

# EUROPEAN UNION (AMENDMENT) ACT 2011

## Arrangement of Sections

Section

### PART 1

#### OPENING PROVISIONS

1. Short title
2. Interpretation

### PART 2

#### AMENDMENTS TO THE PRINCIPAL ACT

##### *Treaty of Lisbon*

3. Section 1 amended
4. Section 1A inserted
5. Changes in terminology — miscellaneous substitutions
6. Miscellaneous repeals

##### *Penalties*

7. Section 2B amended

##### *Ambulatory references to EU instruments*

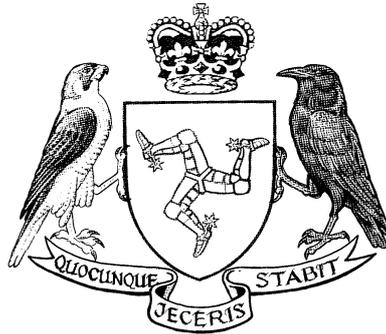
8. Section 2C inserted

### PART 3

#### CONSEQUENTIAL AMENDMENTS TO INTERPRETATION ACT 1976

9. Section 1B inserted

SCHEDULE — Changes in terminology



Isle of Man } Signed in Tynwald: 12th July 2011  
 to Wit } Received Royal Assent: 12th October 2011  
 Announced to Tynwald: 18th October 2011

## AN ACT

to amend the European Communities (Isle of Man) Act 1973 to make provision in connection with the Treaty of Lisbon and to allow ambulatory references to EU instruments in certain public documents; to make consequential amendments to the Interpretation Act 1976; and for connected purposes.

**B**E 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

#### OPENING PROVISIONS

1. The short title of this Act is the European Union (Amendment) Act 2011. Short title
2. In this Act, the "Principal Act" means European Communities (Isle of Man) Act 1973. Interpretation  
[c.14]

### PART 2

#### AMENDMENTS TO THE PRINCIPAL ACT

##### *Treaty of Lisbon*

3. In section 1(1) of the Principal Act (interpretation) — Section 1  
amended

(a) before the definition of “the Communities” insert —

“ “the EU” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7 February 1992 (as amended by any later Treaty);”;

(b) in the definition of “the Treaties”, after paragraph (n) insert —

“; and

(o) the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community signed at Lisbon on 13 December 2007 (together with its Annex and protocols), excluding any provision that relates to, or in so far as it relates to or could be applied in relation to, the Common Foreign and Security Policy;”.

Section 1A  
inserted

**4.** After section 1 of the Principal Act insert —

“Changes in terminology **1A.** (1) The Council of Ministers may by order amend any statutory provision to reflect a change in terminology or numbering arising as a consequence of the Treaty of Lisbon.

(2) An order under subsection (1) may contain any consequential, incidental, supplementary and transitional provisions which the Council of Ministers considers to be necessary or expedient.

(3) An order under subsection (1) must be laid before Tynwald as soon as practicable after it is made, and if Tynwald at the sitting at which the order is laid or at the next following sitting resolves that it is to be annulled, it ceases to have effect.

(4) A reference in a statutory provision to all or any of the Communities is to be treated as being or including (as the context requires) a reference to the EU from the date on which this section comes into operation.

(5) A reference to the EU in a statutory provision includes, if and in so far as the context permits or requires, a reference to the European Atomic Energy Community.

(6) In subsection (1), the “Treaty of Lisbon” means the treaty specified in paragraph (o) in the definition of “the Treaties” in section 1(1).”.

5. The substitutions in the table in the Schedule have effect to reflect changes in terminology. Changes in terminology - miscellaneous substitutions

6. The following provisions of the Principal Act are repealed — Miscellaneous repeals

(a) in section 1(1), the definition of “Economic Community”; and

(b) section 9(3).

*Penalties*

7. For section 2B(4)(d) of the Principal Act substitute — Section 2B amended

“(d)to create any new criminal offence the punishment for which exceeds —

(i) in the case of on conviction on information, custody for 2 years, a fine, or both;

(ii) on summary conviction, custody for 3 months, a fine of £5,000 (if not calculated on a daily basis) or a fine of £200 a day, or both.”.

*Ambulatory references to EU instruments*

8. After section 2B of the Principal Act insert — Section 2C inserted

“Ambulatory references to EU instruments” **2C.** (1) A public document referred to in subsection (2) may provide that a reference in it to an EU instrument or a provision of an EU instrument is to be construed as a reference to the instrument or provision as amended from time to time.

(2) Subsection (2) applies in respect of a public document made after this section comes into operation which —

(a) is an order made under section 2A;

(b) contains regulations made under section 2B; or

- (c) is made under an enactment or provision which is prescribed for the purposes of this section by an order made under subsection (3).

(3) The Council of Ministers may by order prescribe an enactment or a provision of an enactment in respect of which a public document which is made under the prescribed enactment or provision is a public document to which subsection (2) applies.

