



**Isle of Man**

*Ellan Vannin*

**AT 12 of 1991**

**HIGH COURT ACT 1991**





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## HIGH COURT ACT 1991

### Index

Section	Page
<b>PART I - THE HIGH COURT</b>	<b>8</b>
1 The High Court .....	8
2 Divisions of the High Court .....	8
3 Judges of the High Court.....	8
3A First Deemster, Second Deemster and Judge of Appeal .....	9
3B Additional Deemsters .....	10
3C Judicial Officers.....	10
4 Power of judges to act in cases relating to rates and taxes .....	10
4A Acting judges: implied knowledge .....	10
5 Sittings of the High Court.....	11
<b>PART II - JURISDICTION</b>	<b>11</b>
<i>General and particular jurisdictions</i>	<i>11</i>
6 General jurisdiction of the High Court.....	11
7 Jurisdiction in admiralty .....	12
8 Jurisdiction in relation to estates of deceased persons .....	12
9 Jurisdiction in matrimonial causes and matters.....	12
9A Jurisdiction in civil partnership causes and matters.....	12
10 Petitions of dolence.....	13
<i>Appeal jurisdiction</i>	<i>13</i>
11 Appeal jurisdiction .....	13
<b>PART III - DISTRIBUTION AND CONDUCT OF BUSINESS</b>	<b>13</b>
<i>Distribution of business between divisions</i>	<i>13</i>
12 Distribution of business .....	13
<i>Conduct of Business</i>	<i>14</i>
13 Proceedings in court or in chambers.....	14
14 Composition of Civil Division and trial by jury.....	14
15 Exercise of jurisdiction of Civil Division otherwise than by judges of the High Court.....	14

16	Reference to small claims adjudication .....	15
16A	Small claims adjudication - representation.....	16
17	Assessors .....	16
	<b><i>Mediation</i></b> .....	<b>17</b>
17A	Application of sections 17B to 17D .....	17
17B	Privilege in mediation sessions, etc .....	17
17C	Limitations on disclosure of information by mediator .....	18
17D	Protection of mediators .....	18
	<b><i>Appeal proceedings</i></b> .....	<b>18</b>
18	Civil and criminal jurisdiction of Appeal Division .....	18
19	Restriction on appeals in certain matters.....	19
19A	Leave to appeal.....	20
19B	Powers in relation to appeals.....	20
20	Powers of Appeal Division in civil matters.....	21
21	Applications for new trial in civil matters .....	21
21A	Power of Appeal Division to award damages .....	21
22	Appeal Division: composition.....	22
23	Judgments in criminal matters .....	22
24	Appeals to Her Majesty in Council.....	23
	<b><i>Rules of Court</i></b> .....	<b>23</b>
25	Power to make rules of court.....	23
26	Power to make judgments binding on persons who are not parties .....	23
27	Particular matters for which rules of court may provide .....	24
27A	Practice directions .....	25
27B	Forms.....	26
	<b><i>Administration</i></b> .....	<b>26</b>
28	Office and officers of the High Court .....	26
29	Certified copies of records .....	26
30	Effect of sealed orders etc.....	26
31	Funds in court .....	27
	<b>PART IV – ADMINISTRATION OF JUSTICE</b> .....	<b>27</b>
	<b><i>Law and equity</i></b> .....	<b>27</b>
32	Concurrent administration of law and equity .....	27
	<b><i>Personal injuries, powers before commencement of action, etc.</i></b> .....	<b>28</b>
33	Orders for provisional damages for personal injuries .....	28
33A	Power of court to make orders for preserving evidence, etc. ....	28
34	Powers of the High Court exercisable before commencement of action.....	29
35	Power of the High Court to order disclosure of documents, inspection of property etc in proceedings for personal injuries or death .....	30
36	Provisions supplementary to ss 34 and 35.....	31
36A	Periodical payments of damages .....	32
36B	Periodical payments: supplementary .....	33
36C	Variation of orders and settlements.....	34

36D	Enhanced protection for periodical payments .....	34
37	Abolition of rights damages for loss of life .....	35
38	Amendment of law relating to fatal injuries.....	36
39	Maintenance at public expense to be taken into account in assessment of damages .....	36
	<b><i>General provisions and powers</i></b> .....	<b>36</b>
40	Orders for interim payment .....	36
41	Power of the High Court to award interest on debts and damages .....	37
42	Powers of the High Court with respect to injunctions and receivers.....	38
43	Injunction, specific performance: damages.....	38
44	Petition of dolence: extension of remedies.....	39
45	Execution of instrument by person nominated by the High Court.....	39
46	Attachment of debts .....	39
47	Expenses of garnishees .....	40
48	Provisions supplementary to ss 46 and 47 .....	41
49	Power of the High Court to vary sentence.....	41
50	Extraordinary functions of judges of the High Court .....	42
51	Action authorised in reliance on counsel's opinion.....	42
52	Withdrawal of privilege against incrimination of self or spouse or civil partner in certain proceedings .....	43
	<b><i>Costs</i></b> .....	<b>44</b>
53	Costs in the High Court .....	44
54	Costs of litigants in person .....	45
	<b><i>Bonds and recognizances</i></b> .....	<b>45</b>
55	Bonds given under order of court .....	45
56	Enforcement of fines and forfeited recognizances .....	46
	<b><i>Jurisdiction in certain proceedings</i></b> .....	<b>46</b>
56A	Interim relief and protective measures in cases of doubtful jurisdiction .....	46
56B	Interim relief in the absence of substantive proceedings .....	47
	<b>PART V – SUPPLEMENTARY</b> .....	<b>47</b>
57	Fees to be taken in the High Court.....	47
57A	Salaries of certain Crown Appointments .....	47
58	Interpretation.....	47
59	Amendment of other Acts, transitional provisions, savings and repeals.....	49
60	Citation and commencement .....	49
	<b>SCHEDULE 1</b> .....	<b>51</b>
	<b>ADMIRALTY</b> .....	<b>51</b>
	<b>SCHEDULE 1A</b> .....	<b>59</b>
	<b>GUARANTEES FOR PUBLIC SECTOR SETTLEMENTS</b> .....	<b>59</b>

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<b>SCHEDULE 2</b>	<b>61</b>
AMENDMENT OF ENACTMENTS RELATING TO ACTIONS FOR DAMAGES FOR PERSONAL INJURIES RESULTING IN DEATH	61
<b>SCHEDULE 3</b>	<b>62</b>
AMENDMENT OF ENACTMENTS	62
<b>SCHEDULE 4</b>	<b>63</b>
TRANSITIONAL PROVISIONS AND SAVINGS	63
<b>SCHEDULE 5</b>	<b>64</b>
REPEAL OF ENACTMENTS	64
<b>ENDNOTES</b>	<b>67</b>
TABLE OF ENDNOTE REFERENCES	67



**Isle of Man**

*Ellan Vannin*

## HIGH COURT ACT 1991

<i>Received Royal Assent:</i>	<i>9 July 1991</i>
<i>Passed:</i>	<i>9 July 1991</i>
<i>Commenced:</i>	<i>See endnotes</i>

AN ACT to repeal and replace with amendments enactments relating to the constitution and jurisdiction of the High Court and the administration of justice therein; to establish a new division of the High Court to be called the Family Division; to make new provision with respect to the jurisdiction in admiralty of the High Court; to extend the remedies available under petitions of dolence; to enable the High Court to award provisional damages for personal injuries; to make new provision with respect to the power of the High Court to order disclosure of documents and the inspection of property, etc. in proceedings for personal injury and death; to amend the law relating to actions for damages for personal injuries, including injuries resulting in death, and to abolish certain actions for loss of services; to enable the High Court to award damages as well as or in substitution for, injunction or specific performance; to amend the *Arbitration Act 1976*; to repeal certain obsolete or unnecessary enactments relating to the High Court and the administration of justice; to make further provision with respect to the administration of justice and matters connected therewith; and for connected purposes.

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**GENERAL NOTE:** See SD352/09 Rules of the High Court of Justice 2009 Sch 15.1 para 3 reproduced below:

- “3. In any statutory provision a reference to a petition of dolence shall be construed as an application to the court in accordance with —
- (a) Chapter 9 of Part 13 (review of detention),
  - (b) rule 14.16 (appeal by way of case stated), or
  - (c) Chapter 2 of Part 14 (review of lawfulness of decision etc.),
- as the case may require.”
-

## PART I - THE HIGH COURT

### 1 The High Court

[V p222/5]

The High Court of Justice of the Isle of Man (in this Act referred to as “the High Court”) shall, in addition to its inherent jurisdiction, have the jurisdiction conferred on it by or under this Act or any other statutory provision.

### 2 Divisions of the High Court

- (1) The High Court shall have the following divisions —
  - (a) the Civil Division (in this Act referred to as “the Civil Division”); and
  - (b) the Staff of Government Division (in this Act referred to as “the Appeal Division”).<sup>1</sup>
- (2) Subject to subsection (3), —
  - (a) a Deemster may sit in any division;
  - (b) Judicial Officers may sit in the Civil Division.<sup>2</sup>
- (3) The Judge of Appeal may sit in the Appeal Division only.
- (4) No judge of the High Court shall sit in the Appeal Division on the hearing of an appeal against —
  - (a) a judgment or order made by himself; or
  - (b) a conviction before, or a sentence passed by, himself or a court of which he was a member.
- (5) Rules of court may amend subsection (1)(a) to create or abolish divisions within the Civil Division.<sup>3</sup>

### 3 Judges of the High Court

- (1) The following shall be the judges of the High Court —
  - (a) the First Deemster;
  - (b) the Second Deemster;
  - (c) the Judge of Appeal;
  - (d) a Deemster appointed under section 3B; and
  - (e) Judicial Officers.
- (2) The First Deemster shall be the president of the High Court.
- (3) Subject to any express provision in this Act or in rules of court —
  - (a) all the judges of the High Court shall have in all respects equal jurisdiction; and



- (b) any jurisdiction conferred on a Deemster under this Act or under any other statutory provision passed or made before this section comes into operation may be exercised by a Judicial Officer.
- (4) But subsection (3) shall not apply in respect of jurisdiction conferred specifically on —
  - (a) the First Deemster; or
  - (b) the Second Deemster; or
  - (c) the First and Second Deemsters acting jointly.
- (5) Provision may be made by rules of court to —
  - (a) reserve specified matters to specified judges or classes of judge;
  - (b) limit the jurisdiction of Judicial Officers.
- (6) All the judges of the High Court shall be addressed in such manner as the First Deemster may direct.
- (7) Every judge of the High Court shall, before entering on the execution of the office, take the oath of allegiance and the Deemster's oath.<sup>4</sup>

### **3A First Deemster, Second Deemster and Judge of Appeal**

- (1) Whenever the office of First Deemster, Second Deemster or Judge of Appeal is vacant, Her Majesty may appoint a qualified person to that office.
- (2) The First Deemster, the Second Deemster and the Judge of Appeal shall hold office at the pleasure of Her Majesty.
- (3) Subject to subsection (2), the First Deemster and the Second Deemster shall vacate office on attaining the age of 75 years.<sup>5</sup>
- (4) Subject to subsection (2), the Judge of Appeal may be appointed for a period not exceeding 5 years, but the holder may be re-appointed and shall in any event vacate office on attaining the age of 75 years.<sup>6</sup>
- (5) [Repealed]<sup>7</sup>
- (6) The person who holds the office of First Deemster for the time being shall also be the Clerk of the Rolls.
- (7) Whenever —
  - (a) the person holding the office of First Deemster is absent, or is otherwise unable to act on account of illness or for any other cause whatsoever; or
  - (b) the office of First Deemster is vacant,the functions which attach to the offices of First Deemster and the Clerk of the Rolls shall be exercised by the Second Deemster.<sup>8</sup>

### **3B Additional Deemsters<sup>9</sup>**

- (1) The Governor may, on the recommendation of the First Deemster, appoint one or more Deemsters in addition to the First Deemster and the Second Deemster.
- (2) A Deemster appointed under this section shall hold office for such period and subject to such conditions as the Governor may specify, but, if appointed on a full-time basis, shall in any event vacate office on attaining the age of 75 years.<sup>10 11</sup>

### **3C Judicial Officers**

- (1) The High Bailiff and the Deputy High Bailiff are Judicial Officers.
- (2) The Governor may, on the recommendation of the First Deemster, appoint one or more additional Judicial Officers, to hold office for such period and subject to such conditions as the Governor may specify.
- (3) Subsection (1) does not affect the jurisdiction exercisable by the High Bailiff and the Deputy High Bailiff immediately before the date on which this section comes into operation.<sup>12</sup>

## **4 Power of judges to act in cases relating to rates and taxes**

[P1981/54/14]

- (1) A judge of the High Court shall not be incapable of acting as such in any proceedings by reason of being as one of a class of ratepayers, taxpayers or persons of any other description, liable in common with others to pay, or contribute to or benefit from, any rate or tax which may be increased, reduced or in any way affected by those proceedings.
- (2) In this section, “rate or tax” means any rate, tax, duty or liability, whether public, general or local, and includes —
  - (a) any fund formed from the proceeds of any such rate, tax, duty or liability; and
  - (b) any fund applicable for purposes the same as or similar to, those for which the proceeds of any such rate, tax, duty or liability are or might be applied.

