 6 (a) at every office or place where the fees or duties are charged
- 7 during normal office hours; and
- 8 (b) for public viewing on the Government website or another website
- 9 that the responsible authority considers appropriate for that
- 10 purpose.
- 11 (3) A contravention of subsection (2) does not affect the validity of the
- 12 exercise of the power.

13 **85 Receipt of fees or duties**

14 A fee or duty received under the exercise of the general fee power forms part of

15 the General Revenue.

16 **DIVISION 5 — POWERS FOR PUBLIC DOCUMENTS**

17 **86 Meaning of “matter” for Division**

18 In this Division, “matter”, for a public document, includes circumstance,

19 person, place, purpose and thing.

20 **87 Additional powers implied by power to make public document**

- 21 (1) This section applies if the authorising legislation for a public document
- 22 authorises or requires the making of a public document for that
- 23 legislation or other Manx legislation (both the “legislation”).
- 24 (2) The power to make the public document also authorises the making of a
- 25 public document for any matter —
- 26 (a) required or permitted to be prescribed under the legislation; or
- 27 (b) necessary, convenient or incidental to the exercise of the power or
- 28 to carry out or give effect to the legislation.
- 29 (3) Subsection (2) applies to the authorising legislation even though —
- 30 (a) it authorises the making of a public document only for that
- 31 legislation; or
- 32 (b) it also authorises or requires the making of a public document
- 33 about a particular matter.

34 *Example for subsections (2)(b) and (3):*

1 *A statutory document is amending legislation. It may make consequential amendments*
2 *to statutory documents made under other Manx enactments or by a different body to the*
3 *one making the amending legislation.*

- 4 (4) A power given under the authorising legislation for a public document
5 about a particular matter is in addition to, and does not limit the effect of,
6 a power given under the authorising legislation or other legislation to
7 make a public document (whether or not of the same type) about another
8 matter.

9 **88 Public documents may apply generally or differentially**

- 10 (1) A public document may —
11 (a) apply generally or be limited in its application to a particular part
12 of the Island;
13 (b) apply generally to all persons and matters or be limited in its
14 application to, or make different provision for —
15 (i) different persons or matters; or
16 (ii) different classes of persons or matters; or
17 (c) apply generally or be limited in its application by reference to
18 stated conditions, exceptions or factors.
19 (2) Without limiting subsection (1), a public document-making power about
20 particular matters includes the power to make a public document about
21 any one or more of those matters or a particular class of those matters.
22 (3) In this section, “class” includes a single matter.

23 **89 Public document may apply other laws or documents**

- 24 (1) A public document may make provision about a matter by applying all
25 or part of the provisions of any of the following (the “applied
26 provisions”) —
27 (a) stated Manx legislation;
28 (b) UK legislation;
29 (c) an EU instrument;
30 (d) a law of another jurisdiction; or
31 (e) another document (whether of the same or a different type).
32 (2) The applied provisions may be expressed to apply as in operation —
33 (a) at a stated time before the making of the public document;
34 (b) on the making of the public document; or
35 (c) from time to time, subject to section 40(3) (references to repealed
36 legislation).

- 1 (3) If the public document does not make any provision as mentioned in
2 subsection (2), the applied provisions are taken to apply as they were in
3 operation on the making of the public document.

4 *Note:*

5 *For what laws apply for the interpretation of, and other matters relating to, the applied*
6 *provisions, see sections 5 to 7.*

- 7 (4) In this section, “applying” includes adapting, adopting or incorporating,
8 with or without change, and whether directly or indirectly, but does not
9 include the mere copying of a provision mentioned in subsection (1)
10 without referring to it.

11 **90 Public document may refer to map, plan or register for land or waters**

- 12 (1) This section applies if the authorising legislation for a public document
13 authorises or requires the document to make a provision relating to land
14 or waters.
- 15 (2) The provision may be made by reference to a particular map, plan or
16 register (the “document”) held or kept by the responsible authority.
- 17 (3) However, the responsible authority must ensure the document is
18 available for public viewing free of charge —
- 19 (a) at its principal office during normal office hours; and
20 (b) on the Government website or another website that the
21 responsible authority considers is appropriate for that purpose.
- 22 (4) A contravention of subsection (3) does not affect the validity of the
23 provision.

24 **91 Power to prescribe reasonable fee**

- 25 (1) This section applies if the authorising legislation for a statutory
26 document confers power to prescribe a fee for doing a thing.
- 27 (2) The power includes a power to prescribe, instead of a stated amount,
28 such amount as —
- 29 (a) the responsible authority considers is reasonable; and
30 (b) is no more than the actual cost of doing the thing.
- 31 (3) The responsible authority may publish a list of the fees for doing the
32 thing and other things for which a fee is prescribed.

33 **92 Power to charge reasonable amount for non-obligatory services**

- 34 (1) This section applies if —
- 35 (a) under Manx legislation, a government authority is authorised, but
36 not required, to perform a service; and

(b) no fee is prescribed under the general fee power or otherwise for performing the service.

(2) The government authority may charge a reasonable amount for performing the service.

93 Power to make public document includes power to amend or repeal

(1) A power to make a public document includes the power to amend or repeal it.

(2) The power to amend or repeal is exercisable in the same way, and subject to the same conditions, as the power to make the public document.

(3) However, despite subsection (2), a statutory document may, after consultation with the Legislation Consolidation Board under the Legislation Act, be repealed by an order of the Council of Ministers (a “repeal order”) without complying with the conditions.

(4) A repeal order may be made for more than one statutory document and for statutory documents that have different authorising legislation.

(5) Tynwald procedure - negative.

94 Acts done under public document

An act done under a public document is taken to have been done under its authorising legislation.

DIVISION 6 – MISCELLANEOUS

95 Power to produce information includes information kept on computer

(1) This section applies if —

(a) someone keeps, or has access to, a document or information (“the material”) kept by way of a computer;

(b) under Manx legislation an authority is empowered to require the person to produce, or help to produce, the material to an authority; and

(c) that power is exercised in relation to the person.

(2) The person must produce a document reproducing the material in a form capable of being understood by the authority.

(3) Also, for a requirement made by an inspector —

(a) the form must allow the inspector to take the reproduction away; and

(b) the person must allow the inspector to check the computer’s operation and any apparatus associated with it.

(4) In this section —

- 1 “authority” means a court, tribunal or an inspector; and
2 “inspector” includes an individual (whatever called) performing monitoring or
3 enforcement functions under a Manx enactment.

