

**ADMINISTRATION OF JUSTICE AND OTHER
AMENDMENTS BILL 2021**

Explanatory Memorandum

1. This Bill is promoted by Mr Shimmins, MHK, on behalf of the Treasury.
2. This Bill principally makes provision for a register of judgments and warrant debts.
3. Part 1 comprises *clauses 1 and 2*.
4. *Clause 1* gives the title that the Bill will have when enacted and *clause 2* provides for its commencement by an appointed day order.
5. Part 2 comprises *clauses 3 to 7* which amend the *Administration of Justice Act 1981* (“1981 Act”).
6. *Clause 3* provides that the 1981 Act is to be amended in accordance with Part 2.
7. *Clause 4* amends section 12 (priorities) of the 1981 Act so that any money received, or the proceeds of sale of any property received or arrested by a Coroner from an execution debtor, shall be applied in satisfaction of the execution creditors’ execution orders in accordance with the *Debtors Act 1820* and the *Preferential Payments Act 1908*. This amendment is in consequence of the repeal of the *Recovery of Rent Act 1954* (see later).
8. *Clause 5* replaces section 15 of the 1981 Act with new sections 15 to 15F. New section 15 makes provision for there to be a register of judgments and warrant debts (as defined) and provides for the register to be kept in accordance with regulations made by the Deemsters. New section 15 describes how the regulations are to be subject to consultation and describes the content of the regulations. New section 15A describes the particulars that must be provided to the Chief Registrar. New section 15B describes how the register may be kept. New section 15C provides for an order made by the Treasury to specify fees payable and specifies the circumstances where such an order may not be made. New section 15D provides that new sections 15 to 15C do not authorise disclosure in contravention of the data protection legislation (as defined) of personal data which is not exempt from those provisions. New section 15E provides that warrant debts may entered on the register only if the warrant for payment was issued after the coming into operation of this Bill and is for payment of a sum of money in respect of which the person liable to pay that sum was first notified in writing after the coming into operation of new section 15E. New section 15F provides that a warrant debt may be entered on the register after 3 days after the end of the period permitted to a person to apply to set aside the warrant for payment in respect of the debt has expired and may only be entered if it has a value of less than £1,000.

9. *Clause 6* inserts definitions for expressions used as a result of the amendments.
10. *Clause 7* makes a consequential amendment and savings provision resulting from the amendment described at clause 4.
11. Part 3 comprises clauses 8 and 9, which amend the *Summary Jurisdiction Act 1989* (“1989 Act”).
12. *Clause 8* provides that the 1989 Act is to be amended in accordance with Part 3.
13. *Clause 9* inserts new sections 101A to 101C into the 1989 Act so as to require the Chief Registrar to keep a register of sums to be paid to the Chief Registrar under the *Collection of Fines etc. Act 1985*. It requires the register to be kept in accordance with rules of court; describes what the rules must and may contain and how the register may be kept; requires the register to be published; and describes how it must be published. New section 101B provides for an order made by the Treasury to specify fees payable and new section 101C provides that new sections 101A and 101B do not authorise disclosure in contravention of the data protection legislation (as defined) of personal data which is not exempt from those provisions.
14. Part 4 comprises clauses 10 to 22 which make amendments and repeals. In particular, *clause 14* repeals the *Recovery of Rent Act 1954* which provides that when the respective priorities of creditors are to be ascertained, there shall be paid in priority to all debts, save as provided by section 3 of the *Preferential Payments Act, 1908*, all rent out of any holding of property, in respect of both arrears of rent and rent accruing, for a period not exceeding 1 year.
15. *Clause 13* amends the *Landlord and Tenant Act 1954* the effect of which is that if a tenant holding any property falls into arrears for half a year’s rent and deserts the property, a court may issue an order directing the Coroner of the Sheading in which such property is situated to affix upon the principal entrance or some other conspicuous part of such property notice in writing of what day (being at least 14 days after the notice is affixed) he will return and that if the arrears is not paid then the landlord is to be given possession of the property and will be able to dispose of any of the tenant’s goods left at the property. If the goods have a monetary value, the landlord would be permitted to sell the goods and deduct the costs of sale or monies due and pay any excess into court.
16. *Clauses 10, 11, 12, 15, 17 and 19* make amendments that are consequential on the repeal of the *Recovery of Rent Act 1954*, and *clause 20* is consequential on the amendments to the *Administration of Justice Act 1981*.
17. *Clause 16* amends the *Income Tax Act 1970* to enable information to be disclosed to the Coroner or Lockman for the purpose of enforcing the collection of income tax or national insurance contributions; to enable information to be disclosed to the Chief Registrar, Coroner or Lockman for the purposes of the *Administration of Justice Act 1981*; and for the Chief Registrar to perform or discharge any of the functions of the Chief Registrar under that Act. *Clause 18* amends the *Customs and Excise Management Act 1986* to similar effect and *Clause 22* amends the *Social Security Administration Act 1992 (Application) Order 1994* to similar effect.