### **4A Acting judges: implied knowledge**

- (1) A judge of the High Court who is an advocate shall not be incapable of acting as such in any proceedings by reason only that some fact or circumstance material to the proceedings comes to the knowledge of any of the persons specified in subsection (2).
- (2) Those persons are —
  - (a) a partner or employee of the advocate;

- (b) a former partner or employee of the advocate;
  - (c) an officer, manager, member or employee of a body corporate of which the advocate is or has been an officer, member or employee; or
  - (d) a former officer, manager, member or employee of a body corporate of which the advocate is or has been an officer, member or employee.
- (3) For the purposes of this section it is irrelevant whether the information comes to the knowledge of such a person before or after the commencement of the proceedings in question.
- (4) This section shall have effect in respect of any proceedings in the High Court that take place after the commencement of this section.<sup>13</sup>

## 5 **Sittings of the High Court**

[P1981/54/71]

- (1) Sittings of the High Court may be held, and any other business of the High Court may be conducted, at any place in the Island.
- (2) Subject to rules of court, the places at which the High Court sits and the days and times when it sits shall be determined in accordance with directions given by the president of the High Court.
- (3) Rules of court may make provision for regulating the places and the days and times when the High Court may sit.

## **PART II - JURISDICTION**

### *General and particular jurisdictions*

## 6 **General jurisdiction of the High Court**

[V p222/8 and 28; P1981/54/19]

- (1) The High Court shall be a superior court of record.
- (2) There shall, subject to the provisions of this Act, be exercisable by the High Court —
  - (a) all such jurisdiction (whether civil or criminal) as is conferred on it by this Act or any other statutory provision; and
  - (b) all such jurisdiction (whether civil or criminal) as was exercisable by it immediately before the commencement of this Act (including jurisdiction conferred on any judge or division of it by any statutory provision).
- (3) The specific mention elsewhere in this Act of any jurisdiction covered by subsection (2) shall not derogate from the generality of that subsection.

- (4) For the avoidance of doubt, the *parens patriae* jurisdiction of the High Court was superseded by the *Mental Health Act 1974* and, except as expressly provided by any enactment, shall no longer be exercisable by the court.

## 7 Jurisdiction in admiralty

Schedule 1 shall have effect in relation to the jurisdiction in admiralty of the High Court.

## 8 Jurisdiction in relation to estates of deceased persons

[P1981/54/25]

- (1) The High Court shall, in accordance with section 6(2), have the following jurisdiction in relation to the estates of deceased persons, that is to say all such jurisdiction in relation to probates and letters of administration as it had immediately before the commencement of this Act, and in particular all such contentious and non-contentious jurisdiction as it then had in relation to —
- (a) testamentary causes or matters;
  - (b) the grant, amendment or revocation of probates and letters of administration; and
  - (c) the real and personal estate of deceased persons.
- (2) The High Court shall, in the exercise of its jurisdiction in relation to the estates of deceased persons, perform all such duties with respect to the estates of deceased persons as fell to be performed by it immediately before the commencement of this Act.

## 9 Jurisdiction in matrimonial causes and matters

[P1981/54/26]

The High Court shall, in accordance with section 6(2), have all such jurisdiction in relation to matrimonial causes and matters as was, immediately before the commencement of the *Ecclesiastical Civil Judicature Transfer Act 1884*, vested in or exercisable by any ecclesiastical court or person in the Island in respect of —

- (a) divorce *a mensa et thoro* (renamed judicial separation by that Act);
- (b) nullity of marriage; and
- (c) any matrimonial suit, cause or matter except marriage licences.

## 9A Jurisdiction in civil partnership causes and matters

The High Court shall, in accordance with section 6(2), have the following jurisdiction in relation to civil partnerships —

- (a) all civil partnership causes and matters (at first instance and on appeal);

- (b) applications for consent to the formation of a civil partnership by a minor or for a declaration under paragraph 6 of Schedule 1 to the *Civil Partnership Act 2011*;
- (c) applications under section 56 of that Act (declarations relating to civil partnerships).<sup>14</sup>

## 10 Petitions of dolence

- (1) The High Court shall, in accordance with section 6(2), have all such jurisdiction in relation to petitions of dolence as it had immediately before the commencement of this Act.<sup>15</sup>
- (2) For the avoidance of doubt, it is declared that the High Court does not have jurisdiction to hear and determine petitions of dolence in respect of any matter in, or proceeding of, the Court of General Gaol Delivery.<sup>16</sup>

### *Appeal jurisdiction*

## 11 Appeal jurisdiction

[P1981/54/28(3)]

Subject to the provisions of this Act and to rules of court, the High Court shall, in accordance with section 6(2), have jurisdiction to hear and determine —

- (a) any application, or any appeal (whether by way of case stated or otherwise), which it has power to hear and determine under or by virtue of this or any other statutory provision; and
- (b) all such other appeals as it had jurisdiction to hear and determine immediately before the commencement of this Act.

## PART III - DISTRIBUTION AND CONDUCT OF BUSINESS

### *Distribution of business between divisions*

## 12 Distribution of business

- (1) Rules of court may provide for the distribution of business in the High Court between the divisions, but, subject to any such rules, business shall be distributed in accordance with this section.
- (2) To the Civil Division there are assigned all causes and matters which, immediately before the commencement of this Act, would have been assigned to the Chancery and Common Law Divisions of the court.<sup>17</sup>
- (3) To the Staff of Government Division there are assigned all causes and matters which, immediately before the commencement of this Act, would have been assigned to the Staff of Government Division of the court.

- (4) The First Deemster may give directions for the distribution of the business of the court among the judges of the High Court.<sup>18</sup>
- (5) The power conferred on the First Deemster by subsection (4) —
  - (a) does not apply in respect of the Judge of Appeal; and
  - (b) must be exercised in a manner consistent with rules of court.<sup>19</sup>

### *Conduct of Business*

#### **13 Proceedings in court or in chambers**

[P1981/54/67]

Business in the Civil Division shall be heard and disposed of in court except in so far as it may, under this or any other Act, under rules of court or in accordance with the practice of the court, be dealt with in chambers.<sup>20</sup>

#### **14 Composition of Civil Division and trial by jury**

- (1) Every cause or matter in the Civil Division shall be tried by a single judge of the High Court except where that cause or matter falls to be tried by a judge with a jury under sections 18 to 20 of the *Jury Act 1980*.<sup>21</sup>
- (2) Where, for the purpose of disposing of any action or other matter which is being tried in the Civil Division by a judge with a jury, it is necessary to ascertain the law of any other country which is applicable to the facts of the case, any question as to the effect of the evidence given with respect to that law shall, instead of being submitted to the jury, be decided by the judge alone.<sup>22</sup>

#### **15 Exercise of jurisdiction of Civil Division otherwise than by judges of the High Court**

[P1981/54/68]

- (1) Provision may be made by rules of court as to the cases in which the jurisdiction of the Civil Division may be exercised by —
  - (a) the Chief Registrar or other officer of the court; or
  - (b) a special referee; or
  - (c) a person nominated by the First Deemster.<sup>23</sup>
- (2) Without prejudice to the generality of subsection (1), rules of court may in particular —
  - (a) authorise the whole of any cause or matter, or any question or issue therein, to be tried before any such person as is mentioned in that subsection; or
  - (b) authorise any question arising in any cause or matter to be referred to any such person for inquiry and report.

- (3) The decision of any person mentioned in subsection (1) may be called in question in such manner as may be prescribed by rules of court, whether by appeal to the Appeal Division, or by an appeal, application or adjournment to a judge in court or a judge in chambers.<sup>24</sup>

## 16 Reference to small claims adjudication

[1983/25/4; P1984/28/64]

- (1) Rules of court —
- (a) may prescribe cases in which proceedings in the court are (without any order of the court) to be referred to small claims adjudication by a Judicial Officer;
  - (b) may prescribe the manner in which and the terms on which cases are to be so referred; and
  - (c) where cases are so referred, may require other matters within the jurisdiction of the court and in dispute between the parties also to be referred to adjudication.
- (2) Rules of court may —
- (a) prescribe cases in which proceedings may be referred to small claims adjudication by order of the court;
  - (b) authorise the court also to order other matters within the jurisdiction of the court and in dispute between the parties to be so referred;
  - (c) prescribe the procedures and rules of evidence to be followed in any reference under subsection (1) or this subsection;
  - (d) make provision with respect to the manner of taking and questioning evidence;
  - (e) regulate legal representation in any small claims adjudication proceedings;
  - (f) authorise the Judicial Officer to make such award of costs as the Judicial Officer thinks fit, subject to such limit as may be prescribed, at any stage of the proceedings, including after the proceedings have concluded, if a party applies for such an award within 28 days of their conclusion.
- (3) On a reference under subsection (1) or (2) the award of the Judicial Officer shall be entered as a judgment in the proceedings and, subject to subsection (4), shall be as binding and effectual to all intents as if given by the court.
- (4) The court may if it thinks fit, on an application made within such time as may be prescribed by rules of court, set aside an award referred to in subsection (3) or may, with the consent of the parties, revoke the reference or order another such reference to be made.

- (5) Part I of the *Arbitration Act 1976* does not apply to an adjudication under this section.
- (6) In this section —  
“award” includes an interim award;  
“court” means the Civil Division.<sup>25</sup>
- (7) This section is without prejudice to section 15.<sup>26</sup>

### **16A Small claims adjudication - representation**

- (1) This section shall apply in respect of proceedings in the High Court (“proceedings”) which, in accordance with rules of court under section 16(1), are or may be referred to small claims adjudication.<sup>27</sup>
- (2) Rules of court shall make provision to enable an individual, who is an officer or member of a body corporate and who is nominated in writing by that body, —
  - (a) to take such steps and to sign such documents and pleadings on behalf of that body as are necessary for, or relate to, the commencement of the proceedings in the High Court by that body; and
  - (b) to represent that body and to appear and be heard by the High Court in any proceedings to which that body is a party and to sign all pleadings and other documents relating to those proceedings or any matter arising out of or connected with those proceedings.
- (3) This section and any rules under it shall not affect any rights that were in existence immediately before the date on which this section comes into operation.
- (4) An individual exercising any right pursuant to rules of court under this section shall not be treated for the purposes of any statutory provision as practising or carrying on business as an advocate nor as holding himself or herself out as a legal practitioner of any nature or description.<sup>28</sup>

## **17 Assessors**

[P1981/54/70]

- (1) In any civil cause or matter before the High Court the court may, if it thinks it expedient to do so, call in the aid of one or more assessors specially qualified, and hear and dispose of the cause or matter wholly or partially with their assistance.
- (2) The remuneration, if any, to be paid to an assessor for his services under subsection (1) in connection with any proceedings shall be determined by the court, and shall form part of the costs of the proceedings.



*Mediation***17A Application of sections 17B to 17D**

- (1) Sections 17B to 17D apply where, in accordance with rules of court, any proceedings or any matters arising out of the proceedings are referred to mediation.
- (2) Sections 17B to 17D do not apply in respect of proceedings and matters referred to mediation before the commencement of this section.<sup>29</sup>

**17B Privilege in mediation sessions, etc**

- (1) The same privilege with respect to defamation as exists with respect to judicial proceedings and a document produced in judicial proceedings exists with respect to a publication —
  - (a) made at a mediation session; or
  - (b) of a document or other material sent to or produced to a mediator, or sent to or produced at the High Court or the Isle of Man Courts of Justice, for the purpose of enabling a mediation session to be arranged; or
  - (c) as provided by section 17C.
- (2) Evidence of anything said or of any admission made in a mediation session is not admissible in any proceedings before any court, tribunal or body.
- (3) A document prepared for the purposes of, or in the course of, or as a result of, a mediation session, or a copy of such a document, is not admissible in evidence in any proceedings before any court, tribunal or body.
- (4) Subsections (2) and (3) do not apply with respect to any evidence or document —
  - (a) if the persons in attendance at, or identified during, the mediation session and, in the case of a document, all persons identified in the document, consent to the admission of the evidence or document; or
  - (b) in proceedings instituted with respect to any act or omission in connection with which a disclosure has been made under section 17C.
- (5) In this section “mediation session” includes any steps taken in the course of making arrangements for the session or in the course of the follow-up of a session.<sup>30</sup>

### 17C Limitations on disclosure of information by mediator

A mediator may disclose information obtained in connection with the administration or implementation of a reference for mediation only in one or more of the following circumstances —

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or implementation of a reference for mediation;
- (c) if there are reasonable grounds to believe that the disclosure is necessary to prevent or minimise the danger of injury to any person or damage to any property;
- (d) if the disclosure is reasonably required for the purpose of referring any party or parties to a mediation session to any person, agency, organisation or other body and the disclosure is made with the consent of the parties to the mediation session for the purpose of aiding in the resolution of the dispute between those parties or assisting the parties in any other manner;
- (e) in accordance with a requirement imposed by or under an enactment or the common law.<sup>31</sup>

### 17D Protection of mediators

- (1) No action shall lie against a mediator in respect of any act or omission of his which is done or omitted for the purposes of a mediation if the act or omission was done in good faith for the purposes of the mediation.
- (2) If any action is brought in circumstances in which this section provides that no action shall lie, the High Court may, on the application of the defendant and upon an affidavit of the facts, set aside the proceedings in the action, with or without costs, as the Court thinks fit.<sup>32</sup>

### *Appeal proceedings*

## 18 Civil and criminal jurisdiction of Appeal Division

[P1981/54/16 and 53]

- (1) The Appeal Division shall exercise —
  - (a) civil jurisdiction, and
  - (b) criminal jurisdiction.
- (2) Rules of court may provide for the distribution of business in the Appeal Division between the civil and criminal jurisdictions, but subject to any such rules business shall be distributed in accordance with the provisions of this section.
- (3) The criminal jurisdiction shall consist of —

