



Isle of Man

Ellan Vannin

STATUTE LAW REVISION BILL 2020

STATUTE LAW REVISION BILL 2020

Explanatory Memorandum

1. This Bill is promoted by HM Attorney General on behalf of the Council of Ministers. It makes a series of minor amendments and corrections to Acts of Tynwald and repeals obsolete provisions.
2. *Clauses 1 and 2* provide for the short title and commencement of the resulting Act.
3. *Clause 3* repeals spent transitional provisions in the *Adoption Act 1984*.
4. *Clause 4* amends the *Board of Consumer Affairs Act 1981* to repeal a spent transitional provision.
5. *Clause 5* removes 2 redundant provisions in the Schedule to the *Central Registry Act 2018*.
6. *Clauses 6 and 7* respectively amend the *Charities Act 1986* and the *Charities Registration and Regulation Act 2019* to correct cross-referencing errors.
7. *Clause 8* amends the *Church Act 1987* to update a reference to the now-repealed *Interpretation Act 1976*.
8. *Clause 9* amends the *Coinage Offences Act 1980* to repeal a spent saving provision.
9. *Clause 10* amends the *Constitution Act 1990* to remove an obsolete reference to the *Promulgation Act 1988* which was repealed, and its provisions re-enacted, as part of the *Legislation Act 2015*.
10. *Clause 11* amends the *Customs and Excise Management Act 1986* to repeal a spent transitional provision in section 189(4) and to update references to the now-repealed *Interpretation Act 1976* in Schedule 6.
11. *Clause 12* replaces section 35(3) of the *Designated Businesses (Registration and Oversight) Act 2015*, with a provision containing a modernised reference to Tynwald procedure and, in the process, correcting a minor drafting error.
12. *Clause 13* amends section 7 of the *Divorce, Dissolution and Separation (Isle of Man) Act 2020* to as to refer to the correct short title of the *Civil Partnership Act 2011*.
13. *Clause 14* amends section 58 of the *Employment Act 2006* to reflect the establishment of Department of Health and Social Care as the successor to the Department of Health.
14. *Clause 15* amends the *Equality Act 2017* to correct some defective cross-references, grammar and punctuation. It also inserts some necessary definitions which were overlooked at the time of the enactment of the Act. It also replaces references to the Manx Industrial Relations Service (“MIRS”) with references to industrial relations officers: the body of such officers (who are appointed by the Governor) is collectively known as MIRS, but it does not have legal personality. *Clause 15*

also corrects an omission regarding the duty to make reasonable adjustments under the Equality Act 2017 applying to the members of a limited liability company.

15. *Clause 16* amends the *European Union and Trade Act 2019* to extend the scope of a saving in Schedule 6.
16. *Clause 17* amends the *Fatal Accidents Act 1981* to update a reference to the *Interpretation Act 1976*.
17. *Clause 18* amends the *Fisheries Act 2012* to remove a stray reference to the “European Communities (Island) Act 1973”: presumably the reference was intended to refer to the *European Communities (Isle of Man) Act 1973*, which is repealed at the end of the transition period (i.e. on 31 December 2020) in consequence of the UK’s Withdrawal Agreement.
18. *Clause 19* amends the *Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Act 2018* to correct an erroneous cross-reference.
19. *Clause 20* repeals the *Governor’s General Functions (Transfer) Act 1980* which is spent, all the transfers having occurred on announcement of Royal Assent to the passing of that Act.
20. *Clause 21* amends the *Highways Act 1986* to update a reference to the *Interpretation Act 1976*.
21. *Clause 22* amends the *Housing (Miscellaneous Provisions) Act 1976* to deal with a consequential amendment which was overlooked by the *Housing (Miscellaneous Provisions) Act 2011*.
22. *Clause 23* amends the *Insurance (Amendment) Act 2017* to remove a redundant consequential amendment.
23. *Clause 24* removes an example in the *Interpretation Act 2015* which has become misleading as a result of a subsequent amendment to the Act. It also inserts a new definition of “industrial relations officer”, and substitutes a new definition of the “EEA agreement”, in the Schedule.
24. *Clause 25* amends the *Isle of Man Constitution Amendment Act 1919* to replace a reference to the *Interpretation Act 1976* with one to the *Interpretation Act 2015*.
25. *Clause 26* amends the *Isle of Man Loans Act 1974* to extend the scope of the power to amend Schedule 1 to that Act and to provide that an order under section 11(3) to amend the definition of “proper practices” in section 11(1) requires prior Tynwald approval.
26. *Clause 27* makes minor corrections to the *Land Registration Act 1982*.
27. *Clause 28* amends the *Legislation Act 2015* to remove a requirement that the announcement certificate for an Act of Tynwald include the time of the announcement of Royal Assent.
28. *Clause 29* amends the *Marine Infrastructure Management Act 2016* to clarify the procedure on an application for a certificate that works have been undertaken in conformity with the conditions attached to a consent under the Act.

