



Isle of Man

Ellan Vannin

AT 15 of 2021

STATUTE LAW REVISION ACT 2021



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Index

Section	Page
PART 1 – INTRODUCTORY	5
1 Short title	5
2 Commencement	5
PART 2 – MISCELLANEOUS AMENDMENTS AND REPEALS	5
3 Adoption Act 1984 amended	5
4 Board of Consumer Affairs Act 1981 amended	6
5 Central Registry Act 2018 amended	6
6 Charities Act 1986 amended	6
7 Charities Registration and Regulation Act 2019 amended	6
8 Church Act 1987 amended	6
9 Coinage Offences Act 1980 amended	6
10 Constitution Act 1990 amended	6
11 Customs and Excise Management Act 1986 amended	6
12 Designated Businesses (Registration and Oversight) Act 2015 amended	7
13 Divorce, Dissolution and Separation (Isle of Man) Act 2020 amended	7
“Introductory”.	7
14 Employment Act 2006 amended	9
15 Equality Act 2017 amended	9
16 European Union and Trade Act 2019 amended	13
17 Fatal Accidents Act 1981 amended	13
18 Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Act 2018 amended	13
19 Governor’s General Functions (Transfer) Act 1980 amended	14
20 Highways Act 1986 amended	14
21 Insurance (Amendment) Act 2017 amended	14
22 Interpretation Act 2015 amended	14
23 Isle of Man Constitution Amendment Act 1919 amended	14
24 Isle of Man Loans Act 1974 amended	15
25 Land Registration Act 1982 amended	15

26	Legislation Act 2015 amended.....	15
27	Marine Infrastructure Management Act 2016 amended.....	15
28	Maritime Security Act 1995 amended	16
29	Regulation of Surveillance, etc. Act 2006 amended.....	16
30	Road Traffic Act 1985 amended	16
31	Trade Disputes Act 1985 amended	16
32	Tribunals Act 2006 amended	16
ENDNOTES		17
TABLE OF ENDNOTE REFERENCES		17



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Signed in Tynwald: 20 July 2021
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AN ACT to repeal spent enactments, and make minor amendments and corrections to Manx enactments; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows: —

PART 1 – INTRODUCTORY

1 Short title

The short title of this Act is the Statute Law Revision Act 2021.

2 Commencement

- (1) This Act comes into operation on such day or days as the Council of Ministers may by order appoint.
- (2) An order under subsection (1) may make such consequential, incidental, supplemental, transitional and transitory provision as the Council of Ministers considers appropriate.
Tynwald procedure – laying only.

PART 2 – MISCELLANEOUS AMENDMENTS AND REPEALS

3 Adoption Act 1984 amended

- (1) The *Adoption Act 1984* is amended as follows.
- (2) Paragraph 11 of Schedule 3 is repealed.

4 Board of Consumer Affairs Act 1981 amended

- (1) The *Board of Consumer Affairs Act 1981* is amended as follows.
- (2) Schedule 3 is repealed.

5 Central Registry Act 2018 amended

- (1) The *Central Registry Act 2018* is amended as follows.
- (2) In the Schedule, omit paragraphs 33(13) and 33(14).

6 Charities Act 1986 amended

- (1) The *Charities Act 1986* is amended as follows.
- (2) In section 3(4), for “(2)(b)” substitute **“(2)(a)”**.

7 Charities Registration and Regulation Act 2019 amended

- (1) The *Charities Registration and Regulation Act 2019* is amended as follows.
- (2) In section 8(4), for “section 12” substitute **“section 11”**.
- (3) In section 23 —
 - (a) in subsection (2), renumber paragraphs (f) and (g) as (e) and (f) respectively; and
 - (b) in subsection (4)(b)(iii), for “(2)(g)” substitute **“(2)(f)”**.
- (4) In section 27(8), for “section 46(b)” substitute **“section 46(1)(b)”**.

8 Church Act 1987 amended

- (1) The *Church Act 1987* is amended as follows.
- (2) In section 3(2) for the words preceding “applies” substitute **“Division 4 of Part 4 of the *Legislation Act 2015* (default savings and transitional provisions)”**.

9 Coinage Offences Act 1980 amended

- (1) The *Coinage Offences Act 1980* is amended as follows.
- (2) Section 15 is repealed.

10 Constitution Act 1990 amended

- (1) The *Constitution Act 1990* is amended as follows.
- (2) In section 1(1)(a), omit “in pursuance of the *Promulgation Act 1988*”.