- (a) all jurisdiction of the Staff of Government Division under the *Summary Jurisdiction Act 1989* and the *Criminal Jurisdiction Act 1993*,<sup>33</sup>
  - (b) all other jurisdiction expressly conferred by this or any other statutory provision; and
  - (c) all such jurisdiction as was, immediately before the commencement of this Act, exercisable by the criminal jurisdiction of the Staff of Government Division of the court.
- (4) The civil jurisdiction shall consist of the whole of the jurisdiction of the Appeal Division not forming part of the criminal jurisdiction and in particular, but without prejudice to the generality of the foregoing, jurisdiction to hear and determine appeals from any judgment or order of the Civil Division.<sup>34</sup>
- (5) Where any class of proceedings in the Appeal Division is by any statutory provision assigned to the criminal jurisdiction of that Division, rules of court may provide for any enactment relating to –
- (a) appeals to the Appeal Division under the Acts referred to in subsection (3)(a); or
  - (b) any matter connected with or arising out of such appeals,
- to apply in relation to proceedings of that class or, as the case may be, to any corresponding matter connected with or arising out of such proceedings, as it applies in relation to such appeals or, as the case may be, to the relevant matter within paragraph (b), with or without prescribed modifications in either case.
- (6) For the avoidance of doubt, it is declared that an appeal from a judgment or order of the Civil Division when acting as a prize court shall not be to the Appeal Division, but shall be to Her Majesty in Council in accordance with the Prize Acts 1864 to 1944 (being Acts of Parliament).<sup>35</sup>

## 19 Restriction on appeals in certain matters

[V p222/26; P1981/54/18]

- (1) No appeal shall be made to the Appeal Division without the leave of a judge of the High Court (including the judge who made the order in question) from any order made by the Civil Division with the consent of the parties, or relating only to costs which are by law left to the discretion of the division concerned.<sup>36</sup>
- (2) No appeal shall lie to the Appeal Division from a decree absolute of divorce or nullity of marriage, by a party who, having had time and opportunity to appeal from the decree nisi on which that decree was founded, has not appealed from the decree nisi.
- (3) No appeal shall lie to the Appeal Division from a dissolution order, nullity order or presumption of death order under Chapter 2 of Part 2 of the *Civil*

*Partnership Act 2011* that has been made final, by a party who, having had time and opportunity to appeal from the provisional order on which that final order was founded, has not appealed from the provisional order.<sup>37</sup>

## 19A Leave to appeal

[P1999/22/54]

- (1) Rules of court may provide that any right of appeal to the Appeal Division may be exercised only with leave.
- (2) For the purposes of subsection (1) rules of court may make provision as to —
  - (a) the classes of case in which a right of appeal may be exercised only with leave;
  - (b) the judge or court which may give leave for the purposes of this section;
  - (c) any consideration to be taken into account in deciding whether leave should be given; and
  - (d) any requirements to be satisfied before leave is given.
- (3) No appeal may be made against a decision of a judge or court under this section to give or refuse permission (but this subsection does not affect any right under rules of court to make further application for permission to the same or another judge or court).
- (4) For the purposes of this section, a right of appeal includes —
  - (a) a right to make an application to have a case stated for the opinion of the Appeal Division;
  - (b) the right to make an application for a new trial; and
  - (c) the right to make an application to set aside a verdict, finding or judgment in any cause or matter in the Civil Division which has been tried, or in which any issue has been tried, by a jury.<sup>38</sup>
- (5) This section does not apply to a right of appeal in any cause or matter in respect of which any other Act makes specific provision for leave to appeal.<sup>39</sup>

## 19B Powers in relation to appeals

- (1) Subject to rules of court, where the High Court has finally determined an appeal, it may reopen its determination.
- (2) In subsection (1) “appeal” includes an application for leave to appeal.
- (3) Rules of court may provide that, where a court or other tribunal (“the tribunal”) states a case on a question of law for determination by the High Court, the court may —
  - (a) amend the case;

- (b) order it to be sent back to the tribunal for amendment; or
  - (c) order it to be sent back to the tribunal for it to hear further evidence.
- (4) This section does not prejudice any other power to make rules of court.<sup>40</sup>

## **20 Powers of Appeal Division in civil matters**

[V p222/30; P1981/54/15]

- (1) For all purposes of or incidental to –
- (a) the hearing and determination of any appeal to the Appeal Division in relation to any cause or matter not being criminal proceedings; and
  - (b) the amendment, execution and enforcement of any judgment or order made on such an appeal,
- the Appeal Division shall have all the authority and jurisdiction of the court or tribunal from which the appeal was brought.
- (2) It is hereby declared that any provision in this Act or any other enactment which authorises or requires the taking of any steps for the execution or enforcement of a judgment or order of the Civil Division shall apply in the same way in relation to a judgment or order of the Appeal Division.<sup>41</sup>

## **21 Applications for new trial in civil matters**

[P1981/54/17]

- (1) Where any cause or matter, or any issue in any cause or matter, has been tried in the Civil Division, any application for a new trial thereof, or to set aside a verdict, finding or judgment therein, shall be heard and determined by the Appeal Division except where rules of court made in pursuance of subsection (2) provide otherwise.<sup>42</sup>
- (2) As regards cases where the trial was by a judge alone and no error of the court at the trial is alleged, or any prescribed class of such cases, rules of court may provide that any such application as is mentioned in subsection (1) shall be heard and determined by the division concerned.
- (3) Nothing in this section shall alter the practice in bankruptcy.

## **21A Power of Appeal Division to award damages**

- (1) Rules of court may provide for the Appeal Division, in such classes of case as may be specified in the rules, to have the power, in place of ordering a new trial, to substitute for the sum awarded by the jury such sum as appears to the Appeal Division to be proper.
- (2) In subsection (1) “case” means any case where the Appeal Division has the power to order a new trial on the ground that the damages awarded by a jury are excessive or inadequate.

- (3) This section does not prejudice any other power to make rules of court.<sup>43</sup>

## 22 Appeal Division: composition

[P1981/54/58]

- (1) Subject to the provisions of this section, the Appeal Division shall be duly constituted for the purpose of exercising any of its jurisdiction if it consists of at least 2 Deemsters.<sup>44</sup>
- (2) The powers of the Appeal Division may, with the consent of the parties, be exercised by a single judge of the High Court.
- (3) The powers of the Appeal Division —
- (a) to give leave to appeal;
  - (b) to extend the time within which notice of appeal, or of an application for leave to appeal, may be given;
  - (c) to allow an appellant to be present at any proceedings in cases where he is not entitled to be present without leave; and
  - (d) to admit an appellant to bail,
- may be exercised by a single judge of the High Court.
- (4) [Repealed]<sup>45</sup>
- (5) Any jurisdiction in exercisable in any proceedings incidental to any cause or matter pending before the Appeal Division and not involving the determination of an appeal may if and so far as rules of court so provide, be exercised (with or without a hearing) by a single judge of the High Court, whether in court or in chambers.
- (6) In any cause or matter pending before the Appeal Division, a single judge of the High Court may, at any time, make an interim order to prevent prejudice to the claims of any parties pending an appeal.
- (7) An order made by a single judge under subsections (3) to (6) may be discharged or varied by the Appeal Division.
- (8) For the purposes of subsection (5) the making of an interlocutory order having the effect of preventing an appeal from reaching the stage of being heard and determined shall not be treated as a determination of the appeal.

## 23 Judgments in criminal matters

Any judgment of the Appeal Division when exercising its criminal jurisdiction on any question shall, except where the judge presiding over the court directs that separate judgments shall be pronounced by the members of the court, be pronounced by the judge presiding over the court or such other member as he directs and, except as aforesaid, no judgment shall be separately pronounced on any question by any member of the court.

**24 Appeals to Her Majesty in Council**

[V p222/34]

- (1) The judgments and orders of the Appeal Division may be appealed from to Her Majesty in Council with either —
  - (a) the leave of the Appeal Division; or
  - (b) with the special leave of Her Majesty.
- (2) When giving leave to appeal under subsection (1)(a) the Appeal Division may order that such security shall be given for the costs of the appeal as it may direct.

*Rules of Court***25 Power to make rules of court**

[P1981/54/84]

- (1) Rules of court may be made by the Deemsters for the purpose of regulating and prescribing the practice and procedure to be followed in the High Court.
- (2) Without prejudice to the generality of subsection (1), the matters about which rules of court may be made under this section include all matters of practice and procedure in the High Court which were regulated or prescribed by rules of court immediately before the commencement of this Act.
- (3) No provision of this or any other Act, or contained in any instrument made under any Act, which —
  - (a) authorises or requires the making of rules of court about any particular matter or for any particular purpose; or
  - (b) provides (in whatever words) that the power to make rules of court under this section is to include power to make rules about any particular matter or for any particular purpose,shall be taken as derogating from the generality of subsection (1).
- (4) Rules of court shall be laid before Tynwald as soon as practicable after they are made, and if Tynwald at the sitting at which the rules are laid or at the next following sitting resolves that they shall be annulled, they shall cease to have effect.<sup>46</sup>

**26 Power to make judgments binding on persons who are not parties**

[P1985/61/47]

- (1) This section applies to actions in the High Court relating to the estates of deceased persons or to trusts and falling within any description specified in rules of court.

- (2) Rules of court may make provision for enabling any judgment given in an action to which this section applies to be made binding on persons who —
  - (a) are or may be affected by the judgment and would not otherwise be bound by it; but
  - (b) have in accordance with the rules been given notice of the action and of such matters connected with it as the rules may require.

## **27 Particular matters for which rules of court may provide**

[P1981/54/87]

- (1) Rules of court may make provision for regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given, in any proceedings in the High Court or on any application in connection with or at any stage of any such proceedings.
- (2) Rules of court may make provision —
  - (a) for enabling proceedings to be commenced in the High Court against the estate of a deceased person (whether by the appointment of a person to represent the estate or otherwise) where no grant of probate or administration has been made;
  - (b) for enabling proceedings purporting to have been commenced in that court against a person to be treated, if he was dead at their commencement, as having been commenced against his estate, whether or not a grant of probate or administration was made before their commencement; and
  - (c) for enabling any proceedings commenced or treated as commenced in that court against the estate of a deceased person to be maintained (whether by substitution of parties, amendment or otherwise) against a person appointed to represent the estate or, if a grant of probate or administration is or has been made, against the personal representatives.
- (3) Rules of court may make provision with respect to the method and manner in which records (whether by manual, mechanical or electronic means or otherwise) of any proceedings in the High Court may be kept and the period for which they shall be kept before they may be destroyed or otherwise disposed of.
- (4) Audio recordings shall be made of the substantive hearings of all actions and matters in the High Court in accordance with rules of court.
- (5) Any recording made under subsection (4) shall be kept for such period as rules of court may specify.
- (6) Subject to such exceptions as may be provided by rules of court or any order of a judge of the High Court, a person shall be entitled, on application to the Chief Registrar to obtain a copy of a recording kept under subsection (5).



- (7) Rules of court may make provision —
- (a) for enabling the High Court to grant relief by way of interpleader in circumstances where a person has any liability or obligations and two or more claimants are making adverse claims in respect of such liability or obligation;
  - (b) for the abolition of such powers as the court had immediately before the commencement of this Act to grant equitable relief by way of interpleader;
  - (c) for enabling the court to make orders as to the persons who may or shall be made parties to the interpleader proceedings and any connected matter;
  - (d) for enabling the court finally to dispose of all issues arising in the interpleader proceedings and to make such orders and take such action as may be necessary for that purpose.
- (8) Rules of court may make provision —
- (a) requiring, in specified circumstances, any party to civil proceedings to serve on the other parties a written statement of the oral evidence which the former intends to adduce on any issue of fact to be decided at the trial;
  - (b) enabling the court to direct any party to civil proceedings to serve such a statement on the other party; and
  - (c) prohibiting a party who fails to comply with such a requirement or direction from adducing oral evidence on the issue of fact to which it relates.<sup>47</sup>
- (8A) Where a party to proceedings has refused to comply with such a requirement or direction, the fact that the refusal was on the ground that the required statement would have been a document which was privileged from disclosure shall not affect any prohibition imposed by virtue of subsection (8)(c).<sup>48</sup>
- (9) Rules of court may amend or repeal any enactment relating to the practice and procedure of the High Court so far as may be necessary in consequence of provision made by the rules.
- (10) Rules of court may require courts from which an appeal lies to the Appeal Division to furnish that division with any assistance or information which it may request for the purpose of exercising its jurisdiction.

## 27A Practice directions

- (1) The Deemsters may give directions (“practice directions”) for the purpose of supplementing rules of court with respect to the practice and procedure to be adopted in proceedings in the High Court.
- (2) Practice directions must be consistent with rules of court.

- (3) A practice direction shall cease to have effect on 31 December in the year following that in which the practice direction is given.
- (4) Rules of court may prescribe the manner in which practice directions are to be published.<sup>49</sup>

## **27B Forms**

- (1) The Deemsters may prepare or approve forms for use in proceedings in the High Court.
- (2) Rules of court may —
  - (a) prescribe the manner in which such forms are to be published; and
  - (b) require the use, in such circumstances or for such purposes as are specified in the rules, of a relevant form so published (including a form published after the making of the rules).<sup>50</sup>

### *Administration*

## **28 Office and officers of the High Court**

- (1) The General Registry shall be the office of records for the High Court.
- (2) The Chief Registrar, Deemsters' clerks and such other clerks in the General Registry as the First Deemster may nominate in writing shall be officers of the High Court.
- (3) Officers of the High Court shall discharge their duties under the direction and supervision of the First Deemster or, in the case of a Deemster's clerk, the Deemster to whom he may be attached.