18. *Clause 21 amends the Equality Act 2017 to provide that where the Employment and Equality Tribunal decides that a party to the proceedings is entitled to be paid any sum by another party, orders a party to the proceedings to pay or repay any sum to another such party, or makes an award of compensation, it may grant execution for the amount of the award and such execution is to be enforceable in the same manner as an execution of the High Court.*
19. *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.*
20. *The Act is not expected to have any negative financial or human resource implications*



Ellan Vannin

ADMINISTRATION OF JUSTICE AND OTHER AMENDMENTS BILL 2021

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Ellan Vannin

ADMINISTRATION OF JUSTICE AND OTHER AMENDMENTS BILL 2021

1 A **BILL** to amend the Administration of Justice Act 1981 to make provision for
2 the keeping of a register of judgments and debts enforceable by a warrant for
3 payment; to make certain other amendments relating to the disclosure of
4 information for the purposes of the register of judgments and the enforcement
5 of executions; to amend the Summary Jurisdiction Act 1989 in respect of the
6 register of sums adjudged to be paid on conviction; to repeal the Recovery of
7 Rent Act 1954; 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:—

8 PART 1 – INTRODUCTORY

9 1 Short title

10 The short title of this Act is the Administration of Justice and Other
11 Amendments Act 2021.

12 2 Commencement

13 (1) This Act (apart from section 1 and this section) comes into operation on
14 such day or days as the Treasury may by order appoint and different
15 days may be appointed for different provisions and for different
16 purposes.

17 Tynwald procedure – laying only.

18 (2) An order under subsection (1) may include such consequential,
19 incidental, supplemental, transitional, transitory or saving provisions as
20 the Treasury considers necessary or expedient in connection with the
21 coming into operation of any provision of this Act.

PART 2 – AMENDMENT OF THE ADMINISTRATION OF JUSTICE ACT 1981

3 Amendment of the Administration of Justice Act 1981

- (1) The *Administration of Justice Act 1981* is amended in accordance with this Part.
- (2) A reference in this Part, without more, to a numbered section or Schedule is a reference to the section of, or Schedule to, the *Administration of Justice Act 1981* so numbered.

4 Amendment of section 12 (priorities)

In section 12 (priorities), for “in the order of priorities applying at the commencement of this Act” substitute “in accordance with the *Debtors Act 1820* and the *Preferential Payments Act 1908*”.

5 Substitution of section 15 (register of judgments)

For section 15 (register of judgments), substitute —

“15 Register of judgments etc.

