

Statutory Document No. 2019/0056



European Union and Trade Act 2019

EUROPEAN UNION AND TRADE ACT 2019 (DEFICIENCIES) (CABINET OFFICE) REGULATIONS 2019

*Approved by Tynwald: 19 February 2019
Coming into Operation in accordance with regulation 2*

The Council of Ministers makes the following Regulations under section 12 of the European Union and Trade Act 2019.

1 Title

These Regulations are the European Union and Trade Act 2019 (Deficiencies) (Cabinet Office) Regulations 2019.

2 Commencement

If approved by Tynwald these Regulations come into operation on exit day.

3 Interpretation

In these regulations “exit day” has the same meaning as in the European Union and Trade Act 2019.

4 Equality Act 2017 amended

- (1) The Equality Act 2017 is amended as follows.
- (2) In section 144(5) (exceptions from duty to promote equality), in the definition of “immigration and nationality functions” –
 - (a) in paragraph (c), for “made under section 2B of the *European Communities (Isle of Man) Act 1973*” substitute **2A** retained under section 6 of the *European Union and Trade Act 2019* **2A**; and
 - (b) after paragraph (c) insert –
 - 2A**(d) a provision made under section 17 of the *European Union and Trade Act 2019* (application and implementation of EU instruments and law) which relates to the subject-matter of

- an enactment within paragraph (a) or (b) of this definition. **22**.
- (3) In Schedule 3 (services and public functions: exceptions) –
- (a) in paragraph 13(5) (age), for paragraph (b) substitute –
- 23**(b) any retained EU law which relates to immigration or asylum; and
- (c) any provision made under section 17 of the *European Union and Trade Act 2019* (application and implementation of EU instruments and law) which relates to immigration or asylum. **22**; and
- (b) in paragraph 15(5) (nationality and ethnic or national origins), for paragraph (b) substitute –
- 23**(b) any retained EU law which relates to immigration or asylum; and
- (c) any provision made under section 17 of the *European Union and Trade Act 2019* (application and implementation of EU instruments and law) which relates to immigration or asylum. **22**.
- (4) In Schedule 21 (general exceptions), in paragraph 4(2), after the words “the Island” insert **23**, the United Kingdom **22**.

5 Freedom of Information Act 2015 amended

- (1) The Freedom of Information Act 2015 is amended as follows.
- (2) In section 27 (information the disclosure of which is restricted by law) –
- (a) in subsection (1)(b) for “an EU obligation that applies to the Island” substitute **23**a retained EU obligation **22**; and
- (b) subsection (2) is repealed.

6 Data Protection Act 2018 amended

- (1) The Data Protection Act 2018 is amended as follows.
- (2) In Section 3(1) (interpretation), for the definition of “the Treaties” substitute –
- 23**“the Treaties” has in this Act the same meaning as “the EU treaties” has in the *Interpretation Act 2015*. **22**.

7 Representation of the People Regulations 2015 amended

- (1) The Representation of the People Regulations 2015¹ are amended as follows.

¹ SD 2015/0379.

- (2) In Schedule 2 (advance votes), in paragraph 13(2)(b) (voting by advance voters) after “the Government of”, insert “the United Kingdom or”.
- (3) In Schedule 3 (proxy votes), in paragraph 5(4)(b) (voting by proxy) after “the Government of”, insert “the United Kingdom or”.

8 Construction

To avoid doubt, any retained EU law is to be construed and have effect subject to these Regulations.

MADE 1ST FEBRUARY 2019

W GREENHOW
Chief Secretary

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations amend the Equality Act 2017, the Freedom of Information Act 2015, the Data Protection Act 2018 and the Representation of the People Regulations 2015 to address deficiencies arising from the United Kingdom's withdrawal from the European Union.

The Equality Act 2017 is amended at section 144(5) (exceptions from duty to promote equality) and at Schedule 3 (services and public functions: exceptions) to account for the repeal of the European Communities (Isle of Man) Act 1973 and ensure the Act's definition of immigration and nationality functions continues to operate as intended.

Schedule 21 of the Equality Act 2017 is also amended to retain the same effect of the Act's definition of non-resident persons once the UK ceases to be a Member State of the European Union.

Section 27 (information the disclosure of which is restricted by law) of the Freedom of Information Act 2015 is amended to reflect that after exit day only those EU obligations retained by or under the European Union and Trade Act 2019 will be relevant.

The Data Protection Act 2018 is amended to remove a reference to the European Communities (Isle of Man) Act 1973 and replace this with an equivalent reference to the Interpretation Act 2015.

The Representation of the People Regulations 2015 are amended at Schedule 2 (advance votes) and Schedule 3 (proxy votes) to retain the same effect once the UK ceases to be a Member State of the European Union. Specifically, the amendment provides that UK national identity documents can continue to constitute satisfactory evidence of a voter's identity for the purpose of casting an advance or proxy vote.