29. *Clause 30* amends the *Maritime Security Act 1995* to replace a reference to a provision of the *Interpretation Act 1976* with a reference to the corresponding provisions of the *Interpretation Act 2015*.
30. *Clause 31* amends the *Regulation of Surveillance, etc. Act 2006* to correct an erroneous cross-reference.
31. *Clause 32* amends the *Road Traffic Act 1985* to remove a penalty provision which is spent.
32. *Clause 33* removes a provision in the *Trade Disputes Act 1985* which is redundant as the construction of the term “industrial relations officer” is now provided for in the *Interpretation Act 2015*.
33. *Clause 34* makes an amendment consequential on the order making power inserted by section 5(3A) of the *Tribunals Act 2006*.
34. The Bill has no financial implications.
35. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the *Human Rights Act 2001*.



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STATUTE LAW REVISION BILL 2020

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STATUTE LAW REVISION BILL 2020

- 1 **A BILL** to repeal spent enactments, and make minor amendments and
2 corrections to Manx enactments; and for connected purposes.

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

3 **PART 1 – INTRODUCTORY**

4 **1 Short title**

5 The short title of this Act is the Statute Law Revision Act 2020.

6 **2 Commencement**

7 (1) This Act comes into operation on such day or days as the Council of
8 Ministers may by order appoint.

9 (2) An order under subsection (1) may make such consequential, incidental,
10 supplemental, transitional and transitory provision as the Council of
11 Ministers considers appropriate.

12 Tynwald procedure – laying only.

13 **PART 2 – MISCELLANEOUS AMENDMENTS AND REPEALS**

14 **3 Adoption Act 1984 amended**

15 (1) The *Adoption Act 1984* is amended as follows.

16 (2) Paragraph 11 of Schedule 3 is repealed.

17 **4 Board of Consumer Affairs Act 1981 amended**

18 (1) The *Board of Consumer Affairs Act 1981* is amended as follows.

19 (2) Schedule 3 is repealed.

1 **5 Central Registry Act 2018 amended**

- 2 (1) The *Central Registry Act 2018* is amended as follows.
3 (2) In the Schedule, omit paragraphs 33(13) and 33(14).

4 **6 Charities Act 1986 amended**

- 5 (1) The *Charities Act 1986* is amended as follows.
6 (2) In section 3(4), for “(2)(b)” substitute “(2)(a)”.

7 **7 Charities Registration and Regulation Act 2019 amended**

- 8 (1) The *Charities Registration and Regulation Act 2019* is amended as follows.
9 (2) In section 8(4), for “section 12” substitute “section 11”.
10 (3) In section 23 —
11 (a) in subsection (2), renumber paragraphs (f) and (g) as (e) and (f)
12 respectively; and
13 (b) in subsection (4)(b)(iii), for “(2)(g)” substitute “(2)(f)”.
14 (4) In section 27(8), for “section 46(b)” substitute “section 46(1)(b)”.

15 **8 Church Act 1987 amended**

- 16 (1) The *Church Act 1987* is amended as follows.
17 (2) In section 3(2) for the words preceding “applies” substitute “Division 4 of
18 Part 4 of the *Legislation Act 2015* (default savings and transitional
19 provisions)”.

20 **9 Coinage Offences Act 1980 amended**

- 21 (1) The *Coinage Offences Act 1980* is amended as follows.
22 (2) Section 15 is repealed.

