



Isle of Man

Ellan Vannin

AT 14 of 1987

STATUTORY BOARDS ACT 1987



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**Isle of Man***Ellan Vannin*

STATUTORY BOARDS ACT 1987

Received Royal Assent: 17 December 1987

Passed: 19 January 1988

Commenced: 1 February 1988

AN ACT to re-enact with amendments certain enactments relating to Statutory Boards; and for connected purposes.

1 Statutory Boards

- (1) Each of the bodies specified in Schedule 1 is a Statutory Board for the purposes of this Act.
- (2) Every Statutory Board is a body corporate with perpetual succession and a common seal.
- (3) The following provisions of this Act apply to every Statutory Board unless express provision is otherwise made by its constituent enactment.

2 [Repealed]¹

3 Tenure of office of members of Statutory Boards

- (1) A Tynwald member of a Statutory Board shall go out of office —
 - (a) on the expiration of a period of 2 years and 6 months beginning with the date on which the Keys were last dissolved;
 - (b) on the dissolution of the Keys; and
 - (c) if he ceases to be a member of Tynwald or of the Branch of which he was a member at the time of his appointment.
- (2) A non-Tynwald member of a Statutory Board shall go out of office —
 - (a) on the expiration of 5 years beginning with the date on which he was appointed; and
 - (b) if he becomes a member of Tynwald.
- (3) A member of a Statutory Board may be removed from office by a direction of the Council of Ministers.

- (4) A member of a Statutory Board may at any time resign on giving to the Chief Minister notice in writing of his intention to do so.
- (5) A retiring member of a Statutory Board shall be eligible to be re-appointed if he is otherwise qualified.
- (6) Where a member of a Statutory Board goes out of office under subsection (1) or (2) he shall continue to be a member of the Board for all purposes (except that of filling the vacancy) until his successor is appointed.
- (7) A casual vacancy in the members of a Statutory Board shall be filled as soon as may be in like manner and subject to the like conditions as the office vacated.
- (8) In this section —
“Tynwald member”, in relation to a Statutory Board, means a person who, on being appointed a member of the Board, was a member of Tynwald;
“non-Tynwald member” means a person who on being so appointed was not such a member.²

4 Exercise of functions of Statutory Boards

- (1) Schedule 2 has effect with respect to the exercise of the functions of every Statutory Board.
- (2) Paragraph 12(2) of Schedule 2 applies to a body specified in an order under section 4(1) or section 5(1) of the *Payment of Members' Expenses Act 1989* as it applies to a Statutory Board.³

5 Transfer of functions

- (1) Schedule 2 to the *Government Departments Act 1987* applies to —
 - (a) a Statutory Board; and
 - (b) any body constituted under or by virtue of any Act of Tynwald, all the members of which are elected by Tynwald;as it applies to a Department.
- (2) Accordingly references in the said Schedule 2 to a Department shall be read as including a reference to a Statutory Board and to any such body as is mentioned in subsection (1)(b).

6 Consequential amendments, repeals etc

- (1) The enactments specified in Schedule 3 are amended in accordance with that Schedule.
- (2) [Repealed]⁴

7 Interpretation

In this Act —

“**election**” includes appointment, and “**elect**” shall be read accordingly;

“**member**”, in relation to a Statutory Board, includes the chairman of the Board;

“**signature**” includes a facsimile of a signature, by whatever process reproduced, and “**signed**” shall be read accordingly.

8 Short title and commencement

(1) This Act may be cited as the Statutory Boards Act 1987.

(2) This Act shall come into operation on the same day as the *Government Departments Act 1987*.⁵

Schedule 1

STATUTORY BOARDS

Section 1(1)⁶

The Isle of Man Office of Fair Trading⁷

The Isle of Man Financial Services Authority.⁸

[Repealed]⁹

The Isle of Man Post Office¹⁰

The Manx Utilities Authority¹¹

[Repealed]¹²

The Communications Commission¹³

The Isle of Man Gambling Supervision Commission¹⁴

The Public Sector Pensions Authority¹⁵

Schedule 2

EXERCISE OF FUNCTIONS OF STATUTORY BOARDS

Section 4

Vice-chairman

1. The Board shall elect one of its number to be vice-chairman of the Board —
 - (a) at its first meeting after its election;
 - (b) on any casual vacancy arising in the office of vice-chairman.