4 **96 Power of majority of more than 2 persons**

- 5 If an act or thing is required to be done by more than 2 persons, a majority of
6 them may do it.

7 **PART 6 – OTHER PROVISIONS**

8 **DIVISION 1 – GENERAL**

9 **97 Delegation by Council of Ministers**

- 10 (1) The Council of Ministers may delegate –
11 (a) to the Chief Minister any of its powers under this Act to make a
12 public document; or
13 (b) any of its powers under Part 5, Division 3 (appointment powers)
14 to –
15 (i) a Minister; or
16 (ii) an employee of the Public Services Commission appointed
17 under the *Public Services Commission Act 2014* who is
18 appropriately qualified to exercise the power.
19 (2) The delegation may be –
20 (a) general or limited; and
21 (b) revoked, wholly or partly, by the Council of Ministers.
22 (3) A power so delegated may be exercised only under any conditions the
23 Council of Ministers imposes on the exercise of the power.
24 (4) Until the coming into operation of the *Public Services Commission Act*
25 *2014*, the reference to an employee of the Public Services Commission
26 appointed under the *Public Services Commission Act 2014* is to be read
27 as a reference to a civil servant under the *Civil Service Act 1990*.

28 **98 General regulation-making powers**

- 29 (1) The following bodies may make regulations for the purposes of this
30 Act –
31 (a) the Council of Ministers;
32 (b) a Department; and
33 (c) a Statutory Board.
34 Tynwald procedure – approval required.

- 1 (2) The regulations may provide for consequential, incidental, supplemental
2 or transitional matters the body considers —
3 (a) are necessary or convenient for the purposes; or
4 (b) are not provided for, or not sufficiently provided for, under
5 Division 2.
- 6 (3) Despite subsections (1) and (2), a Department or Statutory Board may
7 make regulations only under the provisions applying to Manx legislation
8 it administers.

9 DIVISION 2 — SAVINGS AND TRANSITIONALS

10 **99 Operation of Act for existing Manx legislation and other documents**

- 11 (1) To avoid any doubt, this Act applies to Manx legislation, non-legislative
12 public documents and other documents (each an “existing document”)
13 even though they were in operation or existence before this section
14 commences (the “commencement”).
- 15 (2) However —
16 (a) this Act does not affect the operation of a repealed Act for
17 anything that happened before the commencement; and
18 (b) this Act applies only for an existing document for something that
19 happens on or after the commencement.

20 *Examples:*

21 *1. Unincorporated bodies were included in the definition of “person” under section 3 of*
22 *the repealed Interpretation Act. Such bodies are not included in section 35 (references to*
23 *a “person” generally). For anything that happened before the commencement, a reference*
24 *in an existing document to “a person” includes (subject to the context) an*
25 *unincorporated body. For anything happening from the commencement, that reference*
26 *will only include (subject to the context) an individual or body corporate.*

27 *2. There is High Court authority (Re: Atrium Trading (2003-5) MLR 91) that a long*
28 *title is included in the text of existing Manx legislation. For things happening before the*
29 *commencement, a long title is included in such text. For things happening after the*
30 *commencement, because of section 22(1)(a), a long title does not.*

- 31 (3) The reference in subsection (2) to a thing happening includes a reference
32 to the existence, non-existence or coming into existence of a fact, matter
33 or circumstance.
- 34 (4) This section —
35 (a) is subject to section 14 (references in Manx enactments to EU
36 instruments);
37 (b) does not apply for sections 53 (continuing offences) and 54
38 (liability of officers of bodies corporate); and

- 1 (c) does not apply for section 44 of the Legislation Act (defence if
2 Manx legislation not published) if the statutory document
3 concerned was in operation before the commencement.

4 **100 Declaratory provision for marginal notes in existing reprints**

- 5 (1) This section applies if before this section commences —
6 (a) an Act as enacted and printed included a heading in the form of a
7 marginal note to a section or other provision; and
8 (b) a reprint of the Act under the repealed Reprints Act 1981
9 purported to include the heading as a heading to the provision.
10 (2) To avoid any doubt, the inclusion of the heading in the reprint did not
11 affect, and has never affected, the application of section 8 (preambles,
12 headings and marginal notes) of the repealed Interpretation Act to the
13 heading or provision.

14 **101 Default savings and transitional provisions apply for re-enactments**

15 To remove any doubt, for Part 4, Division 4 of the Legislation Act (default
16 savings and transitional provisions), this Act repeals and re-enacts the repealed
17 Acts.

18 **102 Transition of orders under repealed Fees and Duties Act 1989**

- 19 (1) This section applies despite the repeal of the *Fees and Duties Act 1989* (the
20 “1989 Act”).
21 (2) An order in operation under the 1989 Act immediately before its repeal
22 continues in operation as if the order had been made in exercise of the
23 general fee power.
24 (3) To remove any doubt, if the order was approved by Tynwald under
25 section 1(4) of the 1989 Act before this section commences, section 32 of
26 the Legislation Act (negative Tynwald procedure) does not apply to the
27 order.

28 **103 References to “enactment”**

29 In Manx legislation or a document the term “enactment” is, if the context
30 permits, taken to be a reference to Manx legislation.

31 *Example of case in which the context does not permit:*

32 *The term is defined in the provision in which it appears or used in reference to UK*
33 *legislation.*

PART 7 — REPEALS AND AMENDMENTS¹

104 Repeal of Acts

The following Acts are repealed —

- (a) the *Statutory Time, et cetera, Act 1883*;
- (b) the *Interpretation Act 1976*; and
- (c) the *Fees and Duties Act 1989*.

105 Repeal of provisions

Each of the Acts referred to in column 1 of the following table is repealed to the extent shown in column 2.

