



**Isle of Man**

*Ellan Vannin*

**AT 20 of 1976**

**INTERPRETATION ACT 1976**





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## INTERPRETATION ACT 1976

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**Isle of Man***Ellan Vannin*

## INTERPRETATION ACT 1976

<i>Received Royal Assent:</i>	<i>23 July 1976</i>
<i>Passed:</i>	<i>19 October 1976</i>
<i>Commenced:</i>	<i>19 October 1976</i>

**AN ACT** to make better provision in the law relating to the interpretation of Acts of Tynwald and instruments of a legislative character made thereunder, and for connected purposes.

### **1 Application of Act**

Except where this Act otherwise provides, every provision of this Act shall extend and apply to every provision of every Act (including this Act), public document and, where this Act so provides, resolution of Tynwald, passed or made on or after the 24th May 1949, unless there is something in the subject or context of the Act, public document or resolution which is inconsistent therewith.

#### **1A Construction of Acts of Parliament applied to the Island**

- (1) Any legislation which is applied to the Island (whether with or without adaptations, modifications or exceptions), by virtue of an enactment, shall, unless there is something in the subject or context of the legislation, as it has effect in the Island, which is inconsistent therewith, be construed subject to the Acts relating to interpretation relevant to that legislation in the United Kingdom.
- (2) In this section, “legislation” means an Act of Parliament or an instrument of a legislative character made under an Act of Parliament.<sup>1</sup>

#### **1B References to EU instruments**

- (1) Where an Act passed after this section comes into operation refers to an EU instrument that has been amended, extended or applied by another such instrument, the reference, unless the contrary intention appears, is a reference to that instrument as so amended, extended or applied.

- (2) In subsection (1), “EU instrument” has the same meaning as in section 1(1) of the *European Communities (Isle of Man) Act 1973*.<sup>2</sup>

## 2 Rules not inconsistent not excluded

[N1/1954/33/3]

Nothing in this Act shall be construed as excluding the application to an Act or a public document of a rule of construction applicable thereto and not inconsistent with this Act.

## 3 Interpretation of certain terms

- (1) The following words and expressions shall have the meanings hereby assigned to them respectively<sup>3</sup>—

“**accountant**”, “**a member of an institute of chartered accountants**”, “**chartered accountant**” and cognate expressions mean a member of one of the following bodies —

- the Institute of Chartered Accountants in England and Wales;
- the Institute of Chartered Accountants of Scotland;
- the Institute of Chartered Accountants in Ireland;
- the Association of Certified Accountants;
- the Chartered Institute of Public Finance and Accountancy;
- the Chartered Institute of Management Accountants;<sup>4</sup>

“**act**”, where used with reference to an offence or civil wrong, includes a series of acts, and words so used which refer to acts done extend to omissions;

“**Act**” means an Act of Tynwald;

“**adapt**”, “**modify**” and “**vary**”, where used in relation to a power to adapt, modify or vary a statutory provision, includes power to adapt, modify and vary that provision, whether directly or indirectly;

“**advocate**” means a person entitled to practise as such in the High Court or courts subordinate thereto under the provisions of the law for the time being applicable to advocates;

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

“**amend**” includes modify;<sup>5</sup>

“**the 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*;<sup>6</sup>

“**the Attorney General**” means, subject to subsection (2), 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 Royal Sign Manual;<sup>7</sup>
- "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 (an Act of Parliament);
- "the Bishop"** and **"the Bishop of Sodor and Man"** mean the Lord Bishop of this Isle;
- "the British Islands"** means the United Kingdom, the Channel Islands and the Island;
- "the Chancery Division"** [Repealed]<sup>8</sup>
- "the Charity Commissioners"** means the Charity Commissioners for England and Wales for the time being;
- "the Chief Constable"** includes the deputy Chief Constable;
- "the 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*;<sup>9</sup>
- "the Chief Minister"** means the person for the time being appointed to be Chief Minister in accordance with the *Council of Ministers Act 1990*;<sup>10</sup>
- "the Chief Registrar"** means the officer in the General Registry designated the **"Chief Registrar"** and includes an Assistant Chief Registrar;
- "the Chief Secretary"** means the Chief Secretary of the Island;<sup>11</sup>
- "child"** means a person who, in the opinion of any court before whom he may be brought, is under the age of fourteen years;
- "the Church Commissioners for England"** means the Church Commissioners established by the Church Commissioners Measure 1947 (a Measure of the National Assembly of the Church of England);
- "the Church Commissioners"** and **"the Church Commissioners for the Isle of Man"** mean the Church Commissioners established by the *Church Act 1992*;<sup>12</sup>
- "the Civil Division"** means the civil division of the High Court;<sup>13</sup>
- "civil partnership"** means a civil partnership which exists under or by virtue of the *Civil Partnership Act 2011*;<sup>14</sup>
- "the 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 any other 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*;<sup>15</sup>

“**Commercial Board**” [Repealed]<sup>16</sup>

“**committed for trial**”, where used in relation to any person, means committed by a court, judge, coroner, or other authority having power to commit a person to any prison with a view to his trial, and includes a person who is admitted to bail upon a recognizance to appear and take his trial before a Court of General Gaol Delivery;

“**common law**” means the common law of the Island;

“**the Common Law Division**” [Repealed]<sup>17</sup>

“**compulsory school age**” has the same meaning as in the *Education Act 2001*;<sup>18</sup>

“**computer**” means any device for storing and processing information;

“**constable**” means a constable appointed under section 2 or 5(1) or (2) of the *Police Act 1993*;<sup>19</sup>