## **29 Certified copies of records**

- (1) The Chief Registrar and such officers of the High Court as the First Deemster may direct shall have authority to certify copies of all documents.
- (2) A certified copy under the hand of the Chief Registrar or an officer authorised under subsection (1) of any document filed or recorded in the office of records for the High Court shall be received as evidence of the contents of such documents in all courts in the Island.

## **30 Effect of sealed orders etc**

Any summons, judgment, order or other document issuing out of the High Court shall if sealed or stamped with the seal of the Court, have the same effect as if such summons, judgment, order or document were signed by a Judge of the High Court.<sup>51</sup>

**31 Funds in court**

- (1) All court moneys deposited in a bank shall be deemed to be the property of the Crown, but for the purposes of the High Court.
- (2) All securities for court moneys to be given by a bank shall be in the name of a person nominated by the First Deemster.
- (3) All certificates for payment of moneys into a bank and all orders for payment of moneys out of a bank shall be given by a judge of the High Court or by such person as the First Deemster may nominate for the purpose.
- (4) Rules of court may fix the rate of interest to be added to and form part of any fund in the High Court, such interest to be payable out of any income which may accrue on such moneys, and on any order for the payment of money out of court, or for the distribution of money in court, no further interest shall be added thereto unless the court so directs.
- (5) All funds in the High Court shall be inspected in accordance with the *Audit Act 2006*.<sup>52</sup>

**PART IV – ADMINISTRATION OF JUSTICE***Law and equity***32 Concurrent administration of law and equity**

[P1981/54/49]

- (1) Subject to the provisions of this or any other Act, every court exercising jurisdiction in any civil cause or matter shall administer law and equity on the basis that, wherever there is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity shall prevail.
- (2) Every such court shall give the same effect as hitherto —
  - (a) to all equitable estates, titles, rights, reliefs, defences and counterclaims, and to all equitable duties and liabilities; and
  - (b) subject thereto, to all legal claims and demands and all estates, titles, rights, duties, obligations and liabilities, existing by the common law or by any custom or created by any statute,and, subject to the provisions of this or any other Act, shall so exercise its jurisdiction in every cause or matter before it as to secure that, as far as possible, all matters in dispute between the parties are completely and finally determined, and all multiplicity of legal proceedings with respect to any of those matters is avoided.
- (3) Nothing in this Act shall affect the power of the High Court to stay any proceedings before it, where it thinks fit to do so, either of its own motion

or on the application of any person, whether or not a party to the proceedings.

*Personal injuries, powers before commencement of action, etc.*

### **33 Orders for provisional damages for personal injuries**

[P1981/54/32A]

- (1) This section applies to an action for damages for personal injuries in which there is proved or admitted to be a chance that at some definite or indefinite time in the future the injured person will, as a result of the act or omission which gave rise to the cause of action, develop some serious disease or suffer some serious deterioration in his physical or mental condition.
- (2) Subject to subsection (3), as regards any action for damages to which this section applies in which a judgment is given in the High Court, provision may be made by rules of court for enabling the court, in such circumstances as may be prescribed, to award the injured person —
  - (a) damages assessed on the assumption that the injured person will not develop the disease or suffer the deterioration in his condition; and
  - (b) further damages at a future date if he develops the disease or suffers the deterioration.
- (3) Nothing in this section shall be construed —
  - (a) as affecting the exercise of any power relating to costs, including any power to make rules of court relating to costs; or
  - (b) as prejudicing any duty of the court under any statutory provision or rule of law to reduce or limit the total damages which would have been recoverable apart from any such duty.
- (4) This section applies to actions whenever commenced, including actions commenced before the passing of this Act.

### **33A Power of court to make orders for preserving evidence, etc.**

[P1997/12/7]

- (1) The High Court may make an order under this section for the purpose of securing, in the case of any existing or proposed proceedings in the court —
  - (a) the preservation of evidence which is or may be relevant; or
  - (b) the preservation of property which is or may be the subject matter of the proceedings or as to which any question arises or may arise in the proceedings.

- (2) A person who is, or appears to the court likely to be, a party to proceedings in the court may make an application for such an order.
- (3) Such an order may direct any person to permit any person described in the order, or secure that any person so described is permitted —
  - (a) to enter premises in the Island; and
  - (b) while on the premises, to take in accordance with the terms of the order any of the following steps —
    - (i) to carry out a search for or inspection of anything described in the order; and
    - (ii) to make or obtain a copy, photograph, sample or other record of anything so described.
- (4) The order may also direct the person concerned —
  - (a) to provide any person described in the order, or secure that any person so described is provided, with any information or article described in the order; and
  - (b) to allow any person described in the order, or secure that any person so described is allowed, to retain for safe keeping anything described in the order.
- (5) An order under this section shall have effect subject to such conditions as are specified in the order.
- (6) This section does not affect any right of a person to refuse to do anything on the ground that to do so might tend to expose that person or that person's spouse to proceedings for an offence or for the recovery of a penalty.
- (7) In this section, "premises" includes any place and, in particular, includes —
  - (a) any vehicle, vessel, aircraft or hovercraft;
  - (b) any offshore installations; and
  - (c) any tent or moveable structure,within the Island or within the seaward limits of the territorial sea of the Island.
- (8) An order under this section may describe anything generally, whether by reference to a class or otherwise.<sup>53</sup>

### **34 Powers of the High Court exercisable before commencement of action**

[P1981/54/33]

- (1) On the application of any person in accordance with rules of court, the High Court shall, in such circumstances as may be specified in the rules, have power to make an order providing for any one or more of the following matters, that is to say —

- (a) the inspection, photographing, preservation, custody and detention of property which appears to the court to be property which may become the subject-matter of the subsequent proceedings in the High Court, or as to which any question may arise in any such proceedings; and
  - (b) the taking of samples of any such property as is mentioned in paragraph (a), and the carrying out of any experiment on or with any such property.
- (2) On the application, in accordance with rules of court, of a person who appears to the High Court to be likely to be a party to subsequent proceedings in that court, the High Court shall, in such circumstances as may be specified in the rules, have power to order a person who appears to the court to be likely to be a party to the proceedings and to be likely to have or to have had in his possession, custody or power any documents which are relevant to an issue arising or likely to arise out of that claim —
- (a) to disclose whether those documents are in his possession, custody or power; and
  - (b) to produce such of those documents as are in his possession, custody or power to the applicant or, on such conditions as may be specified in the order —
    - (i) to the applicant's legal advisers; or
    - (ii) to the applicant's legal advisers and any medical or other professional adviser of the applicant; or
    - (iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant.<sup>54</sup>

### **35 Power of the High Court to order disclosure of documents, inspection of property etc in proceedings for personal injuries or death**

[P1981/54/34]

- (1) This section applies to any proceedings in the High Court.<sup>55</sup>
- (2) On the application, in accordance with rules of court, of a party to any proceedings to which this section applies, the High Court shall, in such circumstances as may be specified in the rules, have power to order a person who is not a party to the proceedings and who appears to the court to be likely to have or to have had in his possession, custody or power any documents which are relevant to an issue arising out of the said claim —
  - (a) to disclose whether those documents are in his possession, custody or power; and
  - (b) to produce such of those documents, as are in his possession, custody or power to the applicant or, on such conditions as may be specified in the order —
    - (i) to the applicant's legal advisers; or

- (ii) to the applicant's legal advisers and any medical or other professional adviser of the applicant; or
  - (iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant.
- (3) On the application, in accordance with rules of court, of a party to any proceedings to which this section applies, the High Court shall, in such circumstances as may be specified in the rules, have power to make an order providing for any one or more of the following matters, that is to say —
  - (a) the inspection, photographing, preservation, custody and detention of property which is not the property of, or in the possession of, any party to the proceedings but which is the subject-matter of the proceedings or as to which any question arises in the proceedings;
  - (b) the taking of samples of any such property as is mentioned in paragraph (a) and the carrying out of any experiment on or with any such property.
- (4) The preceding provisions of this section are without prejudice to the exercise by the High Court of any power to make orders which is exercisable apart from those provisions.

### **36 Provisions supplementary to ss 34 and 35**

[P1981/54/35]

- (1) The High Court shall not make an order under section 34 or 35 if it considers that compliance with the order, if made, would be likely to be injurious to the public interest.
- (2) Rules of court may make provision as to the circumstances in which an order under section 34 or 35 can be made; and any rules making such provision may include such incidental, supplementary and consequential provisions as the Deemsters may consider necessary or expedient.
- (3) Without prejudice to the generality of subsection (2), rules of court shall be made for the purpose of ensuring that the costs of and incidental to proceedings for an order under section 34 or 35 incurred by the person against whom the order is sought shall be awarded to that person unless the court otherwise directs.
- (4) Subject to subsection (5), sections 34(2) and 35 and this section bind the Crown; and section 34(1) binds the Crown so far as it relates to property as to which it appears to the court that it may become the subject-matter of subsequent proceedings involving a claim in respect of personal injuries to a person or in respect of a person's death.
- (5) In subsection (4) references to the Crown do not include references to Her Majesty in Her private capacity.

- (6) Without prejudice to any other provision in this Act, in sections 34 and 35 and this section, “property” includes any land, chattel or other corporeal property of any description.

### **36A Periodical payments of damages**

P1996/48/2

- (1) On awarding damages for future pecuniary loss in respect of personal injury the High Court –
- (a) may order that the damages are wholly or partly to take the form of periodical payments, and
  - (b) must consider whether to make that order.
- (2) On awarding other damages in respect of personal injury the High Court may, if the parties consent, order that the damages are wholly or partly to take the form of periodical payments.
- (3) The High Court may not make an order for periodical payments unless satisfied that the continuity of payment under the order is reasonably secure.
- (4) For the purpose of subsection (3) the continuity of payment under an order is reasonably secure if—
- (a) it is protected by a guarantee given under section 36D or Schedule 2A,
  - (b) it is protected by a scheme under section 43 of the *Insurance Act 2008* (whether or not as modified by section 36C), or
  - (c) the source of payment is the Public Services Commission, a Department or a Statutory Board or an organ of the government of a State outside the Island which appears to the Treasury to have functions corresponding to those of a Department or a Statutory Board.
- (5) An order for periodical payments may include provision—
- (a) requiring the party responsible for the payments to use a method (selected or to be selected by that party) under which the continuity of payment is reasonably secure by virtue of subsection (4);
  - (b) about how the payments are to be made, if not by a method under which the continuity of payment is reasonably secure by virtue of subsection (4);
  - (c) requiring the party responsible for the payments to take specified action to secure continuity of payment, where continuity is not reasonably secure by virtue of subsection (4);
  - (d) enabling a party to apply for a variation of provision included under paragraph (a), (b) or (c).



- (6) Where a person has a right to receive payments under an order for periodical payments, or where an arrangement is entered into in satisfaction of an order which gives a person a right to receive periodical payments, that person's right under the order or arrangement may not be assigned or charged without the approval of the High Court; and—
- (a) the High Court must not approve an assignment or charge unless satisfied that special circumstances make it necessary, and
  - (b) a purported assignment or charge, or agreement to assign or charge, is void unless approved by the High Court.
- (7) Where an order is made for periodical payments, an alteration of the method by which the payments are made is to be treated as a breach of the order (whether or not the method was specified under subsection (5)(b)) unless—
- (a) the High Court declares its satisfaction that the continuity of payment under the new method is reasonably secure,
  - (b) the new method is protected by a guarantee given under section 25D or Schedule 1A,
  - (c) the new method is protected by a scheme under section 43 of the *Insurance Act 2008* (whether or not as modified by section 25C), or
  - (d) the source of payment under the new method is a Department or a Statutory Board or an organ of the government of a State outside the Island which appears to the Treasury to have functions corresponding to those of a Department or a Statutory Board.
- (8) An order for periodical payments is to be treated as providing for the amount of payments to vary by reference to the retail prices index maintained by the Office for National Statistics in the United Kingdom at such times, and in such a manner, as may be determined by or in accordance with the rules of the High Court.
- (9) But an order for periodical payments may include provision disapplying subsection (8), or modifying the effect of that subsection.
- (10) Schedule 1A (guarantees for public sector settlements) has effect.<sup>56</sup>

### **36B Periodical payments: supplementary**

P1996/48/2A

- (1) Rules of court may require the High Court to take specified matters into account in considering—
- (a) whether to order periodical payments;
  - (b) the security of the continuity of payment;
  - (c) whether to approve an assignment or charge.
- (2) Section 36A(6) does not limit a person's power to assign a right to the scheme manager established under section 43 of the *Insurance Act 2008*.