23 **10 Constitution Act 1990 amended**

- 24 (1) The *Constitution Act 1990* is amended as follows.
25 (2) In section 1(1)(a), omit “in pursuance of the *Promulgation Act 1988*”.

26 **11 Customs and Excise Management Act 1986 amended**

- 27 (1) The *Customs and Excise Management Act 1986* is amended as follows.
28 (2) Omit section 189(4).
29 (3) In Schedule 6—
30 (a) in paragraph 5, for “section 15 of the *Interpretation Act 1976*”
31 substitute “section 58 of the *Legislation Act 2015*”; and

- 1 (b) in paragraph 6 for “section 16 of the Interpretation Act 1976”
2 substitute “Division 4 of Part 4 of the *Legislation Act 2015*”.

3 **12 Designated Businesses (Registration and Oversight) Act 2015 amended**

- 4 (1) The *Designated Businesses (Registration and Oversight) Act 2015* is amended
5 as follows.
6 (2) For section 35(3) substitute—
7 “(3) Section 31 of the *Legislation Act 2015* (which makes provision
8 concerning the affirmative Tynwald procedure) applies to an order
9 under this Act other than an order under section 2.”.

10 **13 Divorce, Dissolution and Separation (Isle of Man) Act 2020 amended**

- 11 (1) The *Divorce, Dissolution and Separation (Isle of Man) Act 2020* is amended as
12 follows.
13 (2) In section 7(1), for “2004” substitute “2011”.

14 **14 Employment Act 2006 amended**

- 15 (1) The *Employment Act 2006* is amended as follows.
16 (2) In section 58(1)(c) and (2)(b), for “Department of Health” substitute
17 “Department of Health and Social Care”.

18 **15 Equality Act 2017 amended**

- 19 (1) The *Equality Act 2017* is amended as follows.
20 (2) In section 3(2) at the appropriate points in the alphabetical list insert—
21 ““**limited liability company**” means a limited liability company
22 formed under the *Limited Liability Companies Act 1996*, and
23 “**member**” in relation to such a company is to be construed
24 in accordance with that Act, and in particular section 1A
25 thereof;” and
26 ““**pay**” means the ordinary basic or minimum wage or salary and
27 any other consideration, whether in cash or in kind, which
28 the worker receives directly or indirectly from the worker’s
29 employer;”.
30 (3) In section 23(4), in the table of designated authorities which may make
31 regulations, in the entry relating to Part 4, for “DOI” substitute “DEFA”.
32 (4) At the end of section 24, insert—
33 “(4) If the protected characteristic is sexual orientation, the fact that one
34 person (whether or not the person referred to as B) is married to, or
35 the civil partner of, a person of the same sex, while another is
36 married to or the civil partner of, a person of the opposite sex is not

- 1 a material difference between the circumstances relating to each
2 case.”.
- 3 (5) In section 43, after subsection (6), insert—
4 “(6A) A duty to make reasonable adjustments applies to the members.”.
- 5 (6) In section 44(3)(c), after “offering” insert “B”.
- 6 (7) In section 52(10), after “a position as a partner,” insert “a position as a
7 member of a limited liability company,”.
- 8 (8) In section 73—
9 (a) in subsection (3), for the words following “a position as a partner”
10 substitute —
11 “, a position as a member of a limited liability company, or an appointment
12 to a personal or a public office.”; and
13 (b) in subsection (4), before the definition of “related line” insert—
14 ““electric line” means an electric line which falls within section 87(7) of the
15 Energy Act 2004 (of Parliament);”.
- 16 (9) In section 75(3), for “subsections (1) and (2)” substitute “subsection (2)”.
- 17 (10) In section 80, for subsections (3) to (5) substitute—
18 “(3) In this Division—
19 “**maintained school**” has the meaning given by section 59(1) of the
20 *Education Act 2001*;
21 “**provided school**” has the meaning given by section 59(1) of the *Education*
22 *Act 2001*;
23 “**pupil**” means a person attending, or registered at, a school;
24 “**school**” has the meaning given by section 59(1) of the *Education Act 2001*;
25 and
26 “**special school**” has the meaning given by section 59(1) of the *Education*
27 *Act 2001*.”.
- 28 (11) In section 103(6)(d)(i), for “this Part” substitute “Schedule 17”.
- 29 (12) Omit section 109(8).
- 30 (13) In section 111(6) for “Tribunal rules under Schedule 17 to this Act.”
31 substitute “EET rules.”.
- 32 (14) In section 121(8), in the definition of “qualified person”, for “the Manx
33 Industrial Relations Service” substitute “an industrial relations officer”.
- 34 (15) Omit section 128.
- 35 (16) In section 138(2)(a) for “Tribunal rules” substitute “EET rules”.
- 36 (17) In section 144(2), after “subsection (1)(b)”, insert “of that section”.