- (1) The Chief Registrar must keep a register (the “**register**”) of —
- (a) judgments —
- (i) entered in the High Court; and
- (ii) of a tribunal referred to in Schedule 2 to the *Tribunals Act 2006*, on or under which a sum of money, other than a sum payable under section 1 of the *Collection of Fines etc. Act 1985*, is payable; and
- (b) warrant debts.
- (2) The register must be kept by the Chief Registrar in accordance with regulations made by the Deemsters (the “**register regulations**”).
- Tynwald procedure – negative.
- (3) Before making the register regulations under subsection (2), the Deemsters must consult such persons as they consider appropriate.
- (4) The register regulations must make provision in relation to —
- (a) the particulars relating to a judgment or warrant debt which must be recorded on the register;

- 1 (b) the judgments or warrant debts (or classes of them) which
2 are exempt from registration;
- 3 (c) the circumstances in which judgments or warrant debts are
4 exempt from registration; and
- 5 (d) the circumstances in which an entry recorded on the
6 register must or may be amended or cancelled.
- 7 (5) The register regulations may make such other provision as the
8 Deemsters consider appropriate in relation to the register,
9 including—
- 10 (a) the procedures relating to the recording and amendment of
11 information on, and the removal of information from, the
12 register;
- 13 (b) the searching of the register and access to information
14 recorded on the register;
- 15 (c) the circumstances in which access to information recorded
16 on the register may be refused or restricted; and
- 17 (d) the exercise of a discretion by any person in respect of any
18 matters specified in the register regulations.
- 19 (6) In this section and sections 15A to 15F—
- 20 (a) a “judgment” in relation to the High Court or a tribunal
21 means any judgment, order, decision or award of the High
22 Court or tribunal (however termed) which is —
- 23 (i) a final determination of those proceedings or of an
24 issue in those proceedings; or
- 25 (ii) made in relation to such a final determination; and
- 26 (b) a “warrant debt” means a debt enforceable by a warrant
27 for payment.
- 28 (7) The Treasury may by order —
- 29 (a) amend subsection (1) to add, remove or amend the classes
30 of judgment, warrant debt or other decision which must be
31 included on the register; and
- 32 (b) amend subsection (6) in consequence of any such
33 amendment.
- 34 Tynwald procedure – approval required.
- 35 (8) Before making an order under subsection (7) the Treasury must
36 consult with such persons as it considers appropriate.
- 37 **15A Provision of data to the Chief Registrar**
- 38 (1) The Assessor and the Treasury (as appropriate) must provide the
39 Chief Registrar with the particulars specified in the register

1 regulations of the warrant debts which are required to be entered
2 on the register and which are in the Assessor's or the Treasury's
3 control, for the purpose of —

- 4 (a) the keeping of the register; and
5 (b) the publishing of information recorded on the register
6 under section 15B(2).

7 (2) The clerk of the relevant tribunal must provide the Chief Registrar
8 with the particulars specified in the register regulations of the
9 judgments which are required to be entered on the register and
10 which are under the clerk's control, for the purpose of —

- 11 (a) the keeping of the register; and
12 (b) the publishing of the information recorded on the register
13 under section 15B(2).

14 (3) No statutory provision or rule of law prohibiting or restricting the
15 disclosure of information shall preclude the Assessor, the
16 Treasury or the clerk of a tribunal from providing the Chief
17 Registrar with the information referred to in subsections (1) and
18 (2).

19 (4) In this section, “judgment” and “warrant debt” have the same
20 meaning as in section 15(6).

21 **15B Keeping and publication of the register by the Chief Registrar**

22 (1) The Chief Registrar may, subject to register regulations made
23 under section 15, keep the register in such form and manner and
24 at such place as the Chief Registrar thinks fit.

25 (2) The Chief Registrar must publish the information recorded on the
26 register.

27 (3) In subsection (2), the duty to publish the information recorded on
28 the register means to publish it, or arrange for it to be published,
29 in such form or manner as the Chief Registrar considers
30 appropriate (including in electronic form) for inspection by
31 members of the public.

32 (4) The Chief Registrar may enter into arrangements with another
33 person for the publishing of the information recorded on the
34 register and such arrangements may include provision for a
35 charge to be made for —

- 36 (a) access to information recorded on the register; or
37 (b) supplying a certified copy of information in an entry on the
38 register.