- (3) In section 36A “damages” includes an interim payment which a court orders a defendant to make to a claimant.
- (4) Section 36A does not limit any power exercisable apart from that section.<sup>57</sup>

### 36C Variation of orders and settlements

P1996/48/2B

- (1) Rules of court may enable an order of the High Court for periodical payments to be varied in specified circumstances (otherwise than in accordance with section 36A(5)(d)).
- (2) Rules of court may provide that, in specified circumstances, a judge of the High Court may vary the terms on which a claim or action for damages for personal injury is settled by agreement between the parties if the agreement—
  - (a) provides for periodical payments, and
  - (b) expressly permits a party to apply to a court for variation in those circumstances.
- (3) Rules of court may make provision—
  - (a) which operates wholly or partly by reference to a condition or other term of the court’s order or of the agreement;
  - (b) about the nature of an order which may be made by the High Court on a variation;
  - (c) about the matters to be taken into account on considering variation.
- (4) Rules of court made in reliance on this section may apply (with or without modification) or amend an enactment about provisional or further damages.  
Here—
  - (a) “provisional damages” means damages awarded by virtue of subsection (2)(a) of section 33, and
  - (b) “further damages” means damages awarded by virtue of subsection (2)(b) of that section.<sup>58</sup>

### 36D Enhanced protection for periodical payments

P1996/48/4

- (1) Subsection (2) applies if—
  - (a) a person has a right to receive periodical payments, and
  - (b) the person’s right is protected by a scheme under section 43 of the *Insurance Act 2008*, but only as to part of the payments.
- (2) The protection provided by the scheme shall extend by virtue of this section to the whole of the payments.
- (3) Subsection (4) applies where—

- (a) one person (“the claimant”) has a right to receive periodical payments from another person (“the defendant”),
  - (b) a third person (“the insurer”) is required by or in pursuance of an arrangement entered into with the defendant (whether or not together with other persons and whether before or after the creation of the claimant’s right) to make payments in satisfaction of the claimant’s right or for the purpose of enabling it to be satisfied, and
  - (c) the claimant’s right to receive the payments would be wholly or partly protected by a scheme under section 43 of the *Insurance Act 2008* if it arose from an arrangement of the same kind as that mentioned in paragraph (b) but made between the claimant and the insurer.
- (4) For the purposes of the scheme under section 43 of that Act—
- (a) the claimant is to be treated as having a right to receive the payments from the insurer under an arrangement of the same kind as that mentioned in subsection (3)(b),
  - (b) the protection under the scheme in respect of those payments shall extend by virtue of this section to the whole of the payments, and
  - (c) no person other than the claimant is entitled to protection under the scheme in respect of the payments.
- (5) In this section “periodical payments” means periodical payments made pursuant to—
- (a) an order of the High Court in so far as it is made in reliance on section 36A (including an order as varied), or
  - (b) an agreement in so far as it settles a claim or action for damages in respect of personal injury (including an agreement as varied).
- (6) In subsection (5)(b) the reference to an agreement in so far as it settles a claim or action for damages in respect of personal injury includes a reference to an undertaking given by the Motor Insurers’ Bureau (being the company of that name incorporated on 14th June 1946 under the Companies Act 1929 (of Parliament)), or an Article 75 insurer under the Bureau’s Articles of Association, in relation to a claim or action in respect of personal injury.<sup>59</sup>

### 37 Abolition of rights damages for loss of life

[P1982/53/11 and 73]

- (1) In an action under Manx law for damages for personal injuries —
- (a) no damages shall be recoverable in respect of any loss of expectation of life caused to the injured person by the injuries; but
  - (b) if the injured person’s expectation of life has been reduced by the injuries, the court, in assessing damages in respect of pain and

suffering caused by the injuries, shall take account of any suffering caused or likely to be caused to him by awareness that his expectation of life has been so reduced.

- (2) The reference in subsection (1)(a) to damages in respect of loss of expectation of life does not include damages in respect of loss of income.
- (3) Except where a person dies after the commencement of this section, it shall not apply to a cause of action which accrues before its commencement.

### **38 Amendment of law relating to fatal injuries**

[P1982/53/3, 4 and 73]

- (1) The enactments referred to in Schedule 2, being enactments relating to actions for damages for personal injuries resulting in death, are amended in accordance with that Schedule.
- (2) Subject to entry 2(2) of Schedule 2, that Schedule shall not apply to a cause of action which accrues before the commencement of that Schedule.

### **39 Maintenance at public expense to be taken into account in assessment of damages**

[P1982/53/5]

- (1) In an action under Manx law for damages for personal injuries (including any such action arising out of a contract) any saving to the injured person which is attributable to his maintenance wholly or partly at public expense in a hospital, nursing home or other institution shall be set off against any income lost by him as a result of his injuries.
- (2) This section shall not apply to a cause of action which accrues before the commencement of this section.

#### *General provisions and powers*

### **40 Orders for interim payment**

[1983/25/3]

- (1) As regards proceedings pending in the High Court, provision may be made by rules of court for enabling the court, in such circumstances as may be prescribed, to make an order requiring a party to the proceedings to make an interim payment of such amount as may be specified in the order, with provision for the payment to be made to such other party to the proceedings as may be so specified or, if the order so provides, by paying it into court.
- (2) Any rules of court which make provision in accordance with subsection (1) may include provision for enabling a party to any proceedings who, in pursuance of such an order, has made an interim payment to recover the whole or part of the amount of the payment in

such circumstances, and from such other party to the proceedings, as may be determined in accordance with the rules.

- (3) Nothing in this section shall be construed as affecting the exercise of any power relating to costs, including any power to make rules of court relating to costs.
- (4) In this-section “interim payment”, in relation to a party to any proceedings, means a payment on account of any damages, debt or other sum (excluding any costs) which that party may be held liable to pay to or for the benefit of another party to the proceedings if a final judgment or order of the court in the proceedings is given or made in favour of that other party.

#### **41 Power of the High Court to award interest on debts and damages**

[P1981/54/35A]

- (1) Subject to rules of court, in proceedings (whenever instituted) before the High Court for the recovery of a debt or damages there may be included in any sum for which judgment is given simple interest, at such rate as the court thinks fit or as rules of court may provide, on all or any part of the debt or damages in respect of which judgment is given, or payment is made before judgment, for all or any part of the period between the date when the cause of action arose and —
  - (a) in the case of any sum paid before judgment, the date of the payment; and
  - (b) in the case of the sum for which judgment is given, the date of the judgment.
- (2) In relation to a judgment given for damages for personal injuries or death subsection (1) shall have effect —
  - (a) with the substitution of “shall be included” for “may be included”; and
  - (b) with the addition of “unless the court is satisfied that there are special reasons to the contrary” after “given”, where first occurring.
- (3) Subject to rules of court, where —
  - (a) there are proceedings (whenever instituted) before the High Court for the recovery of a debt; and
  - (b) the defendant pays the whole debt to the plaintiff (otherwise than in pursuance of a judgment in the proceedings),

the defendant shall be liable to pay the plaintiff simple interest at such rate as the court thinks fit or as rules of court may provide on all or any part of the debt for all or any part of the period between the date when the cause of action arose and the date of the payment.

- (4) Interest in respect of a debt shall not be awarded under this section for a period during which, for whatever reason, interest on the debt already runs.
- (5) Without prejudice to the generality of section 25, rules of court may provide for a rate of interest by reference to a rate for which any enactment provides.
- (6) Interest under this section may be calculated at different rates in respect of different periods.
- (7) In this section “plaintiff” means the person seeking the debt or damages and “defendant” means the person from whom the plaintiff seeks the debt or damages and “personal injuries” includes any disease and any impairment of a person’s physical or mental condition.
- (8) Nothing in this section affects the damages recoverable for the dishonour of a bill of exchange.

#### **42 Powers of the High Court with respect to injunctions and receivers**

[P1981/54/37]

- (1) The High Court may by order (whether interlocutory or final) grant an injunction or appoint a receiver in all cases in which it appears to the court to be just and convenient to do so.
- (2) Any such order may be made either unconditionally or on such terms and conditions as the court thinks just.
- (3) The power of the High Court under subsection (1) to grant an interlocutory injunction restraining a party to any proceedings from removing from the jurisdiction of the High Court, or otherwise dealing with, assets located within that jurisdiction shall be exercisable in cases where that party is, as well as in cases where he is not, domiciled, resident or present within that jurisdiction.
- (4) The power of the High Court to appoint a receiver by way of equitable execution shall operate in relation to all legal estates and interests in land; and that power shall be in addition to, and not in derogation of, any power of any court to appoint a receiver in proceedings for enforcing a charge.

#### **43 Injunction, specific performance: damages**

[P1981/54/50]

Where the High Court has jurisdiction to entertain an application for an injunction or specific performance, it may award damages in addition to, or in substitution for, an injunction or specific performance.

**44 Petition of dolence: extension of remedies**

[P1981/54/31]

- (1) A declaration may be made or an injunction granted in any case where a petition of dolence, seeking that relief, has been presented to the High Court and it considers that, having regard to all the circumstances of the case, it would be just and convenient for the declaration to be made or the injunction to be granted, as the case may be.<sup>60</sup>
- (2) On a petition of dolence the High Court may award damages to the petitioner if —
  - (a) he has included in the petition a claim for damages arising from any matter to which the application relates; and
  - (b) the court is satisfied that, if the claim had been made in an action begun by the petitioner at the time of making his application, he would have been awarded damages.<sup>61</sup>
- (3) If, on a petition of dolence, the High Court quashes the decision to which the application relates, the High Court may remit the matter to the court, tribunal or authority concerned, with a direction to reconsider it and reach a decision in accordance with the findings of the High Court.<sup>62</sup>

**45 Execution of instrument by person nominated by the High Court**

[P1981/54/39; 1985/9/3]

- (1) Where the High Court has given or made a judgment or order directing a person to execute any conveyance, contract or other document, or to indorse any negotiable instrument, then, if that person —
  - (a) neglects or refuses to comply with the judgment or order; or
  - (b) cannot after reasonable inquiry be found,the High Court may, on such terms and conditions, if any, as may be just, order that the conveyance, contract or other document shall be executed, or that the negotiable instrument shall be indorsed, by such person as the court may nominate for that purpose.
- (2) A conveyance, contract, document or instrument executed or indorsed in pursuance of an order under this section shall operate, and be for all purposes available, as if it had been executed or indorsed by the person originally directed to execute or indorse it.

**46 Attachment of debts**

[P1981/54/40]

- (1) Subject to any order for the time being in force under section 48, this section applies to the following accounts, namely —
  - (a) any deposit account with any deposit-taking institution; and

- (b) any withdrawable share account with any deposit-taking institution.
- (2) In determining whether, for the purposes of the jurisdiction of the High Court to attach debts for the purpose of satisfying judgments or orders for the payment of money, a sum standing to the credit of a person in an account to which this section applies is a sum due or accruing to that person and, as such, attachable in accordance with rules of court, any condition mentioned in subsection (3) which applies to the account shall be disregarded.
- (3) Those conditions are —
- (a) any condition that notice is required before any money or share is withdrawn;
  - (b) any condition that a personal application must be made before any money or share is withdrawn;
  - (c) any condition that a deposit book or share-account book must be produced before any money or share is withdrawn; or
  - (d) any other prescribed condition.
- (4) This section is without prejudice to the power of a Coroner, when enforcing an execution, to arrest in the hands of a third person money which is due to the execution debtor.

#### **47 Expenses of garnishees**

[P1981/54/40A; P1982/53/Sch 4]

- (1) Where an order nisi made in the exercise of the jurisdiction mentioned in section 46(2) is served on any deposit-taking institution, the institution may, subject to the provisions of this section, deduct from the relevant debt or debts an amount not exceeding the prescribed sum towards the administrative and clerical expenses of the institution in complying with the order; and the right of an institution to make a deduction under this subsection shall be exercisable as from the time the order nisi is served on it.
- (2) In subsection (1), “the relevant debt or debts”, in relation to an order nisi served on any such institution as is mentioned in that subsection, means the amount, as at the time the order is served on the institution, of the debt or debts of which the whole or a part is expressed to be attached by the order.
- (3) A deduction may be made under subsection (1) in a case where the amount referred to in subsection (2) is insufficient to cover both the amount of the deduction and the amount of the judgment debt and costs in respect of which the attachment was made, notwithstanding that the benefit of the attachment to the creditor is reduced as a result of the deduction.



- (4) An amount may not in pursuance of subsection (1) be deducted or, as the case may be, retained in a case where, by virtue of section 28 of the *Bankruptcy Code 1892* or section 253 of the *Companies Act 1931* or otherwise, the creditor is not entitled to retain the benefit of the attachment.

#### 48 Provisions supplementary to ss 46 and 47

- (1) The Deemsters may by order make such provision as they think fit, by way of amendment of section 46 or otherwise, for all or any of the following purposes, namely –
- (a) including in, or excluding from, the accounts to which that section applies accounts of any description specified in the order;
  - (b) excluding from the accounts to which that section applies all accounts with any particular deposit-taking institution so specified or with any deposit-taking institution of a description so specified.
- (2) In sections 46 and 47, “deposit-taking institution” means any person carrying on a business which is a deposit taking business under the *Financial Services Act 2008* and includes a building society established under the *Industrial and Building Societies Act 1892* and a United Kingdom building society which is licensed to accept deposits under the Act of 2008.<sup>63</sup>
- (3) In section 47, “prescribed” means prescribed by an order made by the Deemsters.
- (4) An order under subsection (3) may provide for section 47 not to apply to deposit-taking institutions of any prescribed description.
- (5) An order under this section shall not come into operation until it is approved by Tynwald.

#### 49 Power of the High Court to vary sentence

[P1981/54/43]

- (1) Where the Attorney General or a person who has been sentenced for an offence by a court of summary jurisdiction applies to the High Court by petition of dolence for an order that a sentence be quashed then, if the High Court determines that the court of summary jurisdiction had no power to pass the sentence, the High Court may, instead of quashing the sentence, amend it by substituting for the sentence passed any sentence which the court had power to impose.<sup>64</sup>
- (2) Any sentence passed by the High Court by virtue of this section in substitution for the sentence passed in the proceedings of the court of summary jurisdiction shall, unless the High Court otherwise directs, begin to run from the time when it would have begun to run if passed in those proceedings.

- (3) Subsections (1) and (2) shall, with the necessary modifications, apply in relation to any order of a court of summary jurisdiction which is made on, but does not form part of, the conviction of an offender as they apply in relation to a conviction and sentence.