“**consular officer**” includes a consul-general, consul, vice-consul, consular agent and any person for the time being authorised to discharge the duties of a consul-general, consul or vice-consul;

“**contravention**” includes, in relation to any enactment passed or made after the commencement of this Act, a failure to comply with that enactment;

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

“**costs**”, where used in an enactment passed or made after the commencement of this Act, includes fees, charges, disbursements, expenses and remuneration;

“**the Council**” means the Legislative Council;

“**court**” means any court in the Island of competent jurisdiction;

“**Court of General Gaol Delivery**” means a Court of General Gaol Delivery as constituted by the *Criminal Jurisdiction Act 1993*;<sup>20</sup>

“**court of summary jurisdiction**” means a court consisting of the High Bailiff (other than when sitting as a judge) or 2 or more justices of the peace, and includes a court consisting of a single justice of the peace in any case where such a justice has power to exercise any function of such a court;<sup>21</sup>

“**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*;<sup>22</sup>

“**the Deemsters**” means the First Deemster and the Second Deemster acting jointly;<sup>23</sup>



“**Department**” means any of the bodies specified in section 1(1) of the *Government Departments Act 1987*;<sup>24</sup>

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

“**document**” includes, in addition to a document in writing —

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- (d) any film, including any microfilm, negative, tape or other device in which one or more visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom;

“**enactment**” means an Act or part of an Act, and includes any public document;

“**the Family Division**” [Repealed]<sup>25</sup>

“**the First Deemster and Clerk of the Rolls**” means Her Majesty’s First Deemster and Clerk of the Rolls;

“**functions**” includes powers and duties;

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

“**Government Note**” means a promissory note payable to bearer on demand issued by the Treasury under section 3 of the *Currency Act 1992*;<sup>26</sup>

“**the Government Treasurer**” and “**the Treasurer**” [Repealed]<sup>27</sup>

“**the Governor**” and “**the Lieutenant Governor**” include the Governor, Lieutenant-Governor, Deputy Governor, Deputy Lieutenant-Governor and the Acting Governor or Acting Lieutenant-Governor of the Island;

“**the 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;<sup>28</sup>

“**guardian**”, where used in relation to a child or young person includes any person who, in the opinion of the court having cognisance of any case in relation 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;

“**the High Bailiff**” includes a deputy High Bailiff;

“**the High Court**” means the High Court of Justice of the Isle of Man;<sup>29</sup>

“**highway authority**”, where used in relation to any road, means the authority which is responsible for the maintenance of the road;

“**His Majesty**”, “**Her Majesty**”, “**the King**”, “**the Queen**” and “**the Crown**” mean His Majesty the King or, as the case may be, Her Majesty the Queen, Sovereign for the time being of the United Kingdom, and includes the predecessors and the heirs and successors of such King or Queen;

“**house**” includes any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith;

“**the Imperial Parliament**” and “**Parliament**” mean the Parliament of the United Kingdom;

“**indictment**” includes information;

“**the Island**” and “**the Isle**” mean the Isle of Man;

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

“**Keys**” means the House of Keys;

“**land**” includes messuages, tenements and hereditaments, houses and buildings of any tenure, and any interest in land, and any easement or right in, to or over land;<sup>30</sup>

“**the Lands Clauses Acts**” means the *Acquisition of Land Act 1984*;<sup>31</sup>

“**legal guardian**”, where used in relation to a child or young person, means a person appointed according to law to be his guardian by deed or will or by an order of a court of competent jurisdiction;

“**local authority**” means —

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

“**make**”, in relation to a public document, includes grant, give and issue;

“**Minister**” means —

- (a) when used alone, any person for the time being appointed to be a Minister in accordance with the *Council of Ministers Act 1990*;
- (b) when used in relation to a Department, or with the addition of words by way of designation of a Department in accordance with an order under section 5(4) of that Act, the Minister (including for this purpose the Chief Minister) who is for the time being assigned to that Department under section 5(1) of that Act;<sup>32</sup>

“**modify**” includes amend and repeal;<sup>33</sup>

“**month**” means a calendar month,

“**oath**” and “**affidavit**” include, in the case of persons for the time being allowed by law to affirm or declare instead of swearing, affirmation and declaration, and “**swear**” includes, in the like case, affirm and declare;

- “**ordnance map**” means a map made under the powers conferred by the Survey (Great Britain) Acts 1841 to 1870 (being Acts of Parliament), or by the Survey (Ireland) Acts 1825 to 1870 (being Acts of Parliament), and the Acts amending those Acts respectively;
- “**parent**”, where used in relation to a child adopted in pursuance of any enactment, means the person by whom he has been adopted, to the exclusion of his natural parent and, where used in relation to a child who is illegitimate, means his mother, to the exclusion of his father;
- “**person**” includes any body of persons, corporate or unincorporate;
- “**Petty Sessional Court**” means a court of summary jurisdiction;<sup>34</sup>
- “**prescribed**” means prescribed by the Act in which the word occurs or by any public document made thereunder;
- “**printing**” includes letterpress, gravure, lithography, stencil duplicating, offset lithography, “office” type-set, electrostatic photocopying, “photostat” or similar process properly processed and washed;
- “**Privy Council**” means the Lords and others for the time being of Her Majesty’s Most Honourable Privy Council;
- “**public analyst**” means a public analyst appointed under section 22 of the *Food Act 1996*, and includes a deputy public analyst, any other analyst employed to assist the public analyst so appointed and authorised by him to act in that behalf and an agricultural analyst appointed under section 1(3) of the *Fertilisers and Feeding Stuffs Act 1975*;<sup>35</sup>
- “**the Public Analyst for the Isle of Man**” [Repealed]<sup>36</sup>
- “**public document**” means any order, proclamation, warrant, scheme, rule, regulation, byelaw, resolution, notice or other instrument made under any enactment;
- “**public holiday**” includes any day which is duly declared to be or proclaimed as a public holiday;
- “**public officer**” means the holder for the time being of any public office created by, or referred to, in any enactment or in any resolution of Tynwald;
- “**purposes**”, where used in relation to any Department or Statutory Board, includes not only its statutory functions or purposes but also any of its functions or purposes arising under or authorised by a resolution of Tynwald;<sup>37</sup>
- “**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;<sup>38</sup>
- “**repeal**” includes revoke;

