



STATUTE LAW REVISION BILL 2020

EXPLANATORY NOTES

These notes are circulated for the information of Members with the approval of the Member in charge of the Bill, HM Attorney General, John Quinn, QC, MLC.

INTRODUCTION

1. These explanatory notes relate to the Statute Law Revision Bill 2020 (the "Bill"). The notes have been prepared by the Attorney General's Chambers in order to assist readers of the Bill. They do not form part of the Bill and have not been endorsed by the Legislative Council.
2. The notes need to be read in conjunction with the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

CONSULTATION

3. The Bill has not been subject to public consultation because of its technical nature and lack of policy content.

IMPACT ASSESSMENT

4. An impact assessment of the Bill has also not been prepared, for the same reasons.

FINANCIAL EFFECTS OF THE BILL

5. The Bill has no financial implications.

EUROPEAN CONVENTION ON HUMAN RIGHTS

6. In the opinion of Her Majesty's Attorney General, the provisions of the Bill are compatible with the Convention rights within the meaning of the Human Rights Act 2001.

BACKGROUND

7. This Bill, which is promoted by Her Majesty's Attorney General on behalf of the Council of Ministers, makes a series of minor amendments and corrections to Acts of Tynwald and repeals obsolete provisions. Statute Law Revision Acts provide a convenient way of making such provision. Alternatively those changes would have to be made by way of Acts of Tynwald making bespoke provision.
8. The purpose of the Bill is to ensure that Acts of Tynwald continue to be accurate and up-to-date.
9. It is intended that the provisions of the Bill will come into operation on such day or days as the Council of Ministers by order appoints.

STRUCTURE OF THE BILL

10. The Bill has 2 Parts and 34 clauses.
11. Part 1 of the Bill (clauses 1 and 2) contains preliminary matters – short title and commencement provisions.
12. Part 2 of the Bill (clauses 3 to 34) makes miscellaneous amendments to, and repeals of, Acts of Tynwald.

COMMENTARY ON CLAUSES

Part 1 - Preliminary

13. **Clause 1** gives the short title of the resulting Act of Tynwald – the "Statute Law Revision Act 2020".
14. **Clause 2** provides for the Act's commencement. The Act comes into operation on such day or days as the Council of Ministers may by Order appoint. Such an order may include consequential, incidental, supplemental, transitional and transitory provisions as the Council of Ministers considers appropriate.

Part 2 – Miscellaneous amendments and repeals

15. **Clause 3** repeals spent transitional provisions in the Adoption Act 1984.
16. **Clause 4** amends the *Board of Consumer Affairs Act 1981* to repeal a spent transitional provision.
17. **Clause 5** removes 2 redundant provisions in the Schedule to the *Central Registry Act 2018*.
18. **Clauses 6 and 7** respectively amend the *Charities Act 1986* and the *Charities Registration and Regulation Act 2019* to correct cross-referencing errors.
19. **Clause 8** amends the *Church Act 1987* to update a reference to the now-repealed Interpretation Act 1976.
20. **Clause 9** amends the *Coinage Offences Act 1980* to repeal a spent saving provision.

21. **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.
22. **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.
23. **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.
24. **Clause 13** amends section 7 of the *Divorce, Dissolution and Separation (Isle of Man) Act 2020* so as to refer to the correct short title of the Civil Partnership Act 2011.
25. **Clause 14** amends section 58 of the *Employment Act 2006* to reflect the establishment of the Department of Health and Social Care as the successor to the Department of Health.
26. **Clause 15** amends the *Equality Act 2017* to correct some defective cross-references, grammar and punctuation and make other amendments of a minor nature. 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.
27. **Clause 16** amends the *European Union and Trade Act 2019* to extend the scope of a saving in Schedule 6.
28. **Clause 17** amends the *Fatal Accidents Act 1981* to update a reference to the Interpretation Act 1976.
29. **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.
30. **Clause 19** amends the *Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Act 2018* to correct an erroneous cross-reference.
31. **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.
32. **Clause 21** amends the *Highways Act 1986* to update a reference to the Interpretation Act 1976.
33. **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.

34. **Clause 23** amends the *Insurance (Amendment) Act 2017* to remove a redundant consequential amendment.
35. **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.
36. **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.
37. **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 requires prior Tynwald approval.
38. **Clause 27** makes minor corrections to the *Land Registration Act 1982*.
39. **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.
40. **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.
41. **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.
42. **Clause 31** amends the *Regulation of Surveillance, etc. Act 2006* to correct an erroneous cross-reference.
43. **Clause 32** amends the *Road Traffic Act 1985* to remove a penalty provision which is spent.
44. **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.
45. **Clause 34** makes an amendment to the *Tribunals Act 2006* consequential on the order-making power inserted by section 5(3A) of that Act.