11 Customs and Excise Management Act 1986 amended

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

- (2) Omit section 189(4).
- (3) In Schedule 6, —
 - (a) in paragraph 5, for “section 15 of the *Interpretation Act 1976*” substitute **58** section 58 of the *Legislation Act 2015* **58**; and
 - (b) in paragraph 6 for “section 16 of the *Interpretation Act 1976*” substitute **64** Division 4 of Part 4 of the *Legislation Act 2015* **64**.

12 Designated Businesses (Registration and Oversight) Act 2015 amended

- (1) The *Designated Businesses (Registration and Oversight) Act 2015* is amended as follows.
- (2) For section 35(3) substitute, —

33 (3) Section 31 of the <i>Legislation Act 2015</i> (which makes provision concerning the affirmative Tynwald procedure) applies to an order under this Act other than an order under section 2. 33 .
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13 Divorce, Dissolution and Separation (Isle of Man) Act 2020 amended

- (1) The *Divorce, Dissolution and Separation (Isle of Man) Act 2020* is amended as follows.
- (2) For the heading before section 1, substitute —

“Introductory”.
- (3) In section 2(3) (commencement), for “modification” substitute “amendments or repeals”.
- (4) In section 3 (divorce: removal of requirement to establish facts etc.), (which substitutes section 2 of the *Matrimonial Proceedings Act 2003* (divorce on breakdown of marriage))—
 - (a) in substituted section 2(1) —
 - (i) for “section 3” substitute “section 4”;
 - (ii) for “court” substitute “Court”;
 - (b) in substituted section 2(4)(a), 2(4)(b), (5) and (6)(b), for “conditional” substitute “provisional”.
- (5) In section 4(2) (separation: removal of factual grounds) (which substitutes section 17(1) of the *Matrimonial Proceedings Act 2003* (separation), in substituted section 17(1) and (1B), omit “judicial”.
- (6) In section 6 (dissolution orders: time limits) —
 - (a) in subsection (3) (which inserts section 35A of the *Civil Partnership Act 2011* (dissolution on ground of breakdown: conditional and final orders)), in the heading to the inserted section 35A and in

- inserted section 35(1)(a), (1)(b), (2) and (5)(b), for “conditional” substitute “provisional”;
- (b) in subsection (4) (which amends section 36 of the *Civil Partnership Act 2011* (the period before conditional orders may be made final))—
- (i) for “conditional” substitute “provisional”;
- (ii) in paragraph (a), in the substituted heading, for “conditional” substitute “provisional”;
- (iii) in paragraph (b) (which inserts section 36(A1) of the *Civil Partnership Act 2011*), in inserted section 36(A1)(a) for “conditional” substitute “provisional”.
- (7) In section 7(1) (separation: removal of factual grounds), for “2004” substitute “2011”.
- (8) In section 8 (minor and consequential amendments) —
- (a) in subsection (2), after “Manx enactment” insert “(whenever passed or made)”;
- (b) omit subsection (3).
- (9) In the Schedule (minor and consequential amendments) —
- (a) for the subsubheading “[Section 0]” substitute “[Section 8(1)]”;
- (b) in paragraph 2 (Sections 3, 5 and 6 omitted) —
- (i) in the heading, after “Sections 3,” insert “4(2),”;
- (ii) in subparagraph (1), omit “supplemental provisions as to”;
- (iii) renumber existing subparagraph (2) as subparagraph (3) and existing subparagraph (3) as subparagraph (4);
- (iv) after subparagraph (1) insert —
- “(2) Omit section 4(2) (which permits an application to be made on the basis of matters arising in the first year of marriage).”;
- (c) in paragraph 5 (special protection for respondent in separation cases: section 9 amended) in subparagraph (4) (which substitutes section 9(2) of the *Matrimonial Proceedings Act 2003*), in substituted section 9(2)(a) —
- (i) for “divorce order a” substitute “divorce order, a”;
- (ii) for “conditional” wherever it appears substitute “provisional”;
- (d) in paragraph 7 (period before annulment orders may be made final: section 13B inserted) (which inserts section 13B of the *Matrimonial Proceedings Act 2003*), in inserted section 13B(1)(a) and (b) for “conditional” substitute “provisional”;