“**the revised edition of the statutes**” means the revised edition of the statutes as published from time to time under the title of “The Statutes of the Isle of Man”;

“**road authority**” means the authority which is responsible for the maintenance of the highways in any local government district;

“**rule**” includes a byelaw;

“**rules of court**”, where used in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of that court;

“**Rural Dean**” [Repealed]<sup>39</sup>;

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

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

“**signature**” and “**signed**” include and apply to the making of a mark;

“**the Speaker**” means the Speaker of the House of Keys for the time being and includes an acting Speaker and the Deputy Speaker when deputising in the absence of the Speaker;<sup>40</sup>

“**the Staff of Government Division**” means the Staff of Government Division of the High Court;

“**Statutory Board**” means a body specified in Schedule 1 to the *Statutory Boards Act 1987*;<sup>41</sup>

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

- (a) in the Island, means a declaration made under the *Evidence Act 1871*;
- (b) in the United Kingdom or any British possession beyond the Island, means a declaration made before a justice of the peace, notary public or other person having authority therein under any law for the time being in force to take or receive a declaration;
- (c) in any other place, means a declaration made before a British Consul or vice-consul or before any person having authority under any Act of Parliament for the time being in force to take or receive a declaration;

“**statutory provision**” includes an enactment, a provision contained in an Act of Parliament which has effect in the Island and any instrument of a legislative character made under any such provision and having effect in the Island;

“**summary conviction**” means conviction by a court of summary jurisdiction;<sup>42</sup>

“**the Summary Jurisdiction Acts**” [Repealed]<sup>43</sup>

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

“**the Treasury**” [Repealed]<sup>44</sup>

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

“**the United Kingdom Treasury**” means the Lord High Treasurer for the time being or the Commissioners for the time being of Her Majesty’s Treasury in the United Kingdom;

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

“**will**” includes codicil;

“**writing**” and expressions referring to writing include printing, lithography, typewriting, photography and other modes of representing or reproducing words in visible form;

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

“**young person**” means a person who, in the opinion of any court before whom he may be brought, has reached the age of fourteen years but is under the age of seventeen years.

(2) The substitution of the definition of “**the Attorney General**” in this section by section 3(3) of the *Law Officers Act 2013* does not limit any existing rule of law or practice authorising others to act on behalf of the Attorney General.<sup>45</sup>

### 3A Omissions

[P1948/62/3]

(1) From any reprinted edition of the statutes published by authority pursuant to the *Reprints Act 1981* there may be omitted —

- (a) words of enactment, whether in the form “We, your Majesty’s most dutiful and loyal subjects, the Lieutenant Governor, Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lieutenant Governor, Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say):-“ or in any other form or to the like effect;
- (b) clauses of attestation added to ancient statutes;
- (c) words of description relating to Acts of Parliament, or instruments of a legislative character made under such Acts of Parliament, applied to the Island by virtue of an enactment whether in the form “applied to the Island by virtue of an order made pursuant to”, a specified section of a specified enactment, or

in any other form or to the like effect, and may be replaced by the words “as it has effect in the Island”.

- (2) In any enactment published by authority the words of description mentioned in subsection (1)(c) may be replaced as therein mentioned.
- (3) An omission made under the authority of this section shall not affect the construction or interpretation of any statute.<sup>46</sup>

#### **4 Acts, etc, to be public Acts, etc**

Every Act or public document shall be a public Act or, as the case may be, a public document and shall be judicially noticed as such, unless the contrary is expressly provided by the Act or public document.

#### **5 Enactments to apply to the whole of the Island**

[N1/1954/33/6]

Every enactment shall, unless the contrary intention appears, apply to the whole of the Island.

#### **6 Sections to be substantive enactments**

[NI/1954/33/9]

Every provision of an enactment shall have effect as a substantive enactment without introductory words.

#### **7 Mode of citing Acts, etc**

- (1) When any Act is referred to, it shall be sufficient for all purposes to cite that Act by the short title, if any, by which it is made citable, and any enactment may be cited by reference to the provisions of the Act in which the enactment is contained.
- (2) Where any Act contains any such reference as is mentioned in subsection (1) above, the reference shall, unless a contrary intention appears, be read as referring —
  - (a) in the case of statutes included in any volume of the revised edition of the statutes purporting to be published or printed by authority, to that edition;
  - (b) in other cases, to the copies of the statutes purporting to be published or printed by authority.
- (3) In any enactment, a description or citation of a portion of another enactment shall, unless the contrary intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

## 8 Preambles, headings and marginal notes

[NI/1954/33/10]

- (1) The preamble to, and any Part heading or cross-heading in, an enactment shall be construed as a part thereof intended to assist in explaining the purport and object of the enactment.
- (2) Marginal notes in an enactment and marginal references therein to other enactments shall not be construed as part of the enactment and shall be deemed to be inserted for convenience of reference only.