Meetings of Board

2. (1) The Board shall hold meetings for the transaction of business at such times as may be necessary for the proper exercise of its functions.
 - (2) Meetings of the Board shall be held at any time —
 - (a) at the request of the chairman; or
 - (b) at the written request of 2 members of the Board addressed to the secretary, clerk, director, administrator or chief executive of the Board.
 - (3) The following provisions shall apply to meetings of the Board —
 - (a) The Board may make standing orders with respect to the summoning, notice, place, management and adjournment of its

meetings, and generally with respect to the transaction and management of its business.

- (b) No business shall be transacted at any meeting unless a quorum of members is present.
- (c) The quorum necessary for the transaction of business by the Board shall be a majority of the members of the Board.
- (d) The chairman or, in the absence of the chairman, the vice-chairman shall preside at every meeting of the Board.
- (e) The names of the members present shall be recorded.
- (f) Every question at a meeting shall be decided by a majority of the votes of the members present and voting on that question, and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.
- (g) A member shall be entitled to have his vote on any question recorded in the minutes.
- (h) The proceedings of the Board shall not be invalidated by any vacancy among its members or by any defect in the mode of election of the Board or any member thereof.

(4) Subject to sub-paragraph (3), the procedure of the Board shall be such as the Board may determine.

Delegation of functions

3. (1) Subject to sub-paragraph (2), a Board may arrange for the discharge of any of its functions by —

- (a) a committee of the Board;
- (b) any member of the Board;
- (c) any officer of the Board; or
- (d) any member of the Board and any officer of the Board acting jointly.

(2) A Board's functions with respect to —

- (a) the acquisition or disposal of land;
- (b) levying or issuing a precept for a rate;
- (c) borrowing money; or
- (d) making any public document,

shall be exercised only by the Board.

(3) Any arrangements made by a Board for the exercise of any functions by a committee, member or officer of the Board shall not prevent the Board from exercising those functions itself.

Committees

4. (1) The Board may constitute committees, and may include as members of such committees persons who are not members of the Board, but at least one member of such a committee must be a member of the Board.

(2) The procedure of a committee of the Board shall be such as the Board may determine.

(3) Sub-paragraph (2) and paragraph 5 apply to committees constituted under any other enactment as well as to committees constituted under sub-paragraph (1).

Minutes of proceedings

P1972/70/12/41 and 44; P1967/57/41(1)

5. (1) Minutes of the proceedings of a meeting of the Board or a committee thereof shall be signed at the same or next following meeting of the Board or committee by the person presiding thereat.

(2) Any minute of the proceedings of a meeting of the Board or any committee thereof purporting to be signed in accordance with sub-paragraph (1) shall be received in evidence without further proof.

(3) Until the contrary is proved, a meeting of the Board a minute of the proceedings of which has been made and signed in accordance with sub-paragraph (1) shall be deemed to have been duly convened and held, and all the members present shall be deemed to have been duly qualified.

(4) Until the contrary is proved, where a minute of any meeting of a committee of the Board has been made and signed in accordance with sub-paragraph (1) —

- (a) the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute,
- (b) the meeting shall be deemed to have been duly convened and held, and
- (c) the members present at the meeting shall be deemed to have been duly qualified.

(5) A document which —

- (a) purports to be a copy of a resolution passed by the Board or any committee thereof, or of the minutes of the proceedings of a meeting of the Board or any committee thereof; and
- (b) bears a certificate purporting to be signed by a person holding the office of secretary, clerk, director, administrator or chief executive of the Board, or a person authorised to sign it by such a person or the Board, and stating that the resolution was passed on a date

specified in the certificate or, as the case may be, that the minutes were signed in accordance with sub-paragraph (1),

shall be evidence in any proceedings of the matters stated in the certificate and of the terms of the resolution or minutes in question.