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15C Fees

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(1) The Treasury may by order specify –

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(a) the fees to be paid for the provision of access to information recorded on the register;

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(b) the fees to be paid for supplying a certified copy of information in an entry on the register; or

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(c) any other fee or charge payable in respect of any other function of, or service by, the Chief Registrar in relation to the register.

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Tynwald procedure – negative.

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(2) An order may not be made under subsection (1)(a) or (b) when the functions described under those provisions are being performed by another person under arrangements entered into by the Chief Registrar under section 15B(4) for publishing information recorded on the register .

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(3) Any fees or charges received under this section must be applied to pay the expenses incurred in keeping the register and publishing the information recorded on it, with any surplus being paid into the General Revenue.

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15D Data protection legislation not affected

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Nothing in sections 15 to 15C authorises a disclosure, in contravention of the data protection legislation, of personal data which is not exempt from those provisions.

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15E Registration of warrant debts: transitional provisions and exemptions

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A warrant debt may be entered on the register only if the warrant for payment to which it relates –

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(a) is issued after the coming into operation of this section; and

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(b) is for payment of a sum of money in respect of which the person liable to pay that sum was first notified in writing after the coming into operation of this section.

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15F Registration of warrant debts: restrictions on entering information on register

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(1) A warrant debt may be entered on the register after 3 days after the end of the period permitted to a person to apply to set aside the warrant for payment in respect of the debt has expired.

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- (2) A warrant debt with a value of less than £1,000 must not be entered on the register.”.

6 Amendment of section 26 (interpretation)

In section 26(1) (interpretation) —

- (a) after the definition of “arrest” insert —

““data protection legislation” has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018¹ as they have effect from time to time;”;

- (b) for the definition of “execution”, substitute —

““**execution**” means —

- (a) an execution of the High Court under which money is payable by an execution debtor to an execution creditor;
- (b) an execution granted under section 4 of the *Collection of Fines etc. Act 1985* (recovery of fines etc);
- (c) an execution granted under section 93 of the *Proceeds of Crime Act 2008* (confiscation orders: enforcement provisions);
- (d) an execution granted by a tribunal;
- (e) a judgment, order, decision or award of a tribunal which may be enforced by a Coroner as if it was an execution of the High Court;
- (f) a warrant for payment; or
- (g) an execution granted by a court of summary jurisdiction under section 94(1) of the *Summary Jurisdiction Act 1989* (methods of enforcement);”;

- (c) after the definition of “prescribed”, insert —

““**register**”, unless the context otherwise requires, has the meaning given in section 15(1);

“**register regulations**” has the meaning given in section 15(2);

“**warrant for payment**” means a warrant issued under —

- (a) section 98A of the *Income Tax Act 1970* (distrainment for overdue tax);
- (b) section 114A or 114AA of the *Social Security Administration Act 1992* (of Parliament) as it has effect in the Island (recovery of outstanding contributions following the decision of a contributions decision-maker; recovery of benefit following the decision of an adjudication officer);

¹ SD 2018/0145

- 1 (c) paragraph 6 of Schedule 12 to the *Value Added Tax Act 1996*
 2 (distrainment for overdue VAT); or
 3 (d) section 24 of the *Gambling Duty Act 2012* (Treasury
 4 warrants).”.

5 **7 Amendment of Schedule 1 (arrest and sale of goods etc.)**

6 (1) In paragraph 3 of Schedule 1 (arrest and sale of goods, etc.), omit the
 7 words “, but, where the execution debtor resides on premises” onwards.