- (e) in paragraph 8(2) (bars to relief where marriage voidable: section 14 amended) (which amends section 14 of the *Matrimonial Proceedings Act 2003*), after subparagraph (b) insert —
 - “(c) for “he would” substitute “he or she would”.”;
- (f) in paragraph 9(3) (provisional and final orders: section 23 amended) for “omit “divorce order, annulment order and” substitute “for “a divorce order, annulment order or” substitute “an order””;
- (g) in paragraph 20 (*Inheritance (Provision for Family and Dependants) Act 1982* amended) —
 - (i) in subparagraph (2), after “(application for” insert “final”;
 - (ii) in subparagraph (5)(b) (which substitutes section 15(2) of the *Inheritance (Provision for Family and Dependants) Act 1982*), in substituted section 15(2) after “may” insert “be”;
- (h) in paragraph 22 (*Legitimacy Act 1985* amended) for “section 10” of the *Legitimacy Act 1985* (interpretation) in the definition of” substitute “section 11(1) of the *Legitimacy Act 1985* (interpretation) in the definitions of “void civil partnership” and”;
- (i) in paragraph 24 (*Children and Young Persons Act 2001* amended) for “8(3)(a)” substitute “8(4)(a)”.

14 Employment Act 2006 amended

- (1) The *Employment Act 2006* is amended as follows.
- (2) In section 58(1)(c) and (2)(b), for “Department of Health” substitute **Department of Health and Social Care**.

15 Equality Act 2017 amended

- (1) The *Equality Act 2017* is amended as follows.
- (2) In section 3(2) at the appropriate points in the alphabetical list insert, —
 - “limited liability company”** means a limited liability company formed under the *Limited Liability Companies Act 1996*, and “member” in relation to such a company is to be construed in accordance with that Act, and in particular section 1A thereof; **and**
 - “pay”** means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly from the worker’s employer; **and**.
- (3) In section 23(4), in the table of designated authorities which may make regulations, in the entry relating to Part 4, for “DOI” substitute **DEFA**.
- (4) For section 24(3) substitute —

- ~~63~~ (3) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is a civil partner while another is married is not a material difference between the circumstances relating to each case.
- (4) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is married to, or the civil partner of, a person of the same sex while another is married to, or the civil partner of, a person of the opposite sex is not a material difference between the circumstances relating to each case. ~~62~~.
- (5) In section 43, after subsection (6), insert, —
- ~~63~~ (6A) A duty to make reasonable adjustments applies to the members. ~~62~~.
- (6) In section 44(3)(c), after “offering” insert B ~~62~~.
- (7) In section 52(10), after “a position as a partner,” insert ~~63~~ a position as a member of a limited liability company, ~~62~~.
- (8) In section 73, —
- (a) in subsection (3), for the words following “a position as a partner” substitute —
- ~~63~~, a position as a member of a limited liability company, or an appointment to a personal or a public office. ~~62~~; and
- (b) in subsection (4), before the definition of “related line” insert, —
- ~~63~~ “electric line” means an electric line which falls within section 87(7) of the *Energy Act 2004* (of Parliament); ~~62~~.
- (9) In section 75(3), for “subsections (1) and (2)” substitute ~~63~~ subsection (2) ~~62~~.
- (10) In section 80, for subsections (3) to (5) substitute, —
- ~~63~~ (3) In this Division, —
- “**maintained school**” has the meaning given by section 59(1) of the *Education Act 2001*;
- “**provided school**” has the meaning given by section 59(1) of the *Education Act 2001*;
- “**pupil**” means a person attending, or registered at, a school;
- “**school**” has the meaning given by section 59(1) of the *Education Act 2001*; and
- “**special school**” has the meaning given by section 59(1) of the *Education Act 2001*. ~~62~~.
- (11) In section 103(6)(d)(i), for “this Part” substitute ~~63~~ Schedule 17 ~~62~~.
- (12) Omit section 109(8).

- (13) In section 111(6) for “Tribunal rules under Schedule 17 to this Act.” substitute **“EET rules.”**
- (14) In section 121(8), in the definition of “qualified person”, for “the Manx Industrial Relations Service” substitute **“an industrial relations officer.”**
- (15) Omit section 128.
- (16) In section 138(2)(a) for “Tribunal rules” substitute **“EET rules.”**
- (17) In section 144(2), after “subsection (1)(b)”, insert **“of that section.”**
- (18) In section 147(5), after paragraph (c), insert, —
- “(ca) offer a person a position as a member of a limited liability company,”**
- (19) In section 152(2)(b), after “DHSC”, insert **“or the Treasury.”**
- (20) In section 157(3)(c)(i), for “that Court” substitute **“that the Court.”**
- (21) In section 158, after subsection (2), insert, —
- (2A) A code of practice comes into operation and may be revoked in accordance with an order made by the Council of Ministers.**
- (2B) An order under subsection (2A) may include such consequential, incidental, supplemental, transitional and transitory provision as appears to the Council of Ministers to be expedient.**
- (22) In Schedule 3 —
- (a) in paragraph 22, —
- (i) for “solemnise” substitute **“solemnize,”** and
- (ii) for “solemnisation” substitute **“solemnization,”**
- wherever the word in question occurs; and
- (b) in paragraph 28, —
- (i) for the heading substitute, —
- “28 Religious organisations: civil partnership ceremonies and same sex marriage ceremonies”; and**
- (ii) in the text of the paragraph for “civil partnerships or same sex marriage ceremonies” substitute **“civil partnership ceremonies or same sex marriage ceremonies.”**
- (23) In Schedule 8, —
- (a) in paragraph 8, —
- (i) renumber the existing text as subparagraph (1); and
- (ii) after that subparagraph insert, —
- (2) Where a limited liability company or a proposed limited liability company (“A”) is required by this Schedule to take a step in**