Act	Extent of repeal
<i>Newspapers Act 1846</i>	Section 18
<i>Industrial and Building Societies Act 1892</i>	Section 7(10)
<i>Bankruptcy Code 1892</i>	Section 5A(2)
<i>Pedlars and Street Traders Act 1906</i>	In section 2, the definition of “local authority”
<i>Petty Sessions and Summary Jurisdiction Act 1927</i>	In section 3 the definition of “court of summary jurisdiction”
<i>Agricultural Marketing Act 1934</i>	Section 31(5)
<i>Children and Young Persons Act 1966</i>	Section 118(3) and (4)
<i>Companies Act 1974</i>	Sections 12 and 23(3)
<i>Peel Town Commissioners (Acquisition and Disposal of Land) Act 1975</i>	Section 4
<i>Fertilisers and Feeding Stuffs Act 1975</i>	Section 20(3)
<i>Tynwald Proceedings Act 1984</i>	Section 5
<i>Local Government Act 1985</i>	Section 31A
<i>Tobacco Products Duty Act 1986</i>	In section 6D(7) the words “within the meaning of section 3 of the Interpretation Act 1976”.
<i>Bank Holidays Act 1989</i>	In section 3(3) the words “Without prejudice to section 16 of the Interpretation Act 1976”
<i>Summary Jurisdiction Act 1989</i>	Schedule 4 paragraph 7(1)
<i>Income Tax Act 1989</i>	In section 1 in the definition of “annual allowance”, all the words after “Treasury”.
<i>High Court Act 1991</i>	Section 58(1A)

¹ This Part will automatically expire after promulgation of this Act, depending on when this Part commences. See section 55 (automatic expiry of future amendments) of the Legislation Act.

<i>Merchant Shipping Registration Act 1991</i>	section 45(2)
<i>Customs and Excise Act 1993</i>	section 1(4)
<i>Medicines Act 2003</i>	Schedule 2 definition of “registered”
<i>Anti-terrorism and Crime Act 2003</i>	In section 72(3) the words “within the meaning of the Interpretation Act 1976”.
<i>Insurance Act 2008</i>	Schedule 10
<i>Tynwald Auditor General Act 2011</i>	Schedule 2, paragraph 2
<i>Regulation of Care Act 2013</i>	sections 33(3) and (4), 127, 153, and 156 and 161(2)(b) and (c) and (3); Part 10, Division 5; and the definitions “commence”, “enactment”, “maximum penalty”, “personal representative” and “see” in the Schedule;
<i>Flood Risk Management Act 2013</i>	sections 10(2) and (3), 45(2)(e) and (f), 65, 71, 72, and 95 and the definitions “commence”, “the Island”, “maximum penalty” and “see” in the Schedule

1 **106 Grouped amendments**

- 2 (1) In each of the provisions in Table A for “section 3 of the *Interpretation Act*
3 *1976*” substitute “Part 1 of the Schedule to the *Interpretation Act 2014*
4 (definitions for all Manx legislation)” –

5 Table A:

<i>Land Registration Act 1982</i>	section 79(1), in the definition of “land”
<i>Tynwald Proceedings Act 1984</i>	section 5
<i>Customs and Excise Management Act 1986</i>	section 174(1)
<i>Tynwald Auditor General Act 2011</i>	Schedule 1, paragraph 8(9)
<i>Tynwald Commissioner for Administration Act 2011</i>	Schedule 1, paragraph 8(9)

- 6 (2) In each of the provisions in Table B for the following words substitute
7 “Part 5 of the *Interpretation Act 2014* (functions and powers)” –
8 (a) “section 26 of the *Interpretation Act 1976*”;
9 (b) “section 26(3) of the *Interpretation Act 1976*”; and
10 (c) “section 28 of the *Interpretation Act 1976*”.

11 Table B:

<i>Income Tax Act 1970</i>	sections 1(3D) and 27A(2)
----------------------------	---------------------------

<i>Income Tax (Retirement Benefit Schemes) Act 1978</i>	section 14(1), in the definition of “annual allowance”
<i>Income Tax Act 1989</i>	section 1(1), in the definition of “annual allowance”
<i>Moneylenders Act 1991</i>	section 17(1A)(b)
<i>Collective Investment Schemes Act 2008</i>	section 24(6)
<i>Financial Services Act 2008</i>	section 44(3)
<i>Tynwald Auditor General Act 2011</i>	section 11
<i>Tynwald Commissioner for Administration Act 2011</i>	section 11
<i>Company and Business Names Act 2012</i>	section 12(5)

- (3) In each of the provisions in Table C for the following words substitute “Part 4, Division 5 of the *Interpretation Act 2014* (service of documents)” –

- (a) “section 40 of the *Interpretation Act 1976*”;
 (b) “section 41 of the *Interpretation Act 1976*”; and
 (c) “section 41(2) of the *Interpretation Act 1976*”,

save that the substituted words in parenthesis are inserted only the first time there is a substitution in each Act.

Table C:

<i>Torts (Interference with Goods) Act 1981</i>	Schedule 1, paragraph 8
<i>Telecommunications Act 1984</i>	Schedule 1, paragraph 25(4)
<i>Road Traffic Regulation Act 1985</i>	Schedule 5A, paragraph 19(6)
<i>Road Traffic Act 1985</i>	Schedule 4, paragraph 16
<i>Oil Pollution Act 1986</i>	section 9(1)
<i>Consumer Protection Act 1991</i>	section 47(5)
<i>Trade Unions Act 1991</i>	section 22
<i>Maritime Security Act 1995</i>	section 25(4)
<i>Police Powers and Procedures Act 1998</i>	Schedule 1, paragraphs 8 and 10
<i>Online Gambling Regulation Act 2001</i>	section 10A(6)
<i>Medicines Act 2003</i>	Schedule 1, paragraph 12
<i>Trees and High Hedges Act 2005</i>	section 14(2)
<i>Regulation of Care Act 2013</i>	section 109(2)

- (4) In each of the provisions in Table D for “*Interpretation Act 1976*”, substitute “*Interpretation Act 2014*”.

Table D:

<i>Income Tax Act 1970</i>	section 105O, definition of “document”
<i>Customs and Excise Act 1993</i>	section 4(5)
<i>Animal Health Act 1996</i>	section 35(10)

<i>Anti-terrorism and Crime Act 2003</i>	section 52(6)
<i>Gambling (Amendment) Act 2006</i>	section 13(3)

- (5) In each of the provisions in Table E for “the Imperial Parliament” substitute “Parliament”.

Table E:

<i>Industrial and Building Societies Act 1892</i>	section 18(3)
<i>Seeds Act 1921</i>	section 3(1)
<i>Pensions (Penalties) Act 1923</i>	section 2(i)
<i>Factories and Workshops Amendment Act 1936</i>	section 2(2)
<i>Superannuation Schemes (War Service) Act 1941</i>	section 2(4)
<i>Personal Injuries (Emergency Provisions) Act 1943</i>	section 3(2)
<i>Law Reform (Contributory Negligence) Act 1946</i>	section 3(1)
<i>Firearms Act 1947</i>	section 21(2)(a)
<i>Forgery Act 1952</i>	section 3(3)(k)
<i>Conveyancing (Leases and Tenancies) Act 1954</i>	section 3, in the definition of “instrument”, sections 11(6) and 18(1)
<i>Merchandise Marks Act 1955</i>	section 6(1)
<i>Finance Act 1958</i>	section 6
<i>Pool Betting (Isle of Man) Act 1961</i>	section 15(1)(c), in the definition of “qualified auditor”, paragraph (v)
<i>Agriculture and Horticulture Act 1966</i>	section 2(1) and Schedule 1, paragraph 1(2)
<i>Income Tax Act 1970</i>	sections 15(a), 16(1)(e) and 29(1)

- (6) In of the provisions in Table F for “the *Fees and Duties Act 1989*” substitute “Part 5, Division 4 (general fee power) of the *Interpretation Act 2014*”.