8 (2) After paragraph 3 of Schedule 1 insert —

9 “3A. Despite paragraph 3, and save as is otherwise provided by
 10 enforcement rules, paragraph (3B) applies where, before the
 11 coming into operation of section 7(1) of the *Administration of*
 12 *Justice and Other Amendments Act 2021* (which amended paragraph
 13 3) (in this paragraph, “section 7(1)”), an execution order has been
 14 granted and —

15 (a) the enforcement of the execution order is made in respect
 16 of an execution debtor who resides at premises of which he
 17 or she —

18 (i) is a tenant; and
 19 (ii) was a tenant before the coming into operation of
 20 section 7(1); and

21 (b) that execution order does not relate to rent due by him or
 22 her as such tenant,

23 3B. Where this paragraph applies —

24 (a) the apparent value of the property of the execution debtor
 25 which may be arrested by a Coroner under paragraph 1
 26 shall not exceed twice the amount recoverable under the
 27 judgment; but

28 (b) there shall be exempted from such arrest, in addition to the
 29 property specified in paragraph 2(a) to (d), such other
 30 property of the execution debtor, which, when taken
 31 together with the apparent value of the other assets of the
 32 execution debtor (other than the property mentioned in
 33 paragraph 2(a) to (d)), will amount in apparent value to
 34 not less than the amount required to pay that rent for one
 35 year.”.

**PART 3 – AMENDMENT OF THE SUMMARY JURISDICTION
ACT 1989**

8 Amendment of the Summary Jurisdiction Act 1989

The *Summary Jurisdiction Act 1989* is amended in accordance with this Part.

9 Substitution of section 101A (register of sums adjudged to be paid on conviction)

For section 101A of the *Summary Jurisdiction Act 1989* (register of sums adjudged to be paid on conviction), substitute –

“101A Register of sums adjudged to be paid on conviction

- (1) The Chief Registrar must keep a register of sums to be paid to the Chief Registrar under section 1 of the *Collection of Fines etc. Act 1985* and the names and addresses of persons who have defaulted in their payment (in this section and section 101B, “**the register**”).
- (2) The register must be kept in accordance with rules of court.
- (3) The rules must –
 - (a) prescribe the particulars relating to each sum which must be recorded on the register;
 - (b) make provision in relation to the sums (or classes of them) which are exempt from registration;
 - (c) make provision in relation to the circumstances in which sums are exempt from registration; and
 - (d) provide for the circumstances in which an entry recorded on the register must or may be amended or cancelled.
- (4) The rules may make such other provision as the Clerk of the Rolls considers appropriate in relation to the register, including –
 - (a) the procedures relating to the recording and amendment of information on, and the removal of information from, the register;
 - (b) the searching of the register and access to information recorded on the register;
 - (c) the circumstances in which access to information recorded on the register may be refused or restricted; and
 - (d) the exercise of a discretion by any person in respect of any matters specified in the rules.
- (5) The Chief Registrar may, subject to rules of court, keep the register in such form and manner and at such place as the Chief Registrar thinks fit.

- 1 (6) The Chief Registrar must publish the information recorded on the
2 register.
- 3 (7) In subsection (6), the duty to publish the information recorded on
4 the register means to publish it, or arrange for it to be published,
5 in such form or manner as the Chief Registrar considers
6 appropriate (including in electronic form) for inspection by
7 members of the public.
- 8 (8) The Chief Registrar may enter into arrangements with another
9 person for the publishing of the information recorded on the
10 register and such arrangements may include provision for a
11 charge to be made for –
- 12 (a) access to information recorded on the register; or
13 (b) supplying a certified copy of information in an entry on the
14 register.

15 **101B Register fees**

- 16 (1) The Treasury may by order specify –
- 17 (a) the fees to be paid for the provision of access to
18 information recorded on the register;
- 19 (b) the fees to be paid for supplying a certified copy of
20 information in an entry on the register; or
- 21 (c) any other fee or charge payable in respect of any other
22 function of, or service by, the Chief Registrar in relation to
23 the register.
- 24 Tynwald procedure – negative.
- 25 (2) An order may not be made under subsection (1)(a) or (b) when
26 the functions described under those provisions are being
27 performed by another person under arrangements entered into by
28 the Chief Registrar under section 101A(8) for publishing
29 information recorded on the register.
- 30 (3) Any fees or charges received under this section must be applied to
31 pay the expenses incurred in keeping and publishing the register,
32 with any surplus being paid into the General Revenue.

