



Isle of Man

Ellan Vannin

AT 7 of 2007

**PERSONAL LIABILITY (MINISTERS,
MEMBERS AND OFFICERS) ACT 2007**



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**Isle of Man***Ellan Vannin*

PERSONAL LIABILITY (MINISTERS, MEMBERS AND OFFICERS) ACT 2007

Received Royal Assent: 16 October 2007
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AN ACT to make provision with respect to the personal liability of members of departments and statutory boards, public officers and certain others; and for connected purposes.

1 [Substitutes paragraphs 6, 7 and 8 for paragraph 6 of Schedule 1 to the *Government Departments Act 1987*.]

2 [Substitutes paragraphs 11, 11A and 11B for paragraph 11 of Schedule 2 to the *Statutory Boards Act 1987*.]

3 Liability of designated persons

- (1) A person specified in subsection (2) (“designated person”) shall not be personally liable in respect of any act done in the performance or purported performance of his or her functions if the designated person acted in good faith and in the honest belief —
- (a) that his or her functions required or empowered the doing of the act; or
 - (b) that he or she was acting in the exercise or execution of any authority conferred on him or her in their official capacity.
- (2) The following are the designated persons referred to in subsection (1) —
- (a) the person holding the office of Chief Minister;
 - (b) officers (permanent or temporary) serving in the Chief Minister’s Office;
 - (c) a person holding the office of Minister;
 - (d) the person holding the office of Attorney General;

- (e) officers (permanent or temporary) serving in the Attorney General's Chambers;
 - (f) the person holding the office of Chief Secretary;
 - (g) officers (permanent or temporary) serving in the Cabinet Office;¹
 - (h) the person holding the office of Clerk of Tynwald;
 - (i) officers (permanent or temporary) serving in the Clerk of Tynwald's Office;
 - (ia) the person holding the office of Tynwald Commissioner for Administration;²
 - (ib) officers (permanent or temporary) serving on the staff of the Tynwald Commissioner for Administration;³
 - (ic) the person holding the office of Tynwald Auditor General;⁴
 - (id) officers (permanent or temporary) serving on the staff of the Tynwald Auditor General;⁵
 - (j) the person holding the office of Chief Registrar;
 - (ja) the person holding the office of Registrar General and any other person insofar as that person is discharging any of the duties of that office;⁶
 - (k) officers (permanent or temporary) serving in any registry, office or division of the General Registry or the court service;
 - (ka) the Director of the Financial Intelligence Unit;⁷
 - (kb) the staff of the Financial Intelligence Unit (whether serving as employees, secondees or otherwise);⁸
 - (l) any other public officer, Government officer or trustee (who holds office by virtue of membership of a public body) who is specified in an order made by the Council of Ministers.
- (3) Subsection (1) does not apply so as to prevent an award of damages made in respect of an act on the ground that the act was unlawful as a result of section 6(1) of the *Human Rights Act 2001*.
- (4) Nothing in this section shall be construed as affecting —
- (a) the privileges of Tynwald or any Branch of Tynwald;
 - (b) section 10 of the *Public Services Commission Act 2015* (liability in tort);⁹
 - (c) any right or privilege that, apart from this section, applies in respect of any office held by a designated person;
 - (d) any indemnity or limitation of liability under any other enactment.

4 Indemnification of designated persons

- (1) Subsection (2) applies where any action, suit or proceeding has been brought or threatened against a designated person in respect of any act done by that designated person in the performance or purported performance of his or her functions and the circumstances are such that the designated person is not legally entitled to be indemnified out of the General Revenue.
- (2) The Treasury may indemnify a designated person against the whole or any part of any liability, damages, loss, claim or proceedings, costs or legal expenses which he or she may have been ordered to pay or may reasonably incur, if the Treasury or the High Court is satisfied that he or she acted in good faith and in the honest belief —
 - (a) that his or her functions required or empowered the doing of the act; or
 - (b) that he or she was acting in the exercise or execution of any authority conferred on him or her in their official capacity.

5 Supplementary

- (1) In this Act —

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

“**designated person**” has the meaning given in section 3 and includes a former designated person and the estate of a former designated person but only in respect of acts done while he or she was a designated person.
- (2) For the purposes of sections 3 and 4, a certificate signed by the Governor shall be conclusive evidence for all purposes that an individual is or was at any time a designated person and a certificate purporting to be so signed shall be treated as so signed unless the contrary is proved.
- (3) An order under section 3(2)(l) shall not come into operation unless it is approved by Tynwald.

6 Transitional provisions

- (1) In respect of a member of a Department, in section 1, the new paragraph 6(1) of Schedule 1 to the *Government Departments Act 1987* applies only in respect of an act done on or after the date on which section 1 comes into operation.
- (2) In section 1, the new paragraph 7(2) of Schedule 1 to the *Government Departments Act 1987* applies in respect of acts done before, on or after the date on which section 1 comes into operation.

- (3) In respect of a member of a Board, in section 2, the new paragraph 11(1) of Schedule 2 to the *Statutory Boards Act 1987* applies only in respect of an act done on or after the date on which section 2 comes into operation.
- (4) In section 2, the new paragraph 11A(2) of Schedule 1 to the *Statutory Boards Act 1987* applies in respect of acts done before, on or after the date on which section 1 comes into operation.
- (5) Section 3 applies only in respect of any act done on or after the date on which section 3 comes into operation.
- (6) Section 4 applies in respect of acts done before, on or after the date on which section 1 comes into operation

7 **Short title**

This Act may be cited as the Personal Liability (Ministers, Members and Officers) Act 2007.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Para (g) amended by Cabinet Office (Legislative Amendments) Act 2014 s 4.

² Para (ia) inserted by Tynwald Commissioner for Administration Act 2011 s 30.

[Editorial Note: This paragraph was originally intended to be para (ic) and to be inserted after para (ib). The insertion of para (ib) by the Tynwald Auditor General Act 2011 was not in operation at the time that this para was inserted and so this para was renumbered.]

³ Para (ib) inserted by Tynwald Commissioner for Administration Act 2011 s 30.

[Editorial Note: This paragraph was originally intended to be para (id) and to be inserted after para (ic). The insertion of para (ib) by the Tynwald Auditor General Act 2011 was not in operation at the time that para (ic) was to be inserted and so para (ic) was renumbered as para (ib) and this para, which was intended to be para (id), was renumbered as para (ib).]

⁴ Para (ic) inserted by Tynwald Auditor General Act 2011 Sch 2. [Editorial Note: This paragraph was originally intended to be para (ia) and to be inserted after para (i). The paras inserted by the Tynwald Commissioner for Administration Act 2011 were renumbered as paras (ia) and (ib) so this para, which was intended to be para (ia), was renumbered as para (ic).]

⁵ Para (id) inserted by Tynwald Auditor General Act 2011 Sch 2. [Editorial Note: This paragraph was originally intended to be para (ib) and to be inserted after para (ia). The paras inserted by the Tynwald Commissioner for Administration Act 2011 were renumbered as paras (ia) and (ib) so this para, which was intended to be para (ib), was renumbered as para (id).]

⁶ Para (ja) inserted by Central Registry Act 2018 Sch.

⁷ Para (ka) inserted by Financial Intelligence Unit Act 2016 Sch 3.

⁸ Para (kb) inserted by Financial Intelligence Unit Act 2016 Sch 3.

⁹ Para (b) amended by Public Services Commission Act 2015 Sch as transitionally modified by SD2015/0046 (as amended by SD2015/0072 and SD2015/0229). Transitional modification expired 01/09/15.