Table F:

<i>Companies Act 1931</i>	section 283A(1)(d)
<i>Slaughter of Animals Act 1936</i>	Schedule, paragraph 2(2)(c)
<i>Firearms Act 1947</i>	sections 3(1) & 8(2)
<i>Registration of Deeds Act 1961</i>	section 46
<i>Music and Dancing Act 1961</i>	section 15
<i>Chapmen’s Act 1971</i>	section 2(3)
<i>Animal Boarding Establishments (Isle of Man) Act 1973</i>	section 1(2)
<i>European Communities (Isle of Man) Act 1973</i>	section 2A(6)
<i>Fertilisers and Feeding Stuffs Act 1975</i>	section 20A(7)
<i>Breeding of Dogs and Cats Act 1981</i>	section 1(2)
<i>Wildlife Act 1990</i>	section 7(2A)
<i>High Court Act 1991</i>	section 57

<i>Moneylenders Act 1991</i>	section 2(1)
<i>Customs and Excise Act 1993</i>	section 3(5)
<i>Water Pollution Act 1993</i>	section 21
<i>Shot Guns, Air Weapons and Cross-bows Act 1994</i>	section 9(1)
<i>Gas Regulation Act 1995</i>	section 5(5)
<i>Licensing Act 1995</i>	section 6(4)
<i>Video Recordings Act 1995</i>	section 11(6)
<i>Cruelty to Animals Act 1997</i>	section 18
<i>Retirement Benefits Schemes Act 2000</i>	section 36(8)
<i>Road Transport Act 2001</i>	sections 56(1) and 63(1), in the definition of “prescribed”
<i>Children and Young Persons Act 2001</i>	Schedule 7 paragraph 4(1)(d)
<i>Matrimonial Proceedings Act 2003</i>	Schedule 4 paragraph 10

- (7) In each of the provisions in Table G for “qualified medical practitioner” or “duly qualified medical practitioner” substitute “registered medical practitioner”

Table G:

Factories and Workshops Act 1909	sections 5 and 26
Children and Young Persons Act 1966	section 5
Criminal Law Act 1981	section 20(1) and (2)
Summary Jurisdiction Act 1989	section 23(2)(a) and 68(1)(a)
Criminal Jurisdiction Act 1993	section 24(3)(a)

- (8) In this section, a reference to a provision also includes any parenthesised reference describing the effect of the provision after which it is placed.

107 Other amendments

- (1) In section 91 of the *Highway Act 1927*, insert —
- “(3) In this section, “road authority” means the authority responsible for maintaining the highways in any local government district.”
- (2) For section 144(2) of the *Companies Act 1931*, substitute —
- “(2) Sections 69 (general provisions about functions and powers) and 93 (power to make public document includes power to amend or repeal) of the *Interpretation Act 2014* apply to subsection (1).”
- (3) For section 25A(6) of the *Manx Museum and National Trust Act 1959* substitute —

- 1 “(6) For the avoidance of doubt, Part 5 of the *Interpretation Act 2014*
 2 (functions and powers) applies to orders made under subsection
 3 (2).”.
- 4 (4) In the following, substitute “sections 77 (acting appointments: general
 5 provisions), 78 (acting appointments: directions about appointor) and 79
 6 (power of appointment includes certain incidental powers) of the
 7 *Interpretation Act 2014*” —
- 8 (a) section 3H of the *Manx Museum and National Trust Act 1959*, from
 9 “sections 20” to “1976”;
- 10 (b) section 12(5)(a) of the *Fertilisers and Feeding Stuffs Act 1975*, from
 11 “section 14” to “1970”;
- 12 (c) paragraph 15(2)(a) of Schedule 1 to the *Medicines Act 2003*, from
 13 “section 20” to “1976”.
- 14 (5) In section 1(2) of the *Manx Time Act 1968*, for “by or under any enactment
 15 of the Imperial Parliament” substitute “under a Parliamentary
 16 enactment”.
- 17 (6) In the *Income Tax Act 1970* —
- 18 (a) in section 115A, for “enactment” substitute “Manx legislation
 19 (including a Manx enactment)”;
- 20 (b) in section 115A(13) and paragraph 1(6) of Schedule 3 for “sections
 21 15 (effect of repeal, etc.) and 30 (enactment always speaking) of
 22 the *Interpretation Act 1976*” substitute “section 57 of the
 23 *Legislation Act 2014* (no revival if amendment or repeal repealed)
 24 and section 44 of the *Interpretation Act 2014* (Manx legislation is
 25 always speaking)”;
- 26 (c) in section 116(1), for the words from “specified” to “1976”,
 27 substitute “permitted under Part 4, Division 5 (service of
 28 documents) of the *Interpretation Act 2014*”;
- 29 (d) in section 120, for the definition “United Kingdom income tax”,
 30 substitute —
- 31 ““**United Kingdom income tax**” means the income tax chargeable under
 32 Parliamentary enactments relating to income tax;”.
- 33 (7) In section 57 of the *Land Registration Act 1982*, insert —
- 34 “(4) In this section, “ordnance survey maps” means maps made under
 35 the powers under the *Ordnance Survey Act 1841* or the *Boundary*
 36 *Survey (Ireland) Act 1854* (both of Parliament).”;
- 37 (8) In paragraph 8(2) of Schedule 1 to the *Powers of Attorney Act 1987*, for the
 38 words from “section 24” to “service by post)”, substitute “Part 4,
 39 Division 5 (service of documents) of the *Interpretation Act 2014*”.
- 40 (9) In paragraph 1 of Schedule 1 to the *Interception of Communications Act*
 41 *1988*, insert —

1 “(7) If a member of the tribunal (including its chairman) is, for any
2 reason, not able to perform the member’s functions, the Governor
3 may appoint a person to act in the member’s office.