## 9 References in enactments

[NI/1954/33/11(1) and (5) to (11)]

- (1) A reference in an enactment to another enactment shall be construed as a reference to the latter enactment as for the time being amended by or under any statutory provision, including the enactment in which the reference is made.
- (2) A reference in an enactment by number or letter to two or more Parts, divisions, sections, subsections, paragraphs, sub-paragraphs, schedules, instruments or forms shall be read as including the number or letter first mentioned and the number or letter last mentioned.
- (3) Where in an enactment reference is made to a Part, division, section, schedule or form without anything in the context to indicate that a reference to a Part, division, section, schedule or form of some other statutory provision is intended, the reference shall be construed as a reference to the Part, division, section, schedule or form of the enactment in which the reference is made.
- (4) Where, in a section of an enactment, reference is made to a subsection, paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a subsection, paragraph, sub-paragraph or other division of some other section or provision is intended, the reference shall be construed as a reference to the subsection, paragraph, sub-paragraph or other division of the section in which the reference is made.
- (5) Where, in a schedule or Part of a schedule to an enactment, reference is made to a paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a paragraph, sub-paragraph or other division of some other provision is intended, the reference shall be construed as a reference to the paragraph, sub-paragraph or other division of the schedule or the Part of the schedule in which the reference is made.
- (6) Where in an enactment reference is made to a public document, without anything in the context to indicate that a reference to a public document made under some other statutory provision is intended, the reference

shall be construed as a reference to a public document made under the enactment in which the reference is made.

- (7) A reference in an enactment to any power exercisable, public document made or act or thing done under an enactment shall include a reference to a power exercisable, a public document made or act or thing done by virtue of that enactment or of any public document made under or by virtue of that provision.
- (8) The expression “herein”, when used in a section or other division of an enactment passed or made after the commencement of this Act, shall relate to the whole enactment and not to that section or division only.

## 10 Commencement of Acts

[P1889/63/36(1)]

- (1) The date of the passing of every Act shall be the day on which the Royal Assent to the Act has been announced to Tynwald by the President of Tynwald.
- (2) Except where provision to the contrary is contained in the Act itself, every Act shall come into operation on the date on which it is passed by virtue of subsection (1).
- (3) “**Commencement**”, in relation to an Act, means the time when the Act comes into operation.
- (4) In relation to every Act, a certificate stating that the Royal Assent to the Act was announced to Tynwald on the day specified in the certificate shall be signed by the President of Tynwald and the Speaker of the House of Keys and endorsed on or annexed to the Act.
- (5) A certificate given under subsection (4) shall be conclusive evidence of the fact stated in it; and a certificate purporting to be so given shall be presumed to be so given until the contrary is proved.<sup>47</sup>

## 11 Commencement of public documents

[NI/1954/33/13(3)]

- (1) The date of the making of every public document shall be the date therein expressed as the date of the execution thereof, but, where the document is made by two or more authorities jointly and is therein expressed to be executed by those authorities on different dates, the date of the making thereof shall be the last date so expressed.
- (2) Where a public document made or to be made after the commencement of this Act requires the concurrence or approval of any other authority, a statement in that document that the concurrence or approval has been given shall, until the contrary is proved, be sufficient evidence that that concurrence or approval has been given.



## 12 Coming into force of enactments

[NI/1954/33/14(1)(2)]

- (1) Every enactment which is not expressed to come into force or operation on a particular day shall come into operation immediately on the expiry of the day before the date of the passing thereof or, where the enactment is a public document, the date of the making thereof.
- (2) Where an enactment is expressed to come into force or operation on a particular day (whether that date is the date of, or before or after the date of, the passing of the enactment, or, where the enactment is a public document, of the making thereof, and whether that day is named in the enactment or is to be appointed, or fixed or ascertained, in any other manner), the enactment shall be construed as coming into operation immediately on the expiration of the day before that particular day.

## 13 Date of expiration of enactments

[NI/1954/33/15]

Where an Act is expressed to expire, lapse or otherwise cease to have effect on a particular day, the enactment shall be construed as ceasing to have effect immediately on the expiration of that day.

## 14 Operation of declaration that provisions are to cease to have effect

[NI/1954/33/27]

- (1) Where in an enactment it is declared that the whole or a part of any enactment is to cease to have effect, that enactment shall be deemed to have been repealed or, as the case may be, revoked to the extent to which it is so declared to cease to have effect.
- (2) Subsection (1) shall not be taken to prejudice the operation of any declaration in an enactment that the whole or a part of any enactment is repealed or, as the case may be, revoked.

## 15 Effect of repeal, etc

[NI/1954/33/28]

- (1) The repeal of any enactment shall not be deemed to be, or to involve, a declaration that such enactment was, or was considered by Tynwald to have been, previously in force in the Island.
- (2) Where an enactment repeals an enactment, the repeal shall not, save as in this section otherwise provided —
  - (a) revive any enactment or thing not in force or existing at the time at which the repeal takes effect; or
  - (b) affect the previous operation of the enactment so repealed, or anything duly done or suffered thereunder; or

- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the enactment so repealed; or
- (d) affect any offence committed against the enactment so repealed, or any penalty or forfeiture or punishment incurred in respect thereof; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the enactment had not been repealed.