## **50 Extraordinary functions of judges of the High Court**

[P1981/54/44; V p222/7]

- (1) Subject to the provisions of this Act, every judge of the High Court shall be —
- (a) liable to perform any duty not incident to the administration of justice in any court of law which a judge of the High Court was, as the successor of any judge formerly subject to that duty, liable to perform immediately before the commencement of this Act by virtue of any statute, law or custom; and
  - (b) empowered to exercise any authority or power not so incident which a judge of the High Court was, as the successor of any judge formerly possessing that authority or power, empowered to exercise immediately before that commencement by virtue of any statute, law or custom.
- (2) Any such duty, authority or power which immediately before the commencement of this Act was imposed or conferred by any statute, law or custom on the Clerk of the Rolls shall continue to be performed and exercised by the First Deemster.

## **51 Action authorised in reliance on counsel's opinion**

[P1985/61/48]

- (1) Where —
- (a) any question of construction has arisen out of the terms of a will or a trust; and
  - (b) an opinion in writing given by an advocate of at least 10 years' standing has been obtained on that question by the personal representatives or trustees under the will or trust,
- the High Court may, on the application of the personal representatives or trustees and without hearing argument, make an order authorising those persons to take such steps in reliance on the opinion as are specified in the order.
- (2) The High Court shall not make an order under subsection (1) if it appears to the court that a dispute exists which would make it inappropriate for the court to make the order without hearing argument.

## 52 Withdrawal of privilege against incrimination of self or spouse or civil partner in certain proceedings

[P1981/54/72]

- (1) In any proceedings to which this subsection applies a person shall not be excused, by reason that to do so would tend to expose that person, or his or her spouse or civil partner, to proceedings for a related offence or for the recovery of a related penalty —
  - (a) from answering any question put to that person in the first-mentioned proceedings; or
  - (b) from complying with any order made in those proceedings.<sup>65</sup>
- (2) Subsection (1) applies to the following civil proceedings in the High Court namely —
  - (a) proceedings for infringement of rights pertaining to any intellectual property or for passing off;
  - (b) proceedings brought to obtain disclosure of information relating to any infringement of such rights or to any passing off;
  - (c) proceedings brought to prevent any apprehended infringement of such rights or any apprehended passing off; and
  - (d) proceedings brought by virtue of section 165 of the *Copyright Act 1991*.
- (3) Subject to subsection (4), no statement or admission made by a person —
  - (a) in answering a question put to him in any proceedings to which subsection (1) applies; or
  - (b) in complying with any order made in any such proceedings,shall, in proceedings for any related offence or for the recovery of any related penalty, be admissible in evidence against that person or (unless they married or became civil partners after the making of the statement or admission) against the spouse or civil partner of that person.<sup>66</sup>
- (4) Nothing in subsection (3) shall render any statement or admission made by a person as there mentioned inadmissible in evidence against that person in proceedings for perjury or contempt of court.
- (5) In this section —

“intellectual property” means any patent, trade mark, service mark, copyright, design right, topographical right, registered design, technical or commercial information or other intellectual property;

“related offence”, in relation to any proceedings to which subsection (1) applies, means —

  - (a) in the case of proceedings within subsection (2)(a) or (b) —

- (i) any offence committed by or in the course of the infringement or passing off to which those proceedings relate; or
  - (ii) any offence not within sub-paragraph (i) committed in connection with that infringement or passing off, being an offence involving fraud or dishonesty;
- (b) in the case of proceedings within subsection (2)(c), any offence revealed by the facts on which the plaintiff relies in those proceedings;

“related penalty”, in relation to any proceedings to which subsection (1) applies means —

- (a) in the case of proceedings within subsection (2)(a) or (b), any penalty incurred in respect of anything done or omitted in connection with the infringement or passing off to which those proceedings relate;
  - (b) in the case of proceedings within subsection (2)(c), any penalty incurred in respect of any act or omission revealed by the facts on which the plaintiff relies in those proceedings.
- (6) Any reference in this section to civil proceedings in the High Court of any description includes a reference to proceedings on appeal arising out of civil proceedings in the High Court of that description.<sup>67</sup>

### *Costs*

## **53 Costs in the High Court**

[P1981/54/51]

- (1) Subject to the provisions of this or any other Act and to rules of court, the costs of and incidental to all proceedings in the High Court, including the administration of estates and trusts, shall be in the discretion of the court, and the court shall have full power to determine by whom and to what extent the costs are to be paid.
- (2) Nothing in subsection (1) shall alter the practice in any criminal cause or matter, or in bankruptcy.
- (3) In any proceedings mentioned in subsection (1), the court may disallow, or (as the case may be) order the advocate or other representative concerned to meet, the whole of any wasted costs or such part of them as may be determined in accordance with rules of court.<sup>68</sup>
- (4) In subsection (3), “wasted costs” means any costs incurred by a party —
  - (a) as a result of any improper, unreasonable or negligent act or omission on the part of any legal or other representative or any employee of such a representative; or

- (b) which, in the light of any such act or omission occurring after they were incurred, the court considers it is unreasonable to expect that party to pay.<sup>69</sup>
- (5) Rules of court may make provision —
  - (a) for regulating matters relating to the costs of those proceedings;
  - (b) for prescribing scales of costs to be paid to advocates;
  - (c) that any functions specified in the rules and relating to the assessment of costs (including functions of the Chief Registrar) may be exercised by —
    - (i) the court; or
    - (ii) an officer of the court or other person authorised for the purpose.<sup>70</sup>

#### **54 Costs of litigants in person**

- (1) Where, in any proceedings to which this subsection applies, any costs of a litigant in person are ordered to be paid by any other party to the proceedings or in any other way, there may, subject to rules of court, be allowed on the taxation or other determination of those costs sums in respect of any work done, and any expenses and losses incurred, by the litigant in or in connection with the proceedings to which the order relates.
- (2) Subsection (1) applies to civil proceedings —
  - (a) in the High Court, or
  - (b) in or before any other court or tribunal specified in an order made under this subsection by the Deemsters.
- (3) In subsection (1), “rules of court” in relation to any other court or tribunal specified in an order made under subsection (2), shall have the meaning given by the order as respects that court or tribunal.

#### *Bonds and recognizances*

#### **55 Bonds given under order of court**

[P1981/54/135]

- (1) A bond to be given by any person under or for the purposes of any order of the High Court shall be given to the Chief Registrar in such form as may be prescribed and, if the court so requires, with one or more sureties.
- (2) The Chief Registrar shall have power to enforce a bond given in accordance with subsection (1) or to assign it, pursuant to an order of the court under subsection (3), to some other person.
- (3) Where it appears to the court that the condition of a bond given in accordance with subsection (1) has been broken, the court may, on an

application in that behalf, order the bond to be assigned to such person as may be specified in the order.

- (4) A person to whom a bond is ordered to be assigned under subsection (3) shall be entitled by virtue of the order to sue on the bond in his own name as if it had been originally given to him, and to recover on it as trustee for all persons interested the full amount recoverable in respect of the breach of condition.

## **56 Enforcement of fines and forfeited recognizances**

[P1981/54/140]

- (1) Payment of a fine imposed, or sum due under a recognizance forfeited, by the High Court may be enforced upon the order of the court —
  - (a) in like manner as a judgment of the Civil Division for the payment of money; or<sup>71</sup>
  - (b) in like manner as a fine imposed by the Court of General Gaol Delivery.
- (2) Where payment of a fine or other sum falls to be enforced as mentioned in subsection (1)(a) upon an order of the High Court under that subsection —
  - (a) the court shall, if the fine or other sum is not paid in full forthwith or within such time as the court may allow, certify to the Treasury the sum payable; and
  - (b) the Treasury shall thereupon proceed to enforce payment of that sum as if it were due to it as a judgment debt.
- (3) Where payment of a fine or other sum falls to be enforced as mentioned in subsection (1)(b) upon an order of the High Court under that subsection, the provisions of any enactment applying to the enforcement of fines imposed by the Court of General Gaol Delivery shall apply to that fine or other sum as they apply to a fine imposed by that Court.
- (4) Where payment of a fine or other sum has become enforceable by the Treasury by virtue of this section, any payment received by it in respect of that fine or other sum shall be dealt with by it in such manner as the First Deemster may direct.
- (5) In this section, “fine” includes a penalty imposed in civil proceedings.

### *Jurisdiction in certain proceedings*

## **56A Interim relief and protective measures in cases of doubtful jurisdiction**

[P1982/27/24]

- (1) Any power of the High Court to grant interim relief pending trial or pending the determination of an appeal shall extend to a case where the issue to be tried, or which is the subject of the appeal, relates to the jurisdiction of the High Court to entertain the proceedings.

- (2) Subsection (1) shall not be construed as restricting any power to grant interim relief or protective measures which the High Court may have apart from this section.<sup>72</sup>

### **56B Interim relief in the absence of substantive proceedings**

[P1982/27/25]

- (1) The High Court shall have power to grant interim relief where proceedings have been or are to be commenced in a country or territory outside the Island.
- (2) On an application for any interim relief under subsection (1) the High Court may refuse to grant that relief if, in the opinion of the Court, the fact that it has no jurisdiction apart from this section in relation to the subject-matter of the proceedings in question makes it inexpedient for the Court to grant it.
- (3) In this section “interim relief” means interim relief of any kind which the High Court has power to grant in proceedings relating to matters within its jurisdiction, other than —
  - (a) a warrant for the arrest of property; or
  - (b) provision for obtaining evidence.<sup>73</sup>

## **PART V – SUPPLEMENTARY**

### **57 Fees to be taken in the High Court**

The fees to be taken in the High Court shall be those fixed under Part 5, Division 4 (general fee power) of the *Interpretation Act 2015*.<sup>74</sup>

### **57A Salaries of certain Crown Appointments**

- (1) The salaries of the judges of the High Court and the Attorney General shall be determined by the Governor in Council and shall be charged on, and paid out of, the General Revenues of the Island.
- (2) Any salary payable under this section may be increased, but not reduced, by a determination or further determination under this section.<sup>75</sup>

### **58 Interpretation**

- (1) In this Act —

“**action**” means any civil proceedings commenced by summons or in any other manner prescribed by rules of court;

“**administration**”, in relation to probate causes and matters, includes all letters of administration of the effects of deceased persons, whether with or without

a will annexed, and whether granted for general, special or limited purposes;

“**appeal**” includes —

- (a) an application for a new trial in the Civil Division; and<sup>76</sup>
- (b) an application to set aside a verdict, finding or judgment in any cause or matter in the Civil Division which has been tried, or in which any issue has been tried, by a jury;<sup>77</sup>

“**Appeal Division**” means the Staff of Government Division;

“**cause**” means any action or any criminal proceedings;

“**Chief Registrar**” includes the Assistant Chief Registrar and a Deputy Assistant Chief Registrar;

“**the Civil Division**” means the Civil Division of the High Court;<sup>78</sup>

“**estate**”, in relation to probate causes and matters, means real and personal estate, and “**real estate**” includes —

- (a) chattels real and land in possession, remainder or reversion and every interest in or over land to which the deceased person was entitled at the time of his death, and
- (b) real estate held on trust or by way of mortgage or security, but not money to arise under a trust for sale of land, nor money secured or charged on land;

“**grant**”, in relation to probate causes and matters means a grant of probate or administration;

“**Judge of the High Court**” see section 3;<sup>79</sup>

“**judgment**” includes a decree;

“**jurisdiction**” includes powers;

“**matter**” means any proceedings in court not in a cause;

“**party**”, in relation to any proceedings, includes any person who pursuant to or by virtue of rules of court or any other statutory provision has been served with notice of, or has intervened in, those proceedings;

“**personal injuries**” includes any disease and any impairment of a person’s physical or mental condition;

“**prescribed**” means prescribed by rules of court;

“**this or any other Act**” includes an Act passed after this Act.

(1A) [Repealed]<sup>80</sup>

(2) Any reference in this Act to rules of court under section 25 includes a reference to rules of court under any provision of this or any other Act which confers on the Deemsters power to make rules of court.



- (3) Any reference in this Act to an Act of Parliament shall be construed as a reference to that Act as it has effect in the Isle of Man and includes a reference to any Act of Parliament which has the like effect and amends or replaces that Act.

## **59 Amendment of other Acts, transitional provisions, savings and repeals**

- (1) The enactments specified in Schedule 3 are amended in accordance with that Schedule.
- (2) The transitional provisions and savings contained in Schedule 4 shall have effect.
- (3) The enactments mentioned in Schedule 5 (which include certain obsolete or unnecessary provisions) are repealed to the extent specified in the third column of that Schedule.
- (4) The *Interpretation Act 1976* shall apply for the purpose of the interpretation of any expression inserted into any enactment by Schedule 3.

## **60 Citation and commencement**

- (1) This Act may be cited as the High Court Act 1991.
- (2) This Act shall come into operation on such day or days as the Governor in Council may by order appoint and different days may be so appointed for different provisions and for different purposes.<sup>81</sup>
- (3) An order under subsection (2) may contain such transitional, consequential and supplementary provisions as the Governor in Council thinks expedient.



**SCHEDULE 1****ADMIRALTY**

## Section 7

**PART 1 – JURISDICTION IN ADMIRALTY**

1. The jurisdiction in admiralty of the High Court shall be as follows, that is to say —
  - (a) jurisdiction to hear and determine any of the questions and claims mentioned in paragraph 2;
  - (b) jurisdiction in relation to any of the proceedings mentioned in paragraph 3;
  - (c) any other jurisdiction in admiralty which the court had immediately before the commencement of this Act;
  - (d) any jurisdiction connected with ships or aircraft which is vested in the High Court apart from this Part and is for the time being by rules of court made or coming into force after the commencement of this Act directed to be part of the jurisdiction in admiralty of the High Court; and
  - (e) jurisdiction as a prize court in accordance with the Prize Acts 1864 to 1944 (being Acts of Parliament).
  