4 (8) The acting appointment may be expressed to have effect only in a
5 circumstance stated in the document of appointment.

6 *Example of a circumstance:*

7 *While the member is absent from the Island.”.*

8 (10) In Schedule 7 paragraph 8 of the *Merchant Shipping Registration Act 1991*
9 for “section 16 of the Interpretation Act 1976” substitute “Part 4 Division
10 4 of the *Legislation Act 2014* (default savings and transitional
11 provisions)”.

12 (11) In section 40(4) of the *Sexual Offences Act 1992*, for the words from
13 “section 35(1)” to “1976” substitute “section 33 (gender) of the
14 Interpretation Act 2014”.

15 (12) For section 9B(7) of the *Representation of the People Act 1995* substitute –

16 “(7) The definition “Speaker” in Part 1 of the Schedule to the
17 Interpretation Act 2014 does not apply to this section.”.

18 (13) In paragraph 4(3) of Schedule 1 to the *Copyright Act 1991* for “Section
19 16(2) and (3) of the Interpretation Act 1976 (effect of substituting
20 provision)” substitute “Part 4 Division 4 of the *Legislation Act 2014*
21 (default savings and transitional provisions)”.

22 (14) In paragraph 4(a) of Schedule 2 to the *Drug Trafficking Act 1996* for
23 “section 16(2) of the Interpretation Act 1976 (but are without prejudice to
24 any other provision of that Act)” substitute “Part 4 Division 4 of the
25 *Legislation Act 2014* (default savings and transitional provisions)”.

26 (15) In Schedule 1 paragraph 1(3) of the *Public Sector Pensions Act 2011* for
27 “section 16(3) of the Interpretation Act 1976” substitute “Part 4 Division 4
28 of the *Legislation Act 2014* (default savings and transitional provisions)”.

29 (16) In the *Tynwald Auditor General Act 2011* –

30 (a) for paragraph 1(2) of Schedule 1 substitute –

31 “(2) For the sake of clarity, sections 77 (acting appointments: general
32 provisions), 78 (acting appointments: directions about appointor)
33 and 79 (power of appointment includes certain incidental powers)
34 of the *Interpretation Act 2014* apply to each of the members of the
35 Selection Committee, but section 80 of that Act (deputies) does
36 not.”;

37 (b) for paragraph 10 of Schedule 1 substitute –

1 **“10 Exercise of functions during absence, inability or vacancy and**
 2 **delegation**

3 Sections 77 (acting appointments: general provisions), 78 (acting
 4 appointments: directions about appointor) and 79 (power of
 5 appointment includes certain incidental powers) of the *Interpretation Act*
 6 *2014* apply to the office of the Auditor as if the Accounts Committee
 7 were the appropriate authority, but section 80 of that Act (deputies) does
 8 not.”;

9 (c) in Schedule 2 after paragraph 12 insert –

10 *“Interpretation Act 2014*

11 13 In Part 1 of the Schedule (definitions for all Manx legislation)
 12 insert –

13 ““Tynwald Auditor General” means the person for the time being
 14 exercising the office constituted by section 4(1) of the Tynwald
 15 Auditor General Act 2011;”.

16 (17) In the *Tynwald Commissioner for Administration Act 2011* –

17 (a) for paragraph 1(2) of Schedule 1 substitute –

18 “(2) For the sake of clarity, sections 77 (acting appointments: general
 19 provisions), 78 (acting appointments: directions about appointor)
 20 and 79 (power of appointment includes certain incidental powers)
 21 of the *Interpretation Act 2014* apply to each of the members of the
 22 Selection Committee, but section 80 of that Act (deputies) does
 23 not.”;

24 (b) for paragraph 10 of Schedule 1 substitute –

25 **“10 Exercise of functions during absence, inability or vacancy and**
 26 **delegation**

27 Sections 77 (acting appointments: general provisions), 78 (acting
 28 appointments: directions about appointor) and 79 (power of
 29 appointment includes certain incidental powers) of the *Interpretation Act*
 30 *2014* apply to the office of the Commissioner, but section 80 of that Act
 31 (deputies) does not.”.

32 (18) In section 24(3) of the *Bribery Act 2013* for “section 15 of the Interpretation
 33 Act 1976” substitute “section 57 of the *Legislation Act 2014* (no revival if
 34 amendment or repeal repealed)”.

35 (19) In the *Regulation of Care Act 2013* –

36 (a) in the heading to Part 3, Division 7, for “Common provisions for”
 37 substitute “Power to require additional information about”;

38 (c) for section 162 substitute –

1

“162 Tynwald procedure

2

Section 32 of the Legislation Act 2014 (negative Tynwald procedure) applies to regulations under this Act.”.

3

4

(20) For section 73 of the *Flood Risk Management Act 2013* substitute –

5

“73 Tynwald procedures for statutory document other than an ADO

6

(1) Section 32 of the Legislation Act 2014 (negative Tynwald procedure) applies to orders under this Act made by the Authority, other than an ADO.

7

8

9

(2) Section 30 of the Legislation Act 2014 (Tynwald procedure – approval required) applies to bye-laws under section 45.”.

10

11



SCHEDULE

[Sections 8 and 28]

DEFINED TERMS

1 Definitions for all Manx legislation

In all Manx legislation, except where express provision to the contrary is made —

“**accountant**”, “**a member of an institute of chartered accountants**”, or “**chartered accountant**” means a member of one or more of the —

- (a) Institute of Chartered Accountants in England and Wales;
- (b) Institute of Chartered Accountants of Scotland;
- (c) Institute of Chartered Accountants in Ireland;
- (d) Association of Chartered Certified Accountants;
- (e) Chartered Institute of Public Finance and Accountancy; or
- (f) Chartered Institute of Management Accountants;

“**Act**” see section 10(1) and (2);

“**act**”, for a provision about an offence or civil wrong, includes a series of acts and a series of acts or omissions, and a reference to an act done includes omissions;

“**advocate**” see section 29 of the *Advocates Act 1976*;

“**affidavit**” includes, for someone who may lawfully affirm or declare instead of swearing, an affirmation or declaration;

“**agent**” means someone who acts for a principal and not on his or her own account;

“**amend**” includes cancel, modify, repeal, revoke, rescind or vary;

“**amending legislation**” see section 47 of the Legislation Act;

“**amending provision**” see section 48(1) of the Legislation Act;

“**Appointments Commission**” means the body established under section 1 of the *Tribunals Act 2006*;

“**approval required**”, in relation to a Tynwald procedure, see section 30 of the Legislation Act;