33 **101C Data protection legislation not affected**

- 34 (1) Nothing in sections 101A and 101B authorises a disclosure, in
35 contravention of the data protection legislation, of personal data
36 which is not exempt from those provisions.

- (2) In this section, “data protection legislation” has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018² as they have effect from time to time.”

PART 4 – CONSEQUENTIAL AMENDMENTS AND REPEALS

DIVISION 1 – ACTS OF TYNWALD

10 Bankruptcy Code 1892 amended

- (1) The *Bankruptcy Code 1892* is amended as follows.
- (2) Section 25 (power to landlord to distrain for rent) is repealed.

11 Preferential Payments Act 1908 amended

- (1) The *Preferential Payments Act 1908* is amended as follows.
- (2) Section 6(a) (savings) is repealed.

12 Conveyancing (Leases and Tenancies) Act 1954 amended

- (1) The *Conveyancing (Leases and Tenancies) Act 1954* is amended as follows.
- (2) For section 1(2) (short title and construction) substitute –
- “(2) This Act shall be construed as one with the *Landlord and Tenant Act, 1954*, and the *Tenancies (Implied Terms) Act, 1954*, and such Acts and this Act may be together cited as the *Landlord and Tenant Acts, 1954*.”

13 Landlord and Tenant Act 1954 amended

- (1) The *Landlord and Tenant Act 1954* is amended as follows.
- (2) For section 1(2) (short title and construction) substitute –
- “(2) This Act shall be construed as one with the *Conveyancing (Leases and Tenancies) Act, 1954*, and the *Tenancies (Implied Terms) Act, 1954*, and such Acts and this Act may be together cited as the *Landlord and Tenant Acts, 1954*.”
- (3) For the existing text of section 12 (recovery of deserted property) substitute –
- (1) If any tenant holding any property be in arrear for half a year’s rent, and shall desert such property, leaving the same unoccupied, the High Court of Justice, Civil Division, Summary Jurisdiction may, upon application of the landlord or his agent, and upon

² SD 2018/0145

- 1 proof by affidavit or otherwise of the abovementioned facts, issue
 2 an order directing the Coroner of the Sheading in which such
 3 property may be, to affix upon the principal entrance or some
 4 other conspicuous part of such property notice in writing
 5 stating —
- 6 (a) what day (at the distance of not less than 14 days) he will
 7 return to such property; and
- 8 (b) that if, upon such day, the tenant, or his agent, shall not
 9 appear and pay the rent in arrear, then the Coroner may
 10 put the landlord or his agent into possession of such
 11 property, the contract of tenancy as to any demise therein
 12 contained, shall from that day become void and the goods
 13 of the tenant may be sold or otherwise disposed of.
- 14 (2) The court when issuing an order under subsection (1) may also
 15 order that if the Coroner puts the landlord or his agent into
 16 possession of the property and any goods of the tenant are
 17 present at the property, the landlord may dispose of the goods,
 18 provided that if the goods have a monetary value the landlord —
- 19 (a) may sell any such goods subject to such terms and
 20 conditions, if any, as may be specified in the order; and
- 21 (b) may deduct from the proceeds of sale any costs of sale and
 22 any amount due from the landlord to the tenant in respect
 23 of the goods; and
- 24 (c) must pay into court the net proceeds of sale, less any
 25 amount deducted under paragraph (b), to be held to the
 26 credit of the tenant.”.