Acquisition and disposal of property
1974(6)/1 and 2; P1959/53/29(1)

6. (1) Subject to the provisions of this paragraph, the Board may —
- (a) acquire, hold and dispose of real and personal property; and
 - (b) accept any gift, devise or bequest of real or personal property, for the purpose of any of the Board's functions.
- (2) All land for the time being vested in the Board (other than land held on charitable trusts) shall be deemed to be held in trust for Her Majesty in right of the Island for the public service of the Island.
- (3) The Board may not dispose of land without the consent of the Treasury.
- (4) Sub-paragraph (3) does not apply to —
- (a) any disposal of land the value of which does not exceed the amount for the time being prescribed by order under paragraph 1(4)(a) of the *Government Departments Act 1987*;
 - (b) any disposal of land held on charitable trusts; or
 - (c) the disposal of land by the Board to another Statutory Board or to a Department; or
 - (d) any letting for a term of 21 years or less.
- (5) Where the Board purports to dispose of land —
- (a) in favour of any person claiming under the Board, the disposal shall not be void by reason that a consent required by sub-paragraph (3) has not been given; and
 - (b) a person dealing with the Board, or with a person claiming under the Board, shall not be concerned to see or inquire whether any such consent has been given.

Compulsory acquisition of land

7. The Board may acquire land compulsorily for the purpose of any of its functions.

Common seal

8. (1) The fixing of the common seal of the Board shall be authenticated by the signatures of —

- (a) the chairman, or some other member of the Board authorised either generally or specially to act in his stead for the purpose; and
- (b) a person holding the office of secretary, clerk, director, administrator or chief executive of the Board, or some other person authorised by the Board either generally or specially to act for the purpose.

(2) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

Execution of documents

9. (1) Where the Board has power to execute any deed, or to make any public document, or to make or give any direction, requirement, notice, authority, licence, consent, decision or determination, the deed may be executed or the document made or the direction or other matter signified either —

- (a) under the common seal of the Board, or
- (b) under the hand of a member of the Board, or of a person authorised by the Board to sign it.

(2) Any document or instrument purporting to bear the signature of a member of the Board or of a person authorised by the Board to sign it shall be presumed, until the contrary is proved, to have been duly made by or by authority of the Board.

(3) Where a document or instrument purports to bear the signature of a person holding the office of secretary, clerk, director, administrator or chief executive of the Board, it shall be presumed, until the contrary is proved, that at the material time —

- (a) the signatory held the office in question; and
- (b) he, or the holder for the time being of that office, was authorised by the Board to sign the document or instrument in question.

(4) A document which —

- (a) purports to be a copy of a document or instrument made by the Board; and
- (b) bears a certificate purporting to be signed by a person holding an office mentioned in sub-paragraph (3), or a person authorised for the purpose by such a person or the Board, and stating that the document or instrument was made on a date specified in the certificate,

shall be evidence in any proceedings of the matters stated in the certificate and of the terms of the document or instrument in question.

This sub-paragraph is without prejudice to section 18 of the *Evidence Act 1871* or section 2 of the *Evidence Act 1976*.

Legal proceedings

10. (1) The Board may sue and be sued in the name of the Board.
- (2) Service of any legal process or notice may be effected by service on the secretary, clerk, director, administrator or chief executive of the Board.
- (3) The Board may appear in any legal proceedings by the secretary, clerk, director, administrator or chief executive of the Board or any other officer of the Board appointed for the purpose.
- (4) The Board may apply any money in its hands for the purpose of indemnifying itself against any costs or damages which it may incur in or in consequence of the exercise of its functions.

Liability of members and officers

11. (1) A member or officer of a Board shall not be personally liable in respect of any act done in the performance or purported performance of his or her functions if he or she acted in good faith and in the honest belief —
- (a) that his or her functions required or empowered the doing of the act; or
- (b) that he or she was acting in the exercise or execution of any authority conferred on him or her as a member or officer.
- (2) Nothing in sub-paragraph (1) shall be construed as relieving the Board of any liability in respect of the acts of its members and officers.
- (3) Sub-paragraph (1) does not apply so as to prevent an award of damages made in respect of an act on the ground that the act was unlawful as a result of section 6(1) of the *Human Rights Act 2001*.¹⁶