“**Archdeacon**” means the Archdeacon of the Island;

“**Assessor**” means the Assessor of Income Tax for the time being appointed under section 105 of the *Income Tax Act 1970*;

“**Attorney General**” means Her Majesty’s Attorney General for the Island and includes —

- (a) Her Majesty's Solicitor General for the Island; and
- (b) any person discharging the functions of Her Majesty's Attorney General by virtue of a warrant under Her Majesty's Sign Manual;

“**authorising legislation**”, for a public document, see section 18;

“**Bank of England**” means the court of the directors of the Bank of England appointed under section 2 of the Bank of England Act 1946 of Parliament;

“**Bill**” means a Bill for introduction into the Keys or Council as a proposed Act of Tynwald;

“**Bishop**” means the Lord Bishop of the Isle (the Bishop of Sodor and Man);

“**British Islands**” means the United Kingdom, the Channel Islands and the Island;

“**change**” includes modification;

“**Chief Constable**” means the Chief Constable appointed under section 2 of the *Police Act 1993* and includes the deputy Chief Constable;

“**Chief Financial Officer**” means the principal financial adviser to the Treasury holding office for the time being under section 5 of the *Treasury Act 1985*;

“**Chief Minister**” means the person for the time being appointed to be the Chief Minister under section 2 of the *Council of Ministers Act 1990*;

“**Chief Registrar**” means the officer in the General Registry designated as the “Chief Registrar” and includes an Assistant Chief Registrar;

“**Chief Secretary**” means the Chief Secretary appointed under section 7 of the *Civil Service Act 1990*;

“**Church Commissioners**” means the Church Commissioners for the Isle of Man;

“**Church Commissioners for the Isle of Man**” means the body of that name continued under section 7 of the *Church Act 1992*.

“**Civil Division**” means the means the Civil Division of the High Court under section 2 of the *High Court Act 1991*;

“**civil partnership**” means a civil partnership existing under the *Civil Partnership Act 2011*;

“**Clerk of the Rolls**” means Her Majesty's First Deemster and Clerk of the Rolls for the time being;

“**coin**” means any coin of any metal or mixed metal or another coin legally current in the United Kingdom or the Island;

“**Collector**” means the Collector of Customs and Excise for the time being appointed under section 1 of the *Customs and Excise Management Act 1986*;

“**commencement**”, for Manx legislation, see section 39;

- “**committed for trial**”, for a person, means that the person has been —
- (a) committed by a court, judge, coroner, or other authority having power to commit the person to a place of custody with a view to trial; or
 - (b) admitted to bail upon a recognizance to appear and take the person’s trial before a Court of General Gaol Delivery;
- “**common law**” means the common law of the Island;
- “**compulsory school age**” see section 23 of the *Education Act 2001*;
- “**computer**” means any device for storing and processing information;
- “**constable**” means the Chief Constable and a constable appointed under section 5(1) or (2) of the *Police Act 1993*;
- “**consular officer**” means anyone, including the head of a consular post, entrusted in that capacity with the exercise of consular relations;
- “**contravene**” includes a failure to comply with;
- “**consolidation**”, for a provision about Manx legislation, see section 83(1)(a) of the Legislation Act;
- “**costs**” includes fees, charges, disbursements, expenses and remuneration;
- “**Council**” (without a description of the body) means the Legislative Council;
- “**Council of Ministers**” means the Council of Ministers as renamed under section 1(1) of the *Council of Ministers Act 1990*;
- “**court**” means any court in the Island of competent jurisdiction;
- “**Court of General Gaol Delivery**” means a Court of General Gaol Delivery as constituted under section 1 of the *Criminal Jurisdiction Act 1993*;
- “**court of summary jurisdiction**” means a court consisting of —
- (a) the High Bailiff (other than when sitting as a judge);
 - (b) two or more justices of the peace; or
 - (c) a single justice of the peace if the justice has power to exercise any function of a court of summary jurisdiction;
- “**current drafting practice**” means the legislative drafting practices from time to time used in the Attorney General’s Chambers, as set out in policy documents made by those Chambers from time to time;
- “**definition**” means a provision of Manx legislation or UK legislation (however expressed) that —
- (a) gives a meaning to a word or expression; or
 - (b) limits or extends the meaning of a word or expression;
- Example of a definition:*
- “**Manx legislation**” see section 3(a).

Note:

Definitions appear in quotation marks. Those in plain text are only for the particular section in which they appear. Those for more than one section are emboldened. This Schedule lists all emboldened definitions for this Act. Those defined in the body of this Act are signposted in this Schedule.

“Deemster” means the First Deemster, the Second Deemster, the Judge of Appeal or a Deemster appointed under section 3B of the *High Court Act 1991*;

“Deemsters” means —

- (a) generally, the First Deemster and the Second Deemster acting jointly; or
- (b) if the Second Deemster is absent, or is otherwise unable to act on account of illness or for any other cause whatsoever, the First Deemster only;

“Department” means a body established under section 1(1) of the *Government Departments Act 1987*;

“Diocesan Registrar” means the Registrar (formerly styled the Episcopal Registrar) of the Diocese of Sodor and Man;

“document” means any record of information, and includes —

- (a) anything on or in which information of any description is recorded;
- (b) anything on or in which there are figures, marks, numbers, perforations, symbols or anything else having a meaning for people qualified to interpret them;
- (c) anything from which images, sounds, messages or writings can be produced or reproduced, whether with or without the aid of anything else; and
- (d) a drawing, map, photograph or plan;

“Douglas Corporation” means the Mayor, Aldermen and Burgesses of the Borough of Douglas;

“electronic gazette” see section 43(1)(b) of the Legislation Act;

“enforceable EU right” see section 1(1) of the European Communities Act.