- (3) Nothing in subsection (2) shall be taken to authorise the continuance in force after the repeal or revocation of an enactment of any public document made under that enactment.
- (4) The inclusion in the repealing provisions of any enactment of any express saving with respect to the repeals affected thereby shall not be taken to prejudice the operation of this section with respect to the effect of those repeals.
- (5) Where at any time an enactment expires, lapses or otherwise ceases to have effect, this section shall apply as if that enactment had then been repealed.

## **16 Effect of substituting provisions**

[NI/1954/33/29]

- (1) Where an enactment repeals and re-enacts, with or without modification, any provision in any enactment, a reference in any other enactment to the provision so repealed shall, without prejudice to the operation of subsections (2) and (3), be construed as a reference to the provision as re-enacted.
- (2) Where such an enactment passed or made after the commencement of this Act repeals an enactment and substitutes another enactment therefor by way of amendment, revision or consolidation —
  - (a) all officers and persons acting under the repealed enactment shall continue to act as if appointed under the substituted enactment;
  - (b) every bond and every security given by a person appointed under the repealed enactment shall remain in force and all offices, books, papers and things used or made under that enactment shall continue to be used as theretofore so far as is consistent with the substituted enactment;
  - (c) all proceedings taken under the repealed enactment shall be prosecuted and continued under and in conformity with the substituted enactment, so far as consistently can be done;

- (d) in the recovery or enforcement of penalties and forfeitures incurred, and in the enforcement of rights existing or accruing under the repealed enactment or in any other proceedings under that enactment, the procedure established by the substituted enactment shall be followed so far as it can be adapted; and
  - (e) where any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the substituted enactment, the penalty, forfeiture or punishment, if imposed or adjudged after such repeal, shall be reduced or mitigated accordingly.
- (3) Without prejudice to subsection (2), where an enactment passed or made after the commencement of this Act repeals an enactment and substitutes another enactment therefor by way of amendment, revision or consolidation —
- (a) all public documents made under the repealed enactment, and all decisions, authorisations, directions, consents, applications, requests or things made, issued, given or done thereunder, shall, in so far as they are in force at the commencement of the substituted enactment and are not inconsistent therewith, have the like effect, and the like proceedings may be had thereon and in respect thereof, as if they had been made, or made, issued, given or done, under the corresponding provision of the substituted enactment; and
  - (b) any reference to the repealed enactment in any unrepealed enactment shall, in relation to any subsequent transaction, matter or thing, be construed as a reference to so much of the substituted enactment as relates to the same subject matter as the repealed enactment; and, if nothing in the substituted enactment relates to the same subject matter, the repealed enactment shall stand good, and be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to that unrepealed enactment.

## **16A Consequential amendment of pronouns**

Where by any statutory provision, whether made before or after the passing of this Act, there is substituted in some other statutory provision, for a reference to any person or body, a reference to another person or body, any pronoun referring to the former body is (where appropriate) amended accordingly.<sup>48</sup>

## **17 Act may be altered or repealed in same session**

Any Act may be amended, altered or repealed in the same session of the Legislature in which it was passed.

**18 Construction of amending enactments, etc**

[NI/1954/33/12(2)]

An amending enactment shall, so far as is consistent with the tenor thereof, operate and be construed as part of any enactment which it amends and, without prejudice to section 9(1), shall, as from the date it comes into operation, have effect accordingly for the purpose of the construction and operation of any other enactment which refers to, or is incorporated with, the enactment which it amends.<sup>49</sup>

**19 Appointment of officers by name or office**

Where, by or under an enactment, the Governor or any public officer or body is empowered to appoint or name a person to exercise any functions, the Governor or, as the case may be, that officer or body may either appoint a person by name or direct the holder for the time being of a particular office to exercise those functions; and, thereupon or from such date as may be specified by the Governor or, as the case may be, by that officer or body, that person or the holder for the time being of that office may exercise those functions accordingly.

**20 Appropriate authority may provide for exercise of functions of office during absence or inability to act of holder, or during vacancy**

(1) This section applies where any statutory provision or resolution of Tynwald confers any functions on a public officer (other than a judicial officer), and either —

- (a) that officer is absent, or is otherwise unable to act on account of illness or for any other cause whatsoever, or
- (b) the office is vacant.<sup>50</sup>

(2) Where this section applies those functions shall, if the appropriate authority so directs, be exercised by —

- (a) the person named by the appropriate authority, or
- (b) the holder for the time being of such office as may be designated by the appropriate authority,

subject to such conditions, exceptions and qualifications as the appropriate authority may direct.

(3) In this section —

“the appropriate authority” means —

- (a) in the case of a public officer appointed or to be appointed by the Civil Service Commission in accordance with section 3 of the *Civil Service Act 1990*, the Civil Service Commission;

- (b) in any other case, the Chief Minister, or such other Minister as the Chief Minister or the Council of Ministers may authorise to give a direction under this section on behalf of the Chief Minister;

“judicial officer” means a judge of the High Court, High Bailiff or justice of the peace.

- (4) The Civil Service Commission shall not give a direction under this section without the concurrence of the Minister appearing to it to be principally concerned or, if that Minister is absent or unable to act or no Minister appears to it be principally concerned, of the Chief Minister; but nothing done under or by virtue of a direction purporting to have been given under subsection (1) shall be invalidated by reason only that the concurrence required by this subsection was not obtained.<sup>51</sup>

## **21 Delegation of functions by public officer**

- (1) Where, by or under any statutory provision or a resolution of Tynwald, any functions are conferred on a public officer, that officer may from time to time appoint a fit and proper person to act as his deputy, who while so appointed, may exercise all the functions conferred on that officer by that provision or resolution.
- (2) An appointment under this section may not be made without the approval of the person or body by whom the public officer is appointed, and shall be made subject to such conditions, exceptions or qualifications as that person or body may think expedient.<sup>52</sup>

## **22 Power to appoint to include power to suspend or dismiss**

Where, by or under an enactment, a power to make any appointment is conferred, then, unless the contrary intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of the power.