- relation to an interested disabled person (“B”), the extent to which B should (if B is or becomes a member of the company) bear the cost of the step must not exceed such amount as is reasonable (having regard in particular to the extent of B’s interest in the company).²²; and
- (b) in paragraphs 14(b) and 18(3), for “49(10)” substitute ⁴³49(10)(b)²².
- (24) In Schedule 9, —
- (a) in paragraph 5 —
- (i) in subparagraph (3) after “a position as a partner,” insert ⁴³a position as a member of a limited liability company²²;
- (ii) in subparagraph (4) after “42(2)(b),” insert ⁴³43(3)(b),²²; and
- (iii) in subparagraph (5) for “44(6)(c), 45(6)(c)” substitute ⁴³43(3)(c), 44(6)(c), 45(6)(c),²²; and
- (b) omit paragraph 15(1) to (3).
- (25) In Schedule 10, in paragraph 1(1), for “provided and maintained schools” substitute ⁴³provided, maintained and special schools²².
- (26) In Schedule 11, —
- (a) in paragraph 1, for “Section 77(2)” substitute ⁴³Section 77(1) and (2)²²; and
- (b) omit paragraph 4(3).
- (27) In Schedule 12, renumber the existing paragraph 1(6) as paragraph 2 and insert, as the heading of the paragraph so created, ⁴³Interpretation²².
- (28) In Schedule 17, —
- (a) in paragraph 15(2) for “Tribunal rules “ substitute ⁴³EET rules²²;
- (b) in paragraph 16 for “Tribunal rules” substitute ⁴³EET rules²²;
- (c) in paragraph 19, for “to person” substitute ⁴³to a person²²;
- (d) in paragraph 25(3) “Tribunal rules” substitute ⁴³EET rules²²; and
- (e) in paragraph 31 for subparagraph (1) substitute, —
- ⁴³ (1) A person who, without reasonable excuse, fails to comply with a prohibition, requirement or restriction imposed by or in accordance with EET rules is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.²².
- (29) In Schedule 21, in paragraph 2(14), for head (n) substitute, —
- ⁴³ (n) an industrial relations officer.²².
- (30) In Schedule 25 (glossary of defined terms for the Act) —
- (a) omit the entries and items for “limited liability company” (and cognate expressions), “pupil” and “school”; and

- (b) at the appropriate alphabetical points in the table insert the following entries, —

“EET rules”	paragraph 4 of Schedule 17	The whole Act
“limited liability company” (and “member” in relation to such a company)	section 3(2)	The whole Act
“maintained school”	section 80(3)	Division 1 of Part 6 (and Part 2 of Schedule 3, Schedule 10 and Part 2 of Schedule 11)
“pay”	section 3(2)	The whole Act
“provided school”	section 80(3)	Division 1 of Part 6 (and Schedule 10 and Part 2 of Schedule 11)
“pupil”	section 80(3)	The whole Act
“school”	section 80(3)	Division 1 of Part 6 (and Part 2 of Schedule 3)
“special school”	section 80(3)	Division 1 of Part 6 (and Part 2 of Schedule 3, Schedule 10 and Part 2 of Schedule 11))

16 European Union and Trade Act 2019 amended

- (1) The *European Union and Trade Act 2019* is amended as follows.
- (2) In paragraph 4 of Schedule 6 for “12A, 13 or 14” substitute **12**, 12A, 13, 14 or 18**22**.

17 Fatal Accidents Act 1981 amended

- (1) The *Fatal Accidents Act 1981* is amended as follows.
- (2) In Schedule 1 for paragraph 1(3) substitute, —

13 (3) Nothing in this Schedule affects the application of Division 4 of Part 4 of the <i>Legislation Act 2015</i> (default savings and transitional provisions). 22
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18 Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Act 2018 amended

- (1) The *Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Act 2018* is amended as follows.

- (2) In section 34(1), for “section 6 (the Gambling Appeals Tribunal)” substitute **section 7**.