2. The questions and claims referred to in paragraph 1(a) are —
  - (a) any claim to the possession or ownership of a ship or to the ownership of any share therein;
  - (b) any question arising between the co-owners of a ship as to possession, employment or earnings of that ship;
  - (c) any claim in respect of a mortgage of or charge on a ship or any share therein;
  - (d) any claim for damage received by a ship;
  - (e) any claim for damage done by a ship;
  - (f) any claim for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or in consequence of the wrongful act, neglect or default of —
    - (i) the owners, charterers or persons in possession or control of ship; or
    - (ii) the master or crew of a ship, or any other person for whose wrongful acts, neglects or defaults the owners, charterers or persons in possession or control of a ship are responsible,

being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship, or in the embarkation, carriage or disembarkation of persons on, in or from the ship;

- (g) any claim for loss of or damage to goods carried in a ship;
- (h) any claim arising out of any agreement relating to the carriage of goods in a ship or to the use or hire of a ship;
- (i) any claim in the nature of salvage (including any claim arising by virtue of the application of the law relating to salvage to aircraft and their apparel and cargo);
- (j) any claim in the nature of towage in respect of a ship or an aircraft;
- (k) any claim in the nature of pilotage in respect of a ship or an aircraft;
- (l) any claim in respect of goods or materials supplied to a ship for her operation or maintenance;
- (m) any claim in respect of the construction, repair or equipment of a ship or in respect of dock charges or dues;
- (n) any claim by a master or member of the crew of a ship for wages (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages);
- (o) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship;
- (p) any claim arising out of an act which is or is claimed to be a general average act;
- (q) any claim arising out of bottomry;
- (r) any claim for the forfeiture or condemnation of a ship or of goods which are being or have been carried, or have been attempted to be carried, in a ship, or for the restoration of a ship or any such goods after seizure, or for droits of Admiralty.

3. The proceedings referred to in paragraph 1(b) are —

- (a) any application to the High Court under any statutory provision relating to shipping other than an application under section 55 of the Merchant Shipping Act 1894 (an Act of Parliament) for the appointment of a person to act as a substitute for a person incapable of acting;
- (b) any action to enforce a claim for damage, loss of life or personal injury arising out of —
  - (i) a collision between ships; or
  - (ii) the carrying out of or omission to carry out a manoeuvre in the case of one or more of two or more ships; or
  - (iii) non-compliance, on the part of one or more of two or more ships, with the collision regulations;

- (c) any action by shipowners or other persons under the Merchant Shipping Acts 1894 to 1988 (being Acts of Parliament) or any other statutory provision relating to merchant shipping for the limitation of the amount of their liability in connection with a ship or other property.
4. The jurisdiction of the High Court under paragraph 2(b) includes power to settle any account outstanding and unsettled between the parties in relation to the ship, and to direct that the ship, or any share thereof, shall be sold, and to make such other order as the court thinks fit.
5. Paragraph 2(e) extends to —
- (a) any claim in respect of a liability incurred under Chapter III of Part VI of the Merchant Shipping Act 1995 (an Act of Parliament); and
- (b) any claim in respect of a liability falling on the International Oil Pollution Compensation Fund, or on the International Oil Pollution Compensation Fund 1992, or on the International Oil Pollution Compensation Supplementary Fund 2003, under Chapter IV of Part VI of the Merchant Shipping Act 1995 (an Act of Parliament).<sup>82</sup>
6. The reference in paragraph 2(i) to claims in the nature of salvage includes a reference to such claims for services rendered in saving life from a ship or an aircraft or in preserving cargo, apparel or wreck as, under sections 544 and 545 of the Merchant Shipping Act 1894 (an Act of Parliament), section 19 of the *Wreck and Salvage (Ships and Aircraft) Act 1979* or any Order in Council made under section 51 of the Civil Aviation Act 1949 (an Act of Parliament), are authorised to be made in connection with a ship or an aircraft.
7. Subject to paragraph 8, paragraphs 1 to 6 apply —
- (a) in relation to all ships or aircraft, whether Manx or not and wherever the residence or domicile of their owners may be;
- (b) in relation to all claims, wherever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land); and
- (c) so far as they relate to mortgages and charges, to all mortgages or charges, whether registered or not and whether legal or equitable, including mortgages and charges created under foreign law.
8. Nothing in paragraph 7 shall be construed as extending the cases in which money or property is recoverable under any of the provisions of the Merchant Shipping Acts 1894 to 1988 (being Acts of Parliament) or any other statutory provision relating to merchant shipping.

*Security in Admiralty proceedings in case of stay, etc.*  
[P1982/27/26]

8A. (1) Where the High Court stays or dismisses Admiralty proceedings on the ground that the dispute in question should be submitted to arbitration or to the determination of the courts of another country or territory, the High Court may, if in those proceedings property has been arrested or bail or other security has been given to prevent or obtain release from arrest —

- (a) order that the property arrested be retained as security for the satisfaction of any award or judgment which —
  - (i) is given in respect of the dispute in the arbitration or legal proceedings in favour of which those proceedings are stayed or dismissed; and
  - (ii) is enforceable in the Island; or
- (b) order that the stay or dismissal of those proceedings be conditional on the provision of equivalent security for the satisfaction of any such award or judgment.

(2) Where the High Court makes an order under sub-paragraph (1), it may attach such conditions to the order as it thinks fit, in particular conditions with respect to the institution or prosecution of the relevant arbitration or legal proceedings.

(3) Subject to any provision made by rules of court and to any necessary modifications, the same law and practice shall apply in relation to property retained in pursuance of an order made by the High Court under sub-paragraph (1) as would apply if it were held for the purposes of proceedings in that Court.<sup>83</sup>

9. In this Part, any reference to any Act of Parliament shall be construed as including a reference to that Act as it has effect in relation to ships registered in the Island.

## **PART 2 – MODE OF EXERCISE OF JURISDICTION IN ADMIRALTY**

[P1981/54/21]

10. Subject to Part 3, an action *in personam* may be brought in the High Court in all cases within the jurisdiction in admiralty of that court.

11. In the case of any such claim as is mentioned in paragraph 2(a), (c) or (r) or any such question as is mentioned in paragraph 2(b), an action *in rem* may be brought in the High Court against the ship, or property in connection with which the claim or question arises.

12. In any case in which there is a maritime lien or other charge on any ship, aircraft or other property for the amount claimed, an action *in rem* may be brought in the High Court against that ship, aircraft or property.

13. In the case of any such claim as is mentioned in paragraph 2(e) to (q), where —

- (a) the claim arises in connection with a ship; and

- (b) the person who would be liable on the claim in an action *in personam* (“the relevant person”) was, when the cause of action arose, the owner or charterer of, or in possession or in control of, the ship,

an action *in rem* may (whether or not the claim gives rise to a maritime lien on that ship) be brought in the High Court against —

- (i) that ship, if at the time when the action is brought the relevant person is either the beneficial owner of that ship as respects all the shares in it or the charterer of it under a charter by demise; or
- (ii) any other ship of which, at the time when the action is brought, the relevant person is the beneficial owner as respects all the shares in it.

14. In the case of a claim in the nature of towage or pilotage in respect of an aircraft, an action *in rem* may be brought in the High Court against that aircraft if, at the time when the action is brought, it is beneficially owned by the person who would be liable on the claim in an action *in personam*.

15. Where, in the exercise of its jurisdiction in admiralty, the High Court orders any ship, aircraft or other property to be sold, the court shall have jurisdiction to hear and determine any question arising as to the title to the proceeds of sale.

16. In determining for the purposes of paragraphs 13 and 14 whether a person would be liable on a claim in an action *in personam* it shall be assumed that he has his habitual residence or a place of business within the Island.

17. Where, as regards any such claim as is mentioned in paragraph 2(e) to (q), a ship has been served with a summons or arrested in an action *in rem* brought to enforce that claim, no other ship may be served with a summons or arrested in that or any other action *in rem* brought to enforce that claim; but this subsection does not prevent the issue, in respect of any one such claim, of a summons naming more than one ship or of two or more summons each naming a different ship.

**PART 3 – RESTRICTIONS ON ENTERTAINMENT OF ACTIONS IN PERSONAM IN COLLISION AND OTHER SIMILAR CASES**

[P1981/54/22]

18. This Part applies to any claim for damage, loss of life or personal injury arising out of –

- (a) a collision between ships; or
- (b) the carrying out of, or omission to carry out, a manoeuvre in the case of one or more of two or more ships; or
- (c) non-compliance, on the part of one or more of two or more ships, with the collision regulations.

19. The High Court shall not entertain any action in personam to enforce a claim to which this Part applies unless –

- (a) the defendant has his habitual residence or a place of business within the Island; or
- (b) the cause of action arose within inland waters of the Island or within the limits of a port of the Island; or
- (c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

20. In paragraph 19 –

“inland waters” includes any part of the sea adjacent to the coast of the Island certified by the Governor to be waters falling by international law to be treated as within the territorial sovereignty of Her Majesty apart from the operation of that law in relation to territorial waters;

“port” means any port, harbour, river, estuary, haven, dock, or other place vested in the Department of Infrastructure and “limits of a port” means the limits thereof as fixed by or under the *Harbours Act 2010*;<sup>84</sup>

“charges” means any charges with the exception of light dues, local light dues and any other charges in respect of lighthouses, buoys or beacons and of charges in respect of pilotage.

21. The High Court shall not entertain any action in personam to enforce a claim to which this Part applies until any proceedings previously brought by the plaintiff in any court outside the Island against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

22. Paragraphs 20 and 21 shall apply to counterclaims (except counterclaims in proceedings arising out of the same incident or series of incidents) as they apply to actions, the references to the plaintiff and the defendant being for this purpose read as references to the plaintiff on the counterclaim and the defendant to the counterclaim respectively.



23. Paragraphs 20 and 21 shall not apply to any action or counterclaim if the defendant thereto submits or has agreed to submit to the jurisdiction of the court.

24. Subject to the provisions of paragraph 21, the High Court shall have jurisdiction to entertain an action in personam to enforce a claim to which this Part applies whenever any of the conditions specified in paragraph 19(a) to (c) is satisfied, and the rules of court relating to the service of process outside the jurisdiction shall make such provision as may appear to the Deemsters to be appropriate having regard to the provisions of this paragraph.

25. For the avoidance of doubt it is hereby declared that this Part applies in relation to the jurisdiction of the High Court not being jurisdiction in admiralty, as well as in relation to its jurisdiction in admiralty.

#### **PART 4 – HIGH COURT NOT TO HAVE JURISDICTION IN CASES WITHIN RHINE CONVENTION**

[P1981/54/23]

26. The High Court shall not have jurisdiction to determine any claim or question certified by the Governor to be a claim or question which, under the Rhine Navigation Convention, falls to be determined in accordance with the provisions of that Convention; and any proceedings to enforce such a claim which are commenced in the High Court shall be set aside.

#### **PART 5 – SUPPLEMENTARY PROVISIONS AS TO ADMIRALTY JURISDICTION**

27. In this Schedule –

“**collision regulations**” means regulations for the prevention of collisions at sea under any statutory provision;

“**goods**” includes baggage,

“**master**” includes every person (except a pilot) having command or charge of a ship;

“**the Rhine Navigation Convention**” means the Convention of the 7th October 1868 as revised by any subsequent Convention;

“**ship**” includes, any description of vessel used in navigation and includes a hovercraft;

“**towage**” and “**pilotage**”, in relation to an aircraft, mean towage and pilotage while the aircraft is waterborne.

28. Nothing in this Schedule shall –

- (a) be construed as limiting the jurisdiction of the High Court to refuse to entertain an action for wages by the master or a member of the crew of a ship, not being a British ship;
- (b) affect the provisions of section 23 of the *Wreck and Salvage (Ships and Aircraft) Act 1979* (power of a receiver of wreck to detain a ship in respect of a salvage claim); or
- (c) authorise proceedings in rem in respect of any claim against the Crown, or the arrest, detention or sale of any ship, aircraft, cargo or other property belonging to the Crown.

**SCHEDULE 1A<sup>85</sup>****GUARANTEES FOR PUBLIC SECTOR SETTLEMENTS**

[Section 36A(10)]

**1 Application**

This Schedule applies where—

- (a) a claim or action for damages for personal injury is settled on terms such that the damages are to consist wholly or partly of periodical payments; or
- (b) the High Court when awarding damages for personal injury makes an order incorporating such terms.

**2 Guarantees**

If it appears to a Department or to the Public Services Commission (the “relevant authority”) that the periodical payments are to be made by a body in relation to which the relevant authority has, by virtue of this Schedule, power to do so, the relevant authority may guarantee the payments to be made under the agreement or order.

**3 Bodies to which this Schedule applies**

The bodies in relation to which a relevant authority may give such a guarantee shall be such bodies as are designated in guidelines agreed between the relevant authority and the Treasury.

This is subject to paragraph 4.

**4 Effect on guarantee of failure to comply with guidelines**

A guarantee purporting to be given by a relevant authority shall not be invalidated by any failure on the part of that authority to act in accordance with the guidelines.

**5 Guarantee must provide for reimbursement with interest**

A guarantee under this Schedule shall be given on such terms as the relevant authority may determine, but those terms must in every case require the body to which the guarantee is provided to reimburse the relevant authority, with interest, for any sums paid by that authority in fulfilment of the guarantee.