- 1 (18) In section 147(5), after paragraph (c), insert—
 2 | “(ca) offer a person a position as a member of a limited liability
 3 | company,”.
- 4 (19) In section 152(2)(b), after “DHSC”, insert “or the Treasury”.
- 5 (20) In section 157(3)(c)(i), for “that Court” substitute “that the Court”.
- 6 (21) In section 158, after subsection (2), insert—
 7 | “(2A) A code of practice comes into operation and may be revoked in
 8 | accordance with an order made by the Council of Ministers.
 9 | (2B) An order under subsection (2A) may include such consequential,
 10 | incidental, supplemental, transitional and transitory provision as
 11 | appears to the Council of Ministers to be expedient.”.
- 12 (22) In Schedule 3 —
 13 (a) in paragraph 22—
 14 (i) for “solemnise” substitute “solemnize”, and
 15 (ii) for “solemnisation” substitute “solemnization”,
 16 wherever the word in question occurs; and
 17 (b) in paragraph 28—
 18 (i) for the heading substitute—
- 19 | **“28 Religious organisations: civil partnership ceremonies and same**
 20 | **sex marriage ceremonies”;** and
 21 | (ii) in the text of the paragraph for “civil partnerships or same
 22 | sex marriage ceremonies” substitute “civil partnership
 23 | ceremonies or same sex marriage ceremonies”.
- 24 (23) In Schedule 8—
 25 (a) in paragraph 8—
 26 (i) renumber the existing text as subparagraph (1); and
 27 (ii) after that subparagraph insert—
 28 | “(2) Where a limited liability company or a proposed limited liability
 29 | company (“A”) is required by this Schedule to take a step in
 30 | relation to an interested disabled person (“B”), the extent to which
 31 | B should (if B is or becomes a member of the company) bear the
 32 | cost of the step must not exceed such amount as is reasonable
 33 | (having regard in particular to the extent of B’s interest in the
 34 | company).”; and
 35 (b) in paragraphs 14(b) and 18(3), for “49(10)” substitute “49(10)(b)”.
- 36 (24) In Schedule 9—
 37 (a) in paragraph 5 —

- 1 (i) in subparagraph (3) after “a position as a partner,” insert “a
2 position as a member of a limited liability company”;
- 3 (ii) in subparagraph (4) after “42(2)(b),” insert “43(3)(b),”; and
- 4 (iii) in subparagraph (5) for “44(6)(c), 45(6)(c)” substitute
5 “43(3)(c), 44(6)(c), 45(6)(c),”; and
- 6 (b) omit paragraph 15(1) to (3).
- 7 (25) In Schedule 10, in paragraph 1(1), for “provided and maintained schools”
8 substitute “provided, maintained and special schools”.
- 9 (26) In Schedule 11—
- 10 (a) in paragraph 1, for “Section 77(2)” substitute “Section 77(1) and
11 (2)”; and
- 12 (b) omit paragraph 4(3).
- 13 (27) In Schedule 12, renumber the existing paragraph 1(6) as paragraph 2 and
14 insert, as the heading of the paragraph so created, “**Interpretation**”.
- 15 (28) In Schedule 17—
- 16 (a) in paragraph 15(2) for “Tribunal rules “ substitute “EET rules”;
- 17 (b) in paragraph 16 for “Tribunal rules” substitute “EET rules”;
- 18 (c) in paragraph 19, for “to person” substitute “to a person”;
- 19 (d) in paragraph 25(3) “Tribunal rules” substitute “EET rules”; and
- 20 (e) in paragraph 31 for subparagraph (1) substitute—
- 21 “(1) A person who, without reasonable excuse, fails to comply with a
22 prohibition, requirement or restriction imposed by or in accordance
23 with EET rules is guilty of an offence and liable, on summary
24 conviction, to a fine not exceeding level 5 on the standard scale.”.
- 25 (29) In Schedule 21, in paragraph 2(14), for head (n) substitute—
26 “(n) an industrial relations officer.”.
- 27 (30) In Schedule 25 (glossary of defined terms for the Act) –
- 28 (a) omit the entries and items for “limited liability company” (and
29 cognate expressions), “pupil” and “school”; and
- 30 (b) at the appropriate alphabetical points in the table insert the
31 following entries—
- 32