## **23 Power of Governor to delegate authority**

- (1) Subject to subsection (2), where by or under an enactment or a resolution of Tynwald, the Governor is empowered to exercise any functions, he may, unless by law expressly prohibited from doing so, depute any person by name, or the holder for the time being of a particular public office, to exercise those functions on his behalf, subject to such conditions, exceptions and qualifications as the Governor may prescribe; and, thereupon or from such date as may be specified by the Governor, the person so deputed may, subject as aforesaid, exercise those functions; and the Governor may at any time amend, vary, rescind, or revoke any such deputation or any such functions, conditions, exceptions or qualifications.

- (2) Nothing in subsection (1) shall authorise the Governor to depute any person to make any public document under the power in that behalf conferred upon him or under any enactment.

## **24 Signification of orders of Governor**

When power is given to the Governor to make any order or give any direction or authority, it shall be sufficient, unless it is otherwise expressed, for the order or direction or authority to be signified under the hand of the Chief Secretary, but no proclamation or warrant shall be issued except under the hand of the Governor himself.<sup>53</sup>

## **24A Signification of public documents etc, of Governor in Council**

Where power is given to the Governor in Council or to the Council of Ministers to make any public document or to give any direction or authority, it shall be sufficient for the public document or the direction or authority to be signified under the hand of the Chief Secretary.<sup>54</sup>

## **25 Construction of public document**

Where any enactment confers power to make any public document, expressions used in the public document shall, unless the contrary intention appears, have the same respective meanings as in the enactment conferring the power.

## **26 Construction of provisions as to exercise of powers and duties**

[NI/1954/33/17(3); NI1954/33/17(5)]

- (1) Where an enactment confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.
- (2) Where an enactment confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder of the office for the time being or by a person duly appointed to act for him.
- (3) Where an enactment empowers any person or authority to do any act or thing, all such powers shall be deemed to be also given as are reasonably necessary to enable that person or authority to do that act or thing or are incidental to the doing thereof.
- (4) Any power conferred by an enactment, whether passed before or after the 24th May 1949, to make a public document may be exercised —
  - (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
  - (b) so as to make, as respects the cases in relation to which it is exercised —

- (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
  - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provision as respects, the same case or class of case for different purposes of the enactment;
  - (iii) any such provision either unconditionally or subject to any specified condition.
- (5) Where an enactment confers a power on any person to vary the provisions of that or any other enactment, that power shall not include the power to render those provisions nugatory.

**27 Exercise of statutory power between passing, etc, and commencement of enactment**

[P1978/30/13]

Where an enactment which is not to come into operation immediately on the passing or making thereof, confers power to make any appointment or public document, or to do any other thing for the purposes of the enactment, that power may, unless the contrary intention appears, be exercised at any time after the passing or making of the enactment so far as it may be necessary or expedient for the purpose —

- (a) of bringing the Act or any provision of the Act into force; or
- (b) of giving full effect to the Act or any such provision at or after the time when it comes into force.<sup>55</sup>

**28 Power to make public documents includes power to amend or revoke**

Where an enactment confers power on any authority to make any public document, the public document may be amended, varied, rescinded or revoked at any time by the same authority, and in the same manner, by and in which it was made, unless the contrary intention appears.

**29 Acts done under public document to be deemed done under enactment by which document authorised**

An act shall be deemed to be done under an enactment or by virtue of the power conferred by an enactment, or in pursuance or execution of the powers of, or under the authority of, an enactment, if it is done under or by virtue of, or in pursuance of, any public document made under any power contained in the enactment.

## 29A Reference to Act

Any reference in any enactment to an Act shall, unless the context otherwise requires, be construed to include a reference to any public document made under that Act.<sup>56</sup>

## 30 Enactment always speaking

[NI/1954/33/31]

- (1) Every enactment shall be construed as always speaking and, if anything is expressed in the present tense, it shall be applied to the circumstances as they occur, so that effect may be given to each enactment according to its true spirit, intent and meaning.
- (2) The expression “now”, “next”, “heretofore” or “hereafter” shall be construed as referring to the time when the enactment containing the expression came into operation.

## 31 Application of interpretation provisions in enactments

[NI/1954/33/34]

- (1) Definitions or rules of interpretation contained in an enactment shall apply to the construction of the provisions of the enactment which contain those definitions or rules of interpretation, as well as to the other provisions of the enactment.
- (2) An interpretation section or provision contained in an enactment shall be read and construed as being applicable only if a contrary intention does not appear in the enactment.

## 32 Corresponding meanings of parts of speech

[NI/1954/33/35]

Where a word is defined in an enactment, other parts of speech and grammatical variations of that word shall have corresponding meanings in that enactment.

## 33 Names commonly used

[NI/1954/33/36]

In an enactment, a name commonly applied to a country, place, Government department, Department, Statutory Board, body, corporation, society, officer, functionary, person, party or enactment, or other thing whatsoever, shall mean the country, place, Government department, Department, Statutory Board, body, corporation, society, officer, functionary, person, party, enactment or thing to which the name is commonly applied, or is commonly applied in the Island, whether or not the name is the formal or unabbreviated designation thereof.<sup>57</sup>



**34 Construction of “shall” and “may”**

[NI/1954/33/38]

In an enactment passed or made after the commencement of this Act, the expression “shall” shall be construed as imperative and the expression “may” as permissive and empowering.