**6 Statements about guarantees to be laid before Tynwald**

A relevant authority which has given one or more guarantees under this Schedule must, as soon as possible after the end of its financial year, lay before Tynwald showing—

- (a) what liabilities are outstanding in respect of the guarantees in that year,
- (b) what sums have been paid in that year in fulfilment of the guarantees, and
- (c) what sums (including interest) have been recovered in that year in respect of the guarantees or are still owing.

**SCHEDULE 2**

**AMENDMENT OF ENACTMENTS RELATING TO ACTIONS  
FOR DAMAGES FOR PERSONAL INJURIES RESULTING IN  
DEATH**

Section 38

[Sch 2 amends the following Acts —

Law Reform (Miscellaneous Provisions) Act 1938 q.v.

Fatal Accidents Act 1981 q.v.]

## SCHEDULE 3

### AMENDMENT OF ENACTMENTS

#### Section 59(1)

[Sch 3 amended by Criminal Jurisdiction Act 1993 Sch 4, by Custody Act 1995 Sch 5, by Gas Regulation Act 1995 Sch 3, by Mental Health Act 1998 Sch 6 and by Matrimonial Proceedings Act 2001 Sch 2, and amends the following Acts —

Trespass Act 1753 q.v.  
Newspapers Act 1846 q.v.  
Land Drainage and Boundaries Act 1851 q.v.  
Evidence Act 1871 q.v.  
Bankruptcy Code 1892 q.v.  
Partnership Act 1909 q.v.  
Local Government (Singing Rooms) Act 1928 q.v.  
Members of Tynwald (Disqualification) Act 1930 q.v.  
Partition Act 1931 q.v.  
Companies Act 1931 q.v.  
Bankers' Books Evidence Act 1935 q.v.  
Bail Act 1952 q.v.  
Action of Arrest Act 1953 q.v.  
Income Tax Act 1970 q.v.  
Civil Evidence Act 1973 q.v.  
Interpretation Act 1976 q.v.  
Arbitration Act 1976 q.v.  
Torts (Interference with Goods) Act 1981 q.v.]

In respect of the insertion of s 14A in the Arbitration Act 1976, the following entry applies —

“(4) This entry applies to an arbitration agreement whether it was entered into before or after the commencement of this entry.”]

1. Where this Schedule refers to any expression in an enactment and that expression occurs more than once in that enactment, the reference shall, unless the context otherwise requires, be construed as a reference to that expression in each place where it occurs in that enactment.

**SCHEDULE 4****TRANSITIONAL PROVISIONS AND SAVINGS**

## Section 59(2)

1. A reference (however worded) in any statutory provision to any Division or Jurisdiction of the High Court shall be construed as a reference to the High Court.
2. A reference in any statutory provision to Her Majesty's High Court of Justice of the Isle of Man shall be construed as a reference to the High Court of Justice of the Isle of Man.
3. So much of any enactment as refers or relates to any former court or judge whose jurisdiction is vested in the High Court shall be construed and have effect as if any reference to that court or judge were a reference to the High Court.
4. Those persons who, immediately before the commencement of this Act, held the offices of First Deemster, Second Deemster and Judge of Appeal shall continue to hold such offices on the same terms and conditions as applied immediately before such commencement.
5. Section 3(10) shall not apply to a Deemster who held office immediately before the commencement of this Act.
6. This Act does not transfer to the High Court any Jurisdiction of the First Deemster and Clerk of the Rolls in relation to the records of the Island.
7. No repeal or amendment of any enactment by this Act shall have effect in relation to any ecclesiastical court or to proceedings in such a court.

**SCHEDULE 5****REPEAL OF ENACTMENTS**

## Section 59(3)

[Sch 5 repeals the following Acts wholly —

Customary Laws (No. 2) Act 1577

Evidence Act 1736

Sequestration Act 1736

Vexatious Actions Act 1758

An Act for the Draining of Loughs and Stagnations of Water, and also for making Stone Wall Boundaries, and for other purposes

Common Law Court Act 1777

Administration of Justice Act 1793

Security on Appeals to the Privy Council Act 1849

Appellate Jurisdiction Act 1867

Courts Adjournment Act 1868

Ecclesiastical Civil Judicature Transfer Act 1884

Judicature Amendment Act 1889

High Court of Justice (Funds) Act 1891

Judicature Amendment Act 1903

Judicature Amendment Act 1918

Judicature Amendment Act 1921

Judicature Amendment Act 1922

Criminal Code Amendment Act 1925

Judicature Amendment Act 1937

Administration of Justice Act 1949

Judgments (Enforcement of Executions) Act 1959

and the following Acts in part —

Customary Laws Act 1422

Customary Laws Act 1577

Gregorian Calendar Act 1753

Common Law Courts Act 1796

Real Property Act 1869

Criminal Code 1872

Courts Amended Procedure Act 1876

Isle of Man Judicature Act 1883



Settled Land Act 1891  
Bankruptcy Procedure Act 1892  
Bankruptcy Code Amendment Act 1903  
Conveyancing Act 1908  
Companies Act 1931  
Law Reform (Miscellaneous Provisions) Act 1938  
Administration of Justice Act 1951  
Bail Act 1952  
Rating and Valuation Act 1953  
Trustee Act 1961  
Licensing Act 1961  
Governor's Financial and Judicial Functions (Transfer) Act 1976  
Short Titles Act 1977  
Pre-Revestment Written Laws (Ascertainment) Act 1978  
Governor's General Functions (Transfer) Act 1980  
Administration of Justice Act 1981  
Fatal Accidents Act 1981  
Evidence Act 1983  
Administration of Justice Act 1983  
Conveyancing Act 1985  
Summary Jurisdiction Act 1989  
Administration of Estates Act 1990.]



## ENDNOTES

### Table of Endnote References

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- <sup>1</sup> Subs (1) substituted by SD352/09.
- <sup>2</sup> Subs (2) substituted by Administration of Justice Act 2008 s 1(1). Para (b) amended by SD352/09.
- <sup>3</sup> Subs (5) amended by SD352/09.
- <sup>4</sup> S 3 substituted by Administration of Justice Act 2008 s 1(2).
- <sup>5</sup> Subs (3) amended by Justice Reform Act 2021 s 99.
- <sup>6</sup> Subs (4) amended by Justice Reform Act 2021 s 99.
- <sup>7</sup> Subs (5) repealed by Summary Jurisdiction and Miscellaneous Amendments Act 2013 s 10.
- <sup>8</sup> S 3A inserted by Administration of Justice Act 2008 s 1(2).
- <sup>9</sup> S 3B heading substituted by Summary Jurisdiction and Miscellaneous Amendments Act 2013 s 10.
- <sup>10</sup> Subs (2) amended by Justice Reform Act 2021 s 99.
- <sup>11</sup> S 3B inserted by Administration of Justice Act 2008 s 1(2).
- <sup>12</sup> S 3C inserted by Administration of Justice Act 2008 s 1(2).
- <sup>13</sup> S 4A inserted by Administration of Justice Act 2008 s 1(3).
- <sup>14</sup> S 9A inserted by Civil Partnership Act 2011 Sch 14.
- <sup>15</sup> See General Note.
- <sup>16</sup> See General Note.
- <sup>17</sup> Subs (2) amended by SD352/09.
- <sup>18</sup> Subs (4) substituted by Administration of Justice Act 2008 s 2.
- <sup>19</sup> Subs (5) added by Administration of Justice Act 2008 s 2.
- <sup>20</sup> S 13 amended by SD352/09.
- <sup>21</sup> Subs (1) amended by SD352/09.
- <sup>22</sup> S 14 amended by SD352/09. Subs (2) amended by SD352/09.
- <sup>23</sup> Subs (1) amended by SD352/09. Para (c) added by Civil Jurisdiction Act 2001 s 7.
- <sup>24</sup> S 15 amended by SD352/09.
- <sup>25</sup> Definition of “court” amended by SD352/09.
- <sup>26</sup> S 16 substituted by Administration of Justice Act 2008 s 3.
- <sup>27</sup> Subs (1) amended by Administration of Justice Act 2008 Sch 2.
- <sup>28</sup> S 16A inserted by Small Claims Arbitration (Personal Representation) Act 2006 s 1 (with saving).
- <sup>29</sup> S 17A inserted by Civil Jurisdiction Act 2001 s 8.
- <sup>30</sup> S 17B inserted by Civil Jurisdiction Act 2001 s 8.
- <sup>31</sup> S 17C inserted by Civil Jurisdiction Act 2001 s 8.
- <sup>32</sup> S 17D inserted by Civil Jurisdiction Act 2001 s 8.
- <sup>33</sup> Para (a) substituted by Criminal Jurisdiction Act 1993 Sch 3.
- <sup>34</sup> Subs (4) amended by SD352/09.

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- <sup>35</sup> Subs (6) amended by SD352/09.
- <sup>36</sup> Subs (1) amended by SD352/09.
- <sup>37</sup> Subs (3) added by Civil Partnership Act 2011 Sch 14.
- <sup>38</sup> Para (c) amended by SD352/09.
- <sup>39</sup> S 19A inserted by Civil Jurisdiction Act 2001 s 10.
- <sup>40</sup> S 19B inserted by Administration of Justice Act 2008 s 4(1).
- <sup>41</sup> Subs (2) amended by SD352/09.
- <sup>42</sup> Subs (1) amended by SD352/09.
- <sup>43</sup> S 21A inserted by Administration of Justice Act 2008 s 4(2).
- <sup>44</sup> Subs (1) amended by Administration of Justice Act 2008 Sch 2.
- <sup>45</sup> Subs (4) repealed by Criminal Jurisdiction Act 1993 Sch 4.
- <sup>46</sup> Subs (4) substituted by Civil Jurisdiction Act 2001 s 11 and amended by Administration of Justice Act 2008 Sch 2.
- <sup>47</sup> Subs (8) substituted by Administration of Justice Act 2008 s 26.
- <sup>48</sup> Subs (8A) inserted by Administration of Justice Act 2008 s 26.
- <sup>49</sup> S 27A inserted by Administration of Justice Act 2008 s 5.
- <sup>50</sup> S 27B inserted by Administration of Justice Act 2008 s 5.
- <sup>51</sup> S 30 amended by Administration of Justice Act 2008 Sch 2.
- <sup>52</sup> Subs (5) amended by Audit Act 2006 Sch 1 and by Audit (Amendment) Act 2015 Sch.
- <sup>53</sup> S 33A inserted by Administration of Justice Act 2008 s 24.
- <sup>54</sup> Subs (2) amended by Administration of Justice Act 2008 s 6(1).
- <sup>55</sup> Subs (1) amended by Administration of Justice Act 2008 s 6(2).
- <sup>56</sup> S 36A inserted by Statute Law Revision Act 2017 s 36.
- <sup>57</sup> S 36B inserted by Statute Law Revision Act 2017 s 36.
- <sup>58</sup> S 36C inserted by Statute Law Revision Act 2017 s 36.
- <sup>59</sup> S 36D inserted by Statute Law Revision Act 2017 s 36.
- <sup>60</sup> See General Note.
- <sup>61</sup> See General Note.
- <sup>62</sup> See General Note.
- <sup>63</sup> Subs (2) substituted by Financial Services Act 2008 Sch 6.
- <sup>64</sup> See General Note.
- <sup>65</sup> Subs (1) amended by Civil Partnership Act 2011 Sch 14.
- <sup>66</sup> Subs (3) amended by Civil Partnership Act 2011 Sch 14.
- <sup>67</sup> S 52 amended by Civil Partnership Act 2011 Sch 14.
- <sup>68</sup> Subs (3) substituted by Administration of Justice Act 2008 s 7.
- <sup>69</sup> Subs (4) added by Administration of Justice Act 2008 s 7.
- <sup>70</sup> Subs (5) added by Administration of Justice Act 2008 s 7.
- <sup>71</sup> Para (a) amended by SD352/09.
- <sup>72</sup> S 56A inserted by Civil Jurisdiction Act 2001 s 1.
- <sup>73</sup> S 56B inserted by Civil Jurisdiction Act 2001 s 1.
- <sup>74</sup> S 57 amended by Interpretation Act 2015 s 106.
- <sup>75</sup> S 57A inserted by Administration of Justice Act 2008 s 8.



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<sup>76</sup> Para (a) amended by SD352/09.

<sup>77</sup> Para (b) amended by SD352/09.

<sup>78</sup> Definition of “the Civil Division”, formerly “Civil Divisions”, substituted by SD352/09.

<sup>79</sup> Definition of “Judge of the High Court” inserted by Summary Jurisdiction and Miscellaneous Amendments Act 2013 s 10.

<sup>80</sup> Subs (1A) inserted by Summary Jurisdiction and Miscellaneous Amendments Act 2013 s 10 and repealed by Interpretation Act 2015 s 105.

<sup>81</sup> ADO (whole Act except s 2(1)(iii) and s 27(4) to (6)) 1/4/1992; (s 2(1)(iii)) 1/10/1992 (GC62/92); (s 27(4) to (6)) 1/4/1998 (SD110/98).

<sup>82</sup> Para 5 substituted by SD197/07 effective 15/9/2008 on the extension of the Supplementary Fund Protocol.

<sup>83</sup> Para 8A inserted by Civil Jurisdiction Act 2001 s 2.

<sup>84</sup> Definition of “port” amended by SD155/10 Sch 5 and by Harbours Act 2010 Sch 4.

<sup>85</sup> Sch 1A inserted by Statute Law Revision Act 2017 s 36.