“EET rules”	paragraph 4 of Schedule 17	The whole Act
“limited liability company” (and “member” in relation to such a company)	section 3(2)	The whole Act
“maintained school”	section 80(3)	Division 1 of Part 6

		(and Part 2 of Schedule 3, Schedule 10 and Part 2 of Schedule 11)
“pay”	section 3(2)	The whole Act
“provided school”	section 80(3)	Division 1 of Part 6 (and Part 2 of Schedule 11)
“pupil”	section 80(3)	The whole Act
“school”	section 80(3)	Division 1 of Part 6 (and Part 2 of Schedule 3)
“special school”	section 80(3)	Division 1 of Part 6 (and Part 2 of Schedule 3, Schedule 10 and Part 2 of Schedule 11))

16 European Union and Trade Act 2019 amended

- (1) The *European Union and Trade Act 2019* is amended as follows.
- (2) In paragraph 4 of Schedule 6 for “12A, 13 or 14” substitute “12, 12A, 13, 14 or 18”.

17 Fatal Accidents Act 1981 amended

- (1) The *Fatal Accidents Act 1981* is amended as follows.
- (2) In Schedule 1 for paragraph 1(3) substitute—
- “(3) Nothing in this Schedule affects the application of Division 4 of Part 4 of the *Legislation Act 2015* (default savings and transitional provisions).”.

18 Fisheries Act 2012 amended

- (1) The *Fisheries Act 2012* is amended as follows.
- (2) In section 83(5)(b)(i), omit “under section 2(1) of the *European Communities (Island) Act 1973*,”.

19 Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Act 2018 amended

- (1) The *Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Act 2018* is amended as follows.
- (2) In section 34(1), for “section 6 (the Gambling Appeals Tribunal)” substitute “section 7”.

1 **20 Governor’s General Functions (Transfer) Act 1980 amended**

2 To the extent that it is still in operation, the *Governor’s General Functions (Transfer)*
3 *Act 1980* is repealed.

4 **21 Highways Act 1986 amended**

- 5 (1) The *Highways Act 1986* is amended as follows.
6 (2) In Schedule 7, for paragraph 12(b) substitute—
7 | “(b) Division 4 of Part 4 of the *Legislation Act 2015*.”.

8 **22 Housing (Miscellaneous Provisions) Act 1976 amended**

- 9 (1) The *Housing (Miscellaneous Provisions) Act 1976* is amended as follows.
10 (2) In the table in Schedule 1, after the entry relating to section 47, insert—
11

“Section 47A	Housing revenue account and estimates	Omit the section.”.
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12 **23 Insurance (Amendment) Act 2017 amended**

- 13 (1) The *Insurance (Amendment) Act 2017* is amended as follows.
14 (2) Section 62 is repealed.

15 **24 Interpretation Act 2015 amended**

- 16 (1) The *Interpretation Act 2015* is amended as follows.
17 (2) In section 99—
18 (a) omit example 1 at the foot of subsection (2);
19 (b) omit the number preceding the current example 2; and
20 (c) for the heading to the examples substitute “*Example*.”.
21 (3) In paragraph 1 of the Schedule, at the appropriate point in the alphabetical
22 list, insert—
23 | “**“industrial relations officer”** see section 5 of the *Trade Disputes Act*
24 | *1985*.”.
25 (4) In paragraph 1A of the Schedule for the definition of “the EEA agreement”
26 substitute—
27 | “**“EEA agreement”** means the agreement on the European Economic Area
28 | signed at Oporto on 2 May 1992, together with the protocol
29 | adjusting that agreement signed at Brussels on 17 March 1993, as
30 | modified or supplemented from time to time, but does not include
31 | any retained direct EU legislation;”.