19 Governor’s General Functions (Transfer) Act 1980 amended

To the extent that it is still in operation, the *Governor’s General Functions (Transfer) Act 1980* is repealed.

20 Highways Act 1986 amended

- (1) The *Highways Act 1986* is amended as follows.
- (2) In Schedule 7, for paragraph 12(b) substitute, —
- (b)** Division 4 of Part 4 of the *Legislation Act 2015*.

21 Insurance (Amendment) Act 2017 amended

- (1) The *Insurance (Amendment) Act 2017* is amended as follows.
- (2) Section 62 is repealed.

22 Interpretation Act 2015 amended

- (1) The *Interpretation Act 2015* is amended as follows.
- (2) In section 99, —
- (a) omit example 1 at the foot of subsection (2);
- (b) omit the number preceding the current example 2; and
- (c) for the heading to the examples substitute **Example**.
- (3) In paragraph 1 of the Schedule, at the appropriate point in the alphabetical list, insert, —
- “industrial relations officer”** see section 5 of the *Trade Disputes Act 1985*;
- (4) In paragraph 1A of the Schedule for the definition of “the EEA agreement” substitute, —
- “EEA agreement”** means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the protocol adjusting that agreement signed at Brussels on 17 March 1993, as modified or supplemented from time to time, but does not include any retained direct EU legislation;
- (5) In paragraph 1 and 1A of the Schedule, place the definitions in alphabetical order.

23 Isle of Man Constitution Amendment Act 1919 amended

- (1) The *Isle of Man Constitution Amendment Act 1919* is amended as follows.

- (2) In section 7(4), for “section 3 of the *Interpretation Act 1976*” substitute **¶¶** paragraph 1 of Schedule 1 to the *Interpretation Act 2015* **¶¶**.

24 **Isle of Man Loans Act 1974 amended**

- (1) The *Isle of Man Loans Act 1974* is amended as follows.
- (2) In section 11 —
- (a) in subsection (1) —
- (i) for “thinks fit” substitute **¶¶** thinks fit, including modifying that Schedule, **¶¶**; and
- (ii) omit “Tynwald procedure – approval required”; and
- (b) in subsection (3), for “Tynwald procedure – negative” substitute **¶¶** Tynwald procedure for an order under this section – approval required. **¶¶**.

25 **Land Registration Act 1982 amended**

- (1) The *Land Registration Act 1982* is amended as follows.
- (2) Section 73 is amended as follows —
- (a) in subsection (1A)(b), for “public business; and” substitute **¶¶** public business. **¶¶**; and
- (b) renumber subsection (1D) as subsection (1C).

26 **Legislation Act 2015 amended**

- (1) The *Legislation Act 2015* is amended as follows.
- (2) In section 10, —
- (a) in subsection (1), omit “and the time it was announced on that day”; and
- (b) for subsection (2) substitute, —
- ¶¶** (2) The announcement certificate is conclusive evidence of the announcement and the announcement day. **¶¶**.

27 **Marine Infrastructure Management Act 2016 amended**

- (1) The *Marine Infrastructure Management Act 2016* is amended as follows.
- (2) For section 48(6) and (7) substitute, —
- ¶¶** (6) If the Department is satisfied that the activities are or will be in compliance with the terms and conditions of the consent, it must issue the confirmation sought, but if it is not so satisfied (whether because the information supplied by the undertaker is insufficient or for any other reason) it must otherwise refuse to issue the confirmation, subject to subsection (8). **¶¶**.

28 Maritime Security Act 1995 amended

- (1) The *Maritime Security Act 1995* is amended as follows.
- (2) In section 25(5) and (6), for the words following “of this section” substitute **63** and Division 5 of Part 4 of the *Interpretation Act 2015* as his proper address. **62**.

29 Regulation of Surveillance, etc. Act 2006 amended

- (1) The *Regulation of Surveillance, etc. Act 2006* is amended as follows.
- (2) In section 10(2)(a), for “subsection (3)” substitute **63** subsection (4) **62**.

30 Road Traffic Act 1985 amended

- (1) The *Road Traffic Act 1985* is amended as follows.
- (2) In Part 1 of Schedule 6, omit the entry relating to section 4(3B).

31 Trade Disputes Act 1985 amended

- (1) The *Trade Disputes Act 1985* is amended as follows.
- (2) Omit section 5(4).

32 Tribunals Act 2006 amended

- (1) The *Tribunals Act 2006* is amended as follows.
- (2) In section 12(3), after “Council of Ministers”, insert **63** or the Commission (as the case requires) **62**.

ENDNOTES

Table of Endnote References