Indemnification of members and officers

- 11A. (1) Sub-paragraph (2) applies where any action, suit or proceeding has been brought or threatened against a member or officer of a Board in respect of any act done by that member or officer in the performance or purported performance of his or her functions and the circumstances are such that the member or officer is not legally entitled to require the Board to indemnify him or her.
- (2) The Board may, with the concurrence of the Treasury, indemnify the member or officer against the whole or any part of any liability, damages, loss, claim or proceedings, costs or legal expenses which he or she may have been ordered to pay or may reasonably incur, if the Board or the High Court is satisfied that the member or officer acted in good faith and in the honest belief —
- (a) that his or her functions required or empowered the doing of the act; or

- (b) that he or she was acting in the exercise or execution of any authority conferred on him or her as a member or officer.¹⁷

Paragraphs 11 and 11A: supplementary

11B. In paragraphs 11 and 11A —

“**act**” includes an omission and “**done**” and “**doing**” shall be construed accordingly;

“**member**” includes a former member and the estate of a former member but only in respect of acts done while he or she was a member;

“**officer**” includes a former officer and the estate of a former officer but only in respect of acts done while he or she was an officer.¹⁸

Directions, reports etc.

1984/26/3(8); 1981/18/5

12. (1) The Council of Ministers may, after consultation with the Board, give to the Board such directions as to the exercise of its functions in relation to any matter which appears to the Council of Ministers to affect the public interest, and the Board shall comply with any such directions.¹⁹

(2) The Board shall supply to the Chief Minister such information, and render such other assistance, as the Chief Minister may from time to time require, and for that purpose shall permit any person appointed for the purpose by the Chief Minister to inspect and make copies of its accounts, books, documents and papers, and shall afford such explanation thereof as that person may reasonably require.

Schedule 3

AMENDMENT OF ENACTMENTS

Section 6(1)

[Sch 3 amended by GC74/89, by GC135/89, by Council of Ministers Act 1990 Sch 2, by Water Act 1991 Sch 9, by Chronically Sick and Disabled Persons Act 1992 Sch, by Post Office Act 1993 Sch 3, by SD610/96 and by Electricity Act 1996 Sch 7, and amends the following Acts and Order —

Manx Museum and National Trust Act 1959 q.v.

Interpretation Act 1976 q.v.

Chronically Sick and Disabled Persons Act 1981 q.v.

Town and Country Planning Act 1981 q.v.

Manx Heritage Foundation Act 1982 q.v.

Financial Supervision Commission Order 1983 (GC181/83).]

Schedule 4²⁰

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 2 repealed by Council of Ministers Act 1990 Sch 2.

² S 3 substituted by Statutory Boards (Amendment) Act 2001 s 1

³ Subs (2) substituted by Payment of Members' Expenses Act 1989 Sch 1.

⁴ Subs (2) repealed by Statute Law Revision Act 1992 Sch 2.

⁵ Note: 1/2/1988.

⁶ Sch 1 amended by GC74/89, by Post Office Act 1993 Sch 2, by SD610/96, by SD579/98, by SD155/10 Sch 9, Gambling Supervision Act 2010 Sch 4 and Public Sector Pensions Act 2011 s 17.

⁷ Item substituted by SD579/98.

⁸ Item substituted by SD2015/0090.

⁹ Item repealed by SD2015/0090.

¹⁰ Item substituted by Post Office Act 1993 Sch 2.

¹¹ Item substituted by SD2014/06.

¹² Item repealed by SD2014/06.

¹³ Item substituted by GC74/89.

¹⁴ Item inserted by Gambling Supervision Act 2010 Sch 4.

¹⁵ Item inserted by Public Sector Pensions Act 2011 s 17.

¹⁶ Para 11 substituted by Personal Liability (Ministers, Members and Officers) Act 2007 s 2.

¹⁷ Para 11A inserted by Personal Liability (Ministers, Members and Officers) Act 2007 s 2.

¹⁸ Para 11B added by Personal Liability (Ministers, Members and Officers) Act 2007 s 2.

¹⁹ Subpara (1) amended by GC155/91.

²⁰ Sch 4 repealed by Statute Law Revision Act 1992 Sch 2.