“estate” includes an estate, interest, charge, right, title claim, demand, lien or encumbrance, at common law or in equity;

“expire” includes lapse or otherwise cease to have effect, including under section 12 of the Legislation Act (Act expires if not promulgated within 18 months);

“enacted” or **“passed”**, for an Act, see section 17(1) of the Legislation Act;

“the EU” see section 1(1) of the European Communities Act;

- “**EU customs duty**” see section 1(1) of the European Communities Act;
- “**EU institution**” see section 1(1) of the European Communities Act;
- “**EU instrument**” see section 1(1) of the European Communities Act;
- “**EU obligation**” see section 1(1) of the European Communities Act;
- “**EU provision**” see section 1(1) of the European Communities Act;
- “**the European Court**” see section 1(1) of the European Communities Act;
- “**the EU treaties**” see section 1(1) of the European Communities Act;
- “**European Communities Act**” means the *European Communities (Isle of Man) Act 1973*;
- “**First Deemster and Clerk of the Rolls**” means Her Majesty’s First Deemster and Clerk of the Rolls;
- “**function**” includes authority, duty, jurisdiction, power and responsibility;
- “**General Registry**” means the General Registry established under section 1 of the *General Registry Act 1965*;
- Note:*
- Under that section, the functions of the Rolls Office, the Deeds Registry and the Office of the Registrar General were transferred to the General Registry.*
- “**General Revenue**” means the Island’s General Revenue received under section 1 of the *Finance Act 1958*;
- “**Government**” means the Government of the Island;
- “**Governor**” and “**Lieutenant Governor**” include the Governor, Lieutenant-Governor, Deputy Governor, Deputy Lieutenant-Governor and the Acting Governor or Acting Lieutenant-Governor of the Island;
- “**Governor in Council**” means the Governor acting on the advice and with the concurrence of the Council of Ministers, but not necessarily in the Council assembled;
- “**guardian**”, if used for a child or young person includes anyone who, in the opinion of the court having cognisance of any case relating to the child or young person or in which the child or young person is concerned, has for the time being the charge of, or control over, the child or young person;
- “**High Bailiff**” includes a deputy High Bailiff;
- “**High Court**” means the High Court of Justice of the Isle of Man;
- “**house**” includes a yard, garden or outhouse of a house and any other item relating to, or usually enjoyed with, a house;
- “**indictment**” includes information;
- “**Island**” (without reference to the Island or Isle referred to) means the Isle of Man (also spelt Mann) and its territorial sea;

“**Isle**” (without reference to the Island or Isle referred to) means the Isle of Man (also spelt Mann) and its territorial sea;

“**judge**” means a judge of the High Court;

“**Keys**” means the House of Keys;

“**land**” includes —

- (a) houses, buildings and other structures;
- (b) an estate or interest in land; and
- (c) an easement or right in, to or over land;

“**lease**” includes demise, tenancy and sublease, whether for a term, for a period or at will;

“**legal guardian**”, for a child or young person, means anyone lawfully appointed to be the child’s guardian under a deed, will or court order;

“**lessee**” includes tenant;

“**lessor**” includes landlord;

“**liability**” means any liability or obligation (whether liquidated or unliquidated, certain or contingent, or accrued or accruing);

“**local authority**” means —

- (a) within the Borough of Douglas, the Douglas Corporation; or
- (b) elsewhere in the Island, the Commissioners of a Local Government District;

“**make**”, for a public document, includes grant, give or issue the document;

“**Manx enactment**” see section 11(1);

“**Manx legislation**” see section 9(1);

“**maximum penalty**” —

- (a) generally, see section 56; and
- (b) for —
 - (i) “**maximum penalty (on information)**”, see also section 57(2) and (4); or
 - (ii) “**maximum penalty (summary)**”, see also section 57(3) and 57(4);

“**may**”, if used for a function, see section 36;

“**member**”, of a Department, means anyone appointed under section 2 of the *Government Departments Act 1987* as a member of the Department;

“**midnight**”, for a particular day, means the point of time at which the day ends;

“**Minister**” means —

- (a) generally, anyone for the time being appointed to be a Minister (including the Chief Minister) under the *Council of Ministers Act 1990* (“the 1990 Act”); or
- (b) for a particular Department (or with the addition of words by way of designation of a Department or under an order under section 5(4) of the 1990 Act), the Minister (including the Chief Minister) for the time assigned to that Department under section 5(1) of the 1990 Act;

“**modify**” includes to adapt, add to, amend, make exceptions to and to repeal or omit in whole or part;

“**month**” means a calendar month;

“**negative**”, in relation to a Tynwald procedure, see section 32 of the Legislation Act;

“**non-legislative public document**” see section 17;

“**non-working day**” means any or all of the following —

- (a) a Saturday;
- (b) a Sunday;
- (c) a bank holiday under the *Bank Holidays Act 1989*; or
- (d) a day declared to be a non-business day under a Treasury order under section 1 of the *Banking and Financial Dealings (Isle of Man) Act 1973*;

“**number**” means —

- (a) a number expressed in figures or words;
- (b) a letter; or
- (c) a combination of numbers so expressed and a letter;

“**oath**” includes, for someone who may lawfully affirm or declare instead of swearing, an affirmation or declaration;

“**offence triable on information**” means an offence —

- (a) the proceeding for which are commenced by an information preferred by the Attorney General in the name of and on behalf of Her Majesty; and
- (b) that is triable in the Courts of General Gaol Delivery;

“**omit**”, for a provision of Manx legislation, includes repeal;

“**on information**” means on information under section 2 of the *Criminal Jurisdiction Act 1993*;

“**parent**”, for a child adopted under a Manx enactment, means the person by whom the child has been adopted, to the exclusion of the child’s natural parent;

- “**Parliament**” (without identifying any particular legislature) means the Parliament of the United Kingdom;
- “**Parliamentary enactment**” see section 13(1);
- “**perform**”, for a function, includes the exercise of authority, jurisdiction, power or responsibility;
- “**person**” see section 35;
- “**personal representative**”, of a deceased individual, means the executor (whether original or by representation) or administrator of the individual’s estate;
- “**power**” includes an authority, privilege or discretion;
- “**prescribed**”, for a provision in an Act, means prescribed under a statutory document made under the Act;
- “**printing**” includes printing by typewriting or lithography or by electronic or mechanical production or reproduction;
- “**Privy Council**” means the Judicial Committee of the Privy Council under section 1 of the Judicial Committees Act 1833 of Parliament;
- “**proceeding**” means a legal or other action or proceeding in a court or tribunal;
- “**promulgation**”, for an Act, see section 11 of the Legislation Act;
- “**provision**”, for Manx legislation, see section 12;
- “**public analyst**” means a public analyst appointed under section 22 of the *Food Act 1996*, and includes —
- (a) another analyst employed to assist, and authorised by, that public analyst;
 - (b) a deputy public analyst; and
 - (c) an agricultural analyst appointed under section 1(3) of the *Fertilisers and Feeding Stuffs Act 1975*;
- “**public document**” see section 15;
- “**public holiday**” means a day duly declared to be, or proclaimed as, a public holiday;
- “**public officer**” means the holder for the time being of a public office created under, or referred to in, a Manx enactment or Tynwald resolution;
- “**purposes**”, for a provision about a Department or Statutory Board, means its statutory functions or purposes under Manx legislation and those authorised under a Tynwald resolution;
- “**record**” includes information stored or recorded by way of a computer;
- “**registered**”, followed by a reference to a medical practitioner, chiropractor, osteopath, nurse, midwife or other health professional regulated by the