27 **14 Recovery of Rent Act 1954 repealed**

28 The *Recovery of Rent Act 1954* is repealed.

29 **15 Tenancies (Implied Terms) Act 1954 amended**

- 30 (1) The *Tenancies (Implied Terms) Act 1954* is amended as follows.
- 31 (2) For section 1(2) (short title and construction) substitute —
- 32 “(2) This Act shall be construed as one with the *Landlord and Tenant*
 33 *Act, 1954*, and the *Conveyancing (Leases and Tenancies) Act, 1954*,
 34 and such Acts and this Act may be together cited as the *Landlord*
 35 *and Tenant Acts, 1954*.”.

36 **16 Income Tax Act 1970 amended**

- 37 (1) The *Income Tax Act 1970* is amended as follows.
- 38 (2) In section 106 (information confidential) —

(a) in subsection (4)(f), after “Coroner or Lockman” insert “for the purpose of enforcing the collection of income tax or national insurance contributions (including interest and penalties in respect of the same)”; and

(b) after subsection (5B) insert —

“(5C) To avoid doubt, the use or disclosure by the Judgments Officer, a Coroner or a Lockman of any information that has been provided under subsection (4)(f) does not contravene subsection (5A) if the use or disclosure is for the purpose of the performance or discharge of any of the Judgments Officer’s, Coroner’s or Lockman’s functions under the *Administration of Justice Act 1981* including the enforcement of any other execution (within the meaning of section 26 of that Act).”.

(3) After section 106F (disclosure of information between the Assessor and the Department of Education, Sport and Culture) insert —

“106G Disclosure of information to the Chief Registrar

(1) No restriction on the disclosure of information imposed by any Manx legislation (including this Act) or otherwise, prevents the Assessor or an officer authorised by the Assessor from disclosing any information to the Chief Registrar for —

(a) the purposes set out in sections 15 to 15F of the *Administration of Justice Act 1981*; or

(b) the purpose of enabling or assisting the Chief Registrar to perform or discharge any of the functions of the Chief Registrar under the *Administration of Justice Act 1981*.

(2) Any person who discloses information pursuant to subsection (1) shall not be guilty of an offence under section 106(3).

(3) Information obtained under subsection (1) must not be disclosed except for a purpose mentioned in that subsection.

(4) Nothing in this section shall be taken to prejudice any power to disclose information which exists apart from this section.”.

17 **Preferential Payments and Other Acts (Financial Adjustments) Act 1973 amended**

Section 6(2)(e) of the *Preferential Payments and Other Acts (Financial Adjustments) Act 1973* (short title and citation) is repealed.

18 **Customs and Excise Management Act 1986 amended**

(1) The *Customs and Excise Management Act 1986* is amended as follows.

(2) After section 174D (matters supplementary to ss 174B and 174C) insert —

“174DA Disclosure of information to the Chief Registrar

- (1) No obligation of secrecy imposed by any Manx legislation (including this Act) or otherwise, prevents the Treasury, the Collector or an officer (as appropriate) from disclosing any information to the Chief Registrar for –
- (a) the purposes set out in sections 15 to 15F of the *Administration of Justice Act 1981*; or
- (b) the purpose of enabling or assisting the Chief Registrar to perform or discharge any of the functions of the Chief Registrar under the *Administration of Justice Act 1981*.
- (2) Information obtained under subsection (1) must not be disclosed except for a purpose mentioned in that subsection.
- (3) Nothing in this section shall be taken to prejudice any power to disclose information which exists apart from this section.

174DB Disclosure of information to Judgments Officer, Coroner or Lockman

- (1) No obligation of secrecy imposed by any Manx legislation (including this Act) or otherwise, prevents the Treasury, the Collector or an officer (as appropriate) from disclosing any information to the Judgments Officer, a Coroner or a Lockman for the purpose of enforcing the collection of revenues relating to an assigned matter (including interest and penalties in respect of the same).
- (2) Any information obtained by means of a disclosure under subsection (1) may be used or disclosed by the Judgments Officer, a Coroner or a Lockman for the purpose of the performance or discharge of any of his or her functions under the *Administration of Justice Act 1981* including the enforcement of any other execution (within the meaning of section 26 of that Act).
- (3) Nothing in this section shall be taken to prejudice any power to disclose information which exists apart from this section.”.