- 1 **25 Isle of Man Constitution Amendment Act 1919 amended**
- 2 (1) The *Isle of Man Constitution Amendment Act 1919* is amended as follows.
- 3 (2) In section 7(4), for “section 3 of the Interpretation Act 1976” substitute
- 4 “paragraph 1 of Schedule 1 to the *Interpretation Act 2015*”.
- 5 **26 Isle of Man Loans Act 1974 amended**
- 6 (1) The *Isle of Man Loans Act 1974* is amended as follows.
- 7 (2) In section 11 —
- 8 (a) in subsection (1) —
- 9 (i) for “thinks fit” substitute “thinks fit, including modifying
- 10 that Schedule,”; and
- 11 (ii) omit “Tynwald procedure – approval required”; and
- 12 (b) in subsection (3), for “Tynwald procedure – negative” substitute
- 13 “Tynwald procedure for an order under this section – approval
- 14 required.”.
- 15 **27 Land Registration Act 1982 amended**
- 16 (1) The *Land Registration Act 1982* is amended as follows.
- 17 (2) Section 73 is amended as follows —
- 18 (a) in subsection (1A)(b), for “public business; and” substitute “public
- 19 business.”; and
- 20 (b) renumber subsection (1D) as subsection (1C).
- 21 **28 Legislation Act 2015 amended**
- 22 (1) The *Legislation Act 2015* is amended as follows.
- 23 (2) In section 10—
- 24 (a) in subsection (1), omit “and the time it was announced on that
- 25 day”; and
- 26 (b) for subsection (2) substitute—
- 27 “(2) The announcement certificate is conclusive evidence of the
- 28 announcement and the announcement day.”.
- 29 **29 Marine Infrastructure Management Act 2016 amended**
- 30 (1) The *Marine Infrastructure Management Act 2016* is amended as follows.
- 31 (2) For section 48(6) and (7) substitute—
- 32 “(6) If the Department is satisfied that the activities are or will be in
- 33 compliance with the terms and conditions of the consent, it must
- 34 issue the confirmation sought, but if it is not so satisfied (whether

1 because the information supplied by the undertaker is insufficient
2 or for any other reason) it must otherwise refuse to issue the
3 confirmation, subject to subsection (8).”.

4 **30 Maritime Security Act 1995 amended**

- 5 (1) The *Maritime Security Act 1995* is amended as follows.
6 (2) In section 25(5) and (6), for the words following “of this section” substitute
7 “and Division 5 of Part 4 of the *Interpretation Act 2015* as his proper
8 address.”.

9 **31 Regulation of Surveillance, etc. Act 2006 amended**

- 10 (1) The *Regulation of Surveillance, etc. Act 2006* is amended as follows.
11 (2) In section 10(2)(a), for “subsection (3)” substitute “subsection (4)”.

12 **32 Road Traffic Act 1985 amended**

- 13 (1) The *Road Traffic Act 1985* is amended as follows.
14 (2) In Part 1 of Schedule 6, omit the entry relating to section 4(3B).

15 **33 Trade Disputes Act 1985 amended**

- 16 (1) The *Trade Disputes Act 1985* is amended as follows.
17 (2) Omit section 5(4).

18 **34 Tribunals Act 2006 amended**

- 19 (1) The *Tribunals Act 2006* is amended as follows.
20 (2) In section 12(3), after “Council of Ministers”, insert “or the Commission
21 (as the case requires)”.
22

IN THE COUNCIL

STATUTE LAW REVISION BILL 2020

A **BILL** to repeal spent enactments, and make minor amendments and corrections to Manx enactments; and for connected purposes.

Leave to introduce given by the Council on 19 November 2020.

HM ATTORNEY
GENERAL

8 DECEMBER 2020