**35 Rules as to gender and number**

[NI/1954/33/37]

- (1) Words in an enactment importing (whether in relation to an offence or otherwise) persons or male persons shall include male and female persons, corporations (whether aggregate or sole) and unincorporated bodies of persons.
- (2) In an enactment —
  - (a) words in the singular shall include the plural; and
  - (b) words in the plural shall include the singular.
- (3) Without prejudice to subsection (1), a reference in an enactment to a party aggrieved shall include a reference to a body corporate in every case where that body is a party aggrieved.

**36 Computation of time**

In computing time for the purposes of any enactment, unless the contrary intention appears —

- (a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done;
- (b) where the day, or the last day, on which any act or thing is required, permitted, directed or allowed to be done or taken is a Sunday, Christmas Day, Good Friday, bank holiday or a day appointed for public thanksgiving or mourning (which days are in this section referred to as “excluded days”), the requirement, permission, direction or allowance shall be deemed to relate to the first day thereafter which is not one of the days before mentioned;
- (c) when an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time.

**37 Time**

Wherever any reference to a point of time occurs in any enactment or other document whatsoever, the time referred to shall, unless it is otherwise expressly provided, be deemed to be the time as fixed for general purposes for the Island.

**38 Provisions when no time prescribed**

Where no time is prescribed or allowed within which anything shall be done, that thing shall be done with all convenient speed and as often as the prescribed occasion arises.

**39 Measurement of distances**

In the measurements of any distance for the purposes of any enactment, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

**40 Power of majority of more than two persons**

Save as is otherwise expressly provided by any enactment, whenever any act or thing is required to be done by more than two persons, a majority of them may do it.

**41 Service of documents**

[NI/1954/33/24]

- (1) Where an enactment authorises or requires a document to be served by post, whether the word “serve” or any of the words “give”, “deliver” or “send” or any other word is used, the service of the document may be effected by prepaying and posting an envelope addressed to the person on whom the document is to be served at his usual or last known place of abode or business and containing that document; and, unless the contrary is proved, the document shall be deemed to have been served at the time at which that envelope would have been delivered in the ordinary course of post.
- (2) Where an enactment authorises or requires a document to be served on any person without directing it to be served in a particular manner, the service of that document may, if effected after the commencement of this Act, be effected —
  - (a) by personal service; or
  - (b) by post in accordance with subsection (1); or
  - (c) by leaving it for him with some person apparently over the age of sixteen at his usual or last known place of abode or business; or
  - (d) in the case of a corporate body or of any association of persons (whether incorporated or not), without prejudice to section 335 of the *Companies Act 1931*, by delivering it to the secretary or clerk of the body or association at the registered or principal office of the body or association or serving it by post in accordance with subsection (1) on such secretary or clerk at that office; or
  - (e) if it is not practicable after reasonable enquiry to ascertain the name or address of an owner, lessee or occupier of premises on

whom the document should be served, by addressing the document to him by the description of “owner”, “lessee” or “occupier”, as the case may be, of the premises (naming them) to which the document relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

#### **42 Deviation in forms**

[NI/1954/33/25]

Where a form is prescribed by an enactment, deviations therefrom, not materially affecting the substance and not calculated to mislead, shall not invalidate the form used.

#### **43 Saving for passed Acts, etc**

Save as provided by section 26(4), the provisions of this Act respecting the construction of any enactment passed or made on or after the 24th May 1949 shall not affect the construction of any enactment passed or made before that date, whether or not it is continued or amended by an enactment passed or made on or after that date, unless there is something in the subject matter or context inconsistent with that construction.

#### **44 [Repealed]<sup>58</sup>**

#### **45 Short title and commencement**

- (1) This Act may be cited as the Interpretation Act 1976.
- (2) This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.



**Schedule<sup>59</sup>**



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> S 1A inserted by Interpretation (Amendment) Act 1982 s 1.

<sup>2</sup> S 1B inserted by the European Union (Amendment) Act 2011 s 9 with effect from 18/10/2011.

<sup>3</sup> Existing text of s 3 renumbered as s 3(1) by the Law Officers Act 2013 s 3 with effect from 1/3/2013.

<sup>4</sup> Definitions of “accountant”, “a member of an institute of chartered accountants” and “chartered accountant” inserted by Interpretation (Amendment) Act 1982 s 2 and amended by Companies, etc. (Amendment) Act 2003 Sch 1.

<sup>5</sup> Definition of “amend” inserted by Interpretation (Amendment) Act 1982 s 2.

<sup>6</sup> Definition of “Assessor” inserted by Income Tax (Amendment) Act 2014 Sch.

<sup>7</sup> Definition of “the Attorney General” substituted by Law Officers Act 2013 s 3 and amended by Law Officers Act 2014 s 3.

<sup>8</sup> Definition of “the Chancery Division” repealed by SD352/09.

<sup>9</sup> Definition of “the Chief Financial Officer” inserted by Treasury Act 1985 Sch 2.

<sup>10</sup> Definition of “the Chief Minister” substituted by Council of Ministers Act 1990 Sch 1.

<sup>11</sup> Definition of “the Chief Secretary” amended by Civil Service Act 1990 s 7.