19 Administration of Estates Act 1990 amended

Section 32 of the *Administration of Estates Act 1990* (landlord’s arrest) is repealed.

20 Debt Recovery and Enforcement Act 2012 amended

Section 15 of the *Debt Recovery and Enforcement Act 2012* (priority of debts) is repealed.

1 **21 Equality Act 2017 amended**

2 In section 130 of the *Equality Act 2017* (enforcement of awards etc. of
3 Tribunal) —

4 (a) in subsection (1), for “then, subject to subsection (2), the decision,
5 order or award may be enforced as if it were an order of the
6 Court” substitute —

7 “the Tribunal may grant execution for the sum or the amount of
8 the award, as the case requires and such execution shall be
9 enforceable in the same manner as an execution of the High
10 Court”;

11 (b) after subsection (1) insert —

12 “(1A) This section does not apply to a complaint to which section 105
13 (jurisdiction of the Tribunal in relation to goods and services)
14 applies.”; and

15 (c) Section 130(2) is repealed.

16 **DIVISION 2 – SECONDARY LEGISLATION**

17 **22 Social Security Administration Act 1992 (Application) Order 1994**
18 **amended**

19 (1) The Schedule to the Social Security Administration Act 1992
20 (Application) Order 1994³ is amended as follows.

21 (2) After the entry relating to section 122DH (sections 122DF and 122DG:
22 interpretation) insert —

23 **“122DI Disclosure of information by the Department to the Chief**
24 **Registrar**

25 (1) Despite any other restriction on the disclosure of information
26 imposed by any Manx legislation (including this Act, as applied to
27 the Island) or otherwise, the Isle of Man Treasury, or an officer of
28 the Isle of Man Treasury, may disclose any information to the
29 Chief Registrar for —

30 (a) the purposes set out in sections 15 to 15F of the
31 *Administration of Justice Act 1981*; or

32 (b) the purpose of enabling or assisting the Chief Registrar to
33 perform and discharge any of the functions of the Chief
34 Registrar under the *Administration of Justice Act 1981*.

35 (2) Information obtained under subsection (1) must not be disclosed
36 except for a purpose mentioned in that subsection.

³ SD 506/94

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- (3) This section does not limit the circumstances in which information may be disclosed apart from this section.

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122DJ Disclosure of information by the Department to the Judgments Officer, Coroner or a Lockman

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- (1) Despite any other restriction on the disclosure of information imposed by any Manx legislation (including this Act) or otherwise, the Department, or an officer of the Department, may disclose any information to the Judgments Officer, a Coroner or a Lockman for the purpose of enforcing the recovery of contributions, benefits or budgeting loans (including interest and penalties in respect of the same).

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- (2) Any information obtained under subsection (1) may be used or disclosed by the Judgments officer, a Coroner or a Lockman for the purpose of the performance or discharge of any of his or her functions under the *Administration of Justice Act 1981* including the enforcement of any other execution (within the meaning of section 26 of that Act).

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- (3) This section does not limit the circumstances in which information may be disclosed apart from this section.”.

IN THE KEYS

**ADMINISTRATION OF JUSTICE AND OTHER
AMENDMENTS BILL 2021**

A **BILL** to amend the Administration of Justice Act 1981 to make provision for the keeping of a register of judgments and debts enforceable by a warrant for payment; to make certain other amendments relating to the disclosure of information for the purposes of the register of judgments and the enforcement of executions; to amend the Summary Jurisdiction Act 1989 in respect of the register of sums adjudged to be paid on conviction; to repeal the Recovery of Rent Act 1954; and for connected purposes.

Approved by the Council of Ministers
for introduction in the House of Keys.

MR SHIMMINS, MHK

MAY 2021

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