Health Care Professionals Act 2014, means a person of that description registered in the manner prescribed by that Act;

“**repeal**” includes cancel, delete, expire, rescind and revoke;

“**reprint**”, for a provision about Manx legislation, see section 70(4) of the Legislation Act;

“**responsible authority**”, for, or for a provision about, a public document, see section 16(4);

“**rule**” includes a byelaw;

“**rules of court**”, for a provision about a court, means rules made by the authority with power to make rules or orders regulating the court’s practice and procedure;

“**savings provision**” means a provision —

- (a) made, or expressed to be made for, a saving purpose; or
- (b) that makes provision consequential to a provision so made or expressed;

“**Secretary of State**” means one of Her Majesty’s Principal Secretaries of State for the time being;

“**see**”, followed by a reference to, or to a provision of, an Act, law or document, when used to define a word, entity, thing or matter, means the word, entity, thing or matter has the same meaning as it has in, or assigned to it under, the provision, Act, law or document.

“**Second Deemster**” means Her Majesty’s Second Deemster for the time being;

“**shall**”, if used for a function, see section 37;

“**sign**” includes the attaching of a seal and the making of a mark;

“**Speaker**” means the Speaker of the Keys for the time being and includes an acting Speaker and the Deputy Speaker when deputising in the Speaker’s absence;

“**Staff of Government Division**” means the Staff of Government Division of the High Court under section 2 of the *High Court Act 1991*;

“**standard scale**” see section 55;

“**Statutory Board**” means a body under section 1(1) and Schedule 1 to the *Statutory Boards Act 1987*;

“**statutory declaration**”, if made —

- (a) in the Island, means a declaration made under the *Evidence Act 1871*;
- (b) in a place in the United Kingdom or a British possession outside the Island, means a declaration made before a justice of the peace, notary public or other person having lawful authority in that place under a law of the place to take or receive a declaration; or

- (c) in another place, means a declaration made before a British Consul or vice-consul or before anyone authorised under a Parliamentary enactment to take or receive a declaration;

“**statutory document**” see section 16;

“**summary conviction**” means conviction by a court of summary jurisdiction;

“**summary offence**” means an offence commenced by complaint in a court of summary jurisdiction;

“**swear**” includes, for someone who may lawfully affirm or declare instead of swearing, making an affirmation or declaration;

“**Taxing Master**” means the Chief Registrar;

“**territorial sea**” means the territorial sea adjacent to the Island under section 1 of the *Territorial Sea (Consequential Provisions) Act 1991*;

“**text**”, of an Act or statutory document, see section 19;

“**transitional provision**” means a provision —

- (a) made, or expressed to be made, for a transitional purpose; or

Example:

A power for a statutory document to make provisions for a transitional purpose.

- (b) that makes provision consequential to a provision so made or expressed;

Example of a transitional provision:

A provision of a repealing Act stating that an existing licence under an Act to be repealed under the repealing Act is taken to be a licence of a particular kind under another Act and authorising the imposition of conditions under the other Act.

“**Treasury**” (as a body and without any other description of the body) means the Department whose name consists of, or includes, that word;

“**Tynwald Day**” see section 47(2);

“**Tynwald procedure**” see section 29 of the Legislation Act;

“**under**”, for a provision of Manx legislation, includes any of the following —

- (a) by;
- (b) by virtue of;
- (c) for or for the purposes of;
- (d) in accordance with;
- (e) in pursuance of;
- (f) pursuant to; or
- (g) within the meaning of;

“**UK legislation**” means a Parliamentary enactment or other legislation of any part of the United Kingdom;

“**United Kingdom**” means the United Kingdom of Great Britain and Northern Ireland;

“**validating provision**” means a provision —

- (a) made, or expressed to be made, to validate something that is or may be invalid; or
- (b) that makes provision consequential on a provision so made or expressed;

“**Vicar-General**” means the Vicar-General and Chancellor of the Diocese of Sodor and Man;

“**will**” includes codicil;

“**word**” includes a drawing, figure, number and symbol;

“**working day**” means a day other than a non-working day;

“**writing**” includes digital information, printing, lithography, typing, photography and other modes of representing or reproducing words in visible form;

“**year**” means a year reckoned according to the British calendar;

“**year of assessment**” means the year commencing on 6 April and ending on 5 April following for or in respect of which income tax is payable.

2 Definitions for this Act only

In this Act —

“**appropriately qualified**”, for the performance of a function, includes having the qualifications, experience and competence to perform the function;

“**conditions**” includes exceptions and qualifications;

“**empowering law**”, for Part 4, Division 6, see section 64;

“**general fee power**” see section 81(2);

“**government authority**” means —

- (a) a Department or Statutory Board;
- (b) a registry established under a Manx enactment;
- (c) a branch or division of the Island’s Executive Government;
- (d) a commission, committee or body mentioned in section 5(1)(c) of the *Payment of Members’ Expenses Act 1989*; or
- (e) a public officer;

“**incorporation legislation**” means any Manx legislation under which bodies corporate are incorporated;

“**judicial officer**” means a judge, High Bailiff, justice of the peace or a member of a tribunal;

“**Legislation Act**” see section 5(1);

“**made**”, for Part 4, Division 6, see section 64;

“**matter**”, for Part 5, Division 5, see section 86;

“**repealed Act**” means —

- (a) the *Statutory Time, et cetera, Act 1883*;
- (b) the *Interpretation Act 1976*; and
- (c) the *Fees and Duties Act 1989*;

“**repealed Interpretation Act**” means the repealed Interpretation Act 1976;

“**statutory form**”, for Part 4, Division 6, see section 64.

IN THE COUNCIL

INTERPRETATION BILL 2014

A **BILL** to assist in the interpretation and shortening of the Island's legislation and non-legislative public documents; to consolidate and re-enact the Statutory Time, et cetera, Act 1883, the Interpretation Act 1976 and the Fees and Duties Act 1989; and to make consequential and minor amendments to other Acts; and for connected purposes.

Approved by the Council of Ministers
for introduction in the Legislative
Council.

HM ACTING ATTORNEY
GENERAL

JUNE 2014