<sup>12</sup> Definitions of “the Church Commissioners” and “the Church Commissioners for the Isle of Man” amended by Statute Law Revision Act 1997 Sch 1.

<sup>13</sup> Definition of “the Civil Division” inserted as “the Civil Divisions” by High Court Act 1991 Sch 3 and substituted by SD352/09.

<sup>14</sup> Definition of “civil partnership” inserted by Civil Partnership Act 2011 Sch 14.

<sup>15</sup> Definition of “Collector” inserted by Income Tax (Amendment) Act 2014 Sch.

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- <sup>16</sup> Definition of “Commercial Board” repealed by Payment of Members’ Expenses Act 1989 Sch 2.
- <sup>17</sup> Definition of “the Common Law Division” repealed by SD352/09.
- <sup>18</sup> Definition of “compulsory school age” amended by Education Act 2001 Sch 10.
- <sup>19</sup> Definition of “constable” substituted by Police Act 1993 Sch 2.
- <sup>20</sup> Definition of “Court of General Gaol Delivery” amended by Statute Law Revision Act 1997 Sch 1.
- <sup>21</sup> Definition of “court of summary jurisdiction” substituted by Administration of Justice Act 2008 Sch 2.
- <sup>22</sup> Definition of “Deemster” substituted by Administration of Justice Act 2008 Sch 2.
- <sup>23</sup> Definition of “the Deemsters”, originally “Deemsters”, inserted by Civil Jurisdiction Act 2001 s 7 and substituted by Administration of Justice Act 2008 Sch 2.
- <sup>24</sup> Definition of “Department” inserted by Government Departments Act 1987 Sch 3.
- <sup>25</sup> Definition of “the Family Division” inserted by High Court Act 1991 Sch 3 and repealed by SD352/09.
- <sup>26</sup> Definition of “Government Note” amended by Statute Law Revision Act 1997 Sch 1.
- <sup>27</sup> Definitions of “the Government Treasurer” and “the Treasurer” repealed by Treasury Act 1985 Sch 2.
- <sup>28</sup> Definition of “the Governor in Council” substituted by Council of Ministers Act 1990 Sch 1.
- <sup>29</sup> Definition of “the High Court” substituted by High Court Act 1991 Sch 3.
- <sup>30</sup> Definition of “land” amended by Interpretation (Amendment) Act 1982 s 2.
- <sup>31</sup> Definition of “the Lands Clauses Acts” amended by Statute Law Revision Act 1997 Sch 1.
- <sup>32</sup> Definition of “Minister” substituted by Council of Ministers Act 1990 Sch 1.
- <sup>33</sup> Definition of “modify” inserted by Interpretation (Amendment) Act 1982 s 2.
- <sup>34</sup> Definition of “Petty Sessional Court” substituted by Summary Jurisdiction Act 1989 Sch 5.
- <sup>35</sup> Definition of “the public analyst” inserted by Food Act 1986 Sch 4.
- <sup>36</sup> Definition of “the Public Analyst for the Isle of Man” repealed by Food Act 1986 Sch 4.
- <sup>37</sup> Definition of “purposes” amended by Government Departments Act 1987 Sch 3.
- <sup>38</sup> Definition of “registered” substituted by Health Care Professionals Act 2014 s 14..
- <sup>39</sup> Definition of “Rural Dean” repealed by SD654/12 Sch 10.
- <sup>40</sup> Definition of “the Speaker” substituted by Presiding Officers Act 2008 Sch.
- <sup>41</sup> Definition of “Statutory Board” substituted by Statutory Boards Act 1987 Sch 3.
- <sup>42</sup> Definition of “summary conviction” substituted by Summary Jurisdiction Act 1989 Sch 5.
- <sup>43</sup> Definition of “the Summary Jurisdiction Acts” repealed by Summary Jurisdiction Act 1989 Sch 6.
- <sup>44</sup> Definition of “the Treasury” repealed by Treasury Act 1985 Sch 3.
- <sup>45</sup> Subs (2) inserted by Law Officers Act 2013 s 3.



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- <sup>46</sup> S 3A inserted by Interpretation (Amendment) Act 1982 s 3.
- <sup>47</sup> S 10 substituted by Constitution Act 1990 s 7.
- <sup>48</sup> S 16A inserted by Statute Law Revision Act 1997 s 5.
- <sup>49</sup> S 18 amended by Statute Law Revision Act 1986 Sch 1.
- <sup>50</sup> Subs (1) amended by Law Officers Act 2014 s 5 and by Interpretation (Amendment) Act 2015 s 3.
- <sup>51</sup> S 20 substituted by Transfer of Governor's Functions Act 1992 Sch 1.
- <sup>52</sup> S 21 substituted by Civil Service Act 1990 Sch 3.
- <sup>53</sup> S 24 amended by Civil Service Act 1990 s 7.
- <sup>54</sup> S 24A inserted by Governor's General Functions (Transfer) Act 1980 s 2 and amended by Council of Ministers Act 1990 Sch 1 and by Civil Service Act 1990 s 7.
- <sup>55</sup> S 27 substituted by Interpretation (Amendment) Act 1982 s 4.
- <sup>56</sup> S 29A inserted by Interpretation (Amendment) Act 1982 s 5.
- <sup>57</sup> S 33 amended by Government Departments Act 1987 Sch 3.
- <sup>58</sup> S 44 repealed by Statute Law Revision Act 1983 Sch 2.
- <sup>59</sup> Sch repealed by Statute Law Revision Act 1983 Sch 2.