(4) An order under subsection (3) may contain any consequential, incidental, supplementary and transitional provisions which the Council of Ministers considers to be necessary or expedient.

(5) An order under subsection (3) must be laid before Tynwald as soon as practicable after it is made, and if Tynwald at the sitting at which the order is laid or at the next following sitting resolves that it is to be annulled, it ceases to have effect.

(6) A provision in an order under section 2A or regulations under section 2B made (in either case) before this section comes into operation which contains a reference to an EU instrument or a provision of an EU instrument as amended from time to time (however expressed) is to be construed as if subsections (1) and (2) were in operation when the order or regulations were made.

(7) However, the operation of subsection (6) does not render a person liable to civil or criminal proceedings to which the person would not be liable but for its operation.”.

### PART 3

#### CONSEQUENTIAL AMENDMENTS TO THE INTERPRETATION ACT 1976

Section 1B  
inserted

**9.** After section 1A of the Interpretation Act 1976 insert —

[c.20]

“References  
to EU  
instruments

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

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(2) In subsection (1), “EU instrument” has the same meaning as in section 1(1) of the European Communities (Isle of Man) Act 1973.”. [c.14]

## Section 5

## SCHEDULE

## CHANGES IN TERMINOLOGY

<i>Provision of the European Communities (Isle of Man) Act 1973 (c.14)</i>	<i>Existing expression</i>	<i>Substituted expression</i>
Section 1(1)	“Community customs duty”	“EU customs duty”
Section 1(1) (in the definition of “EU customs duty” (as substituted))	“Community provision”	“EU provision”
Section 1(1)	““Community institution” means any institution of any of the Communities or common to the Communities; and any reference to an institution of a particular Community shall include one common to the Communities when it acts for that Community, and similarly with references to a Committee, officer or servant of a particular Community;”	““EU institution” means any institution of the EU;”
Section 1(1)	““Community instrument” means any instrument issued by a Community institution;”	““EU instrument” means any instrument issued by an EU institution;”
Section 1(1)	“Community obligation”	“EU obligation”
Section 1(1)	“enforceable Community right”	“enforceable EU right”
Section 1(1)	““the European Court” means the Court of Justice of the European Communities or the Court of First Instance, and any reference to a court attached to the European Court is a reference to a judicial panel attached to the Court of First Instance;”	““the European Court” means the Court of Justice of the European Union;”
Section 1(1) (in the definition of “member”)	“the Communities”	“the EU”
Section 1(1)	“the Community Treaties”	“the EU Treaties”
Section 1(1) (in the	“any other treaty entered into by	“any other treaty entered

definition of “the Treaties” or “the EU Treaties” (as substituted))	any of the Communities”	into by the EU (except in so far as it relates to, or could be applied in relation to, the Common Foreign and Security Policy)”
Section 1(2)	“Community Treaties” (three times)	“EU Treaties”
Section 2(1)	“enforceable Community right”	“enforceable EU right”
Section 2(3)	“Community instrument”	“EU instrument”
Section 2A (heading)	“EC instruments”	“EU instruments”
Section 2A(2)	“Community instrument”	“EU instrument”
Section 2A(4B)	“Community instruments”	“EU instruments”
Section 2B (heading)	“Community obligations”	“EU obligations”
Section 2B(1)(a)	“Community obligation”	“EU obligation”
Section 2B(2)	“the Communities”	“the EU”
Section 2B(5)	“Community rules”	“EU rules”
Section 2B(7)	“Community obligation” (twice)	“EU obligation”
Section 2B(7)	“Community rule”	“EU rule”
Section 2B(7)	“Community rules”	“EU rules”
Section 2B(8)	“Community obligation”	“EU obligation”
Section 3 (heading)	“Community instruments”	“EU instruments”
Section 3(1)	“Community instrument”	“EU instrument”
Section 3(2)	“Official Journal of the Communities”	“Official Journal of the European Union”
Section 3(2)	“any of the Communities or of any Community institution”	“the EU or any EU institution”
Section 3(3)	“Community institution” (twice)	“EU institution”
Section 3(4)	“Community instrument”	“EU instrument”

Section 3(5)	“Community institution”	“EU institution”
Section 5(1)	“the Economic Community”	“the EU”
Section 5(1)	“Community provision”	“EU provision”
Section 5(2)	“the Economic Community”	“the EU”
Section 5(2)	“Community customs duty”	“EU customs duty”
Section 5(2)	“Community customs duties”	“EU customs duties”
Section 5(2)	“Community arrangements”	“EU arrangements”
Section 5(3)	“Community arrangements”	“EU arrangements”
Section 6 (heading)	“Community offences”	“EU offences”
Section 6(1)	“European Court or any court attached thereto”	“European Court”
Section 6(2)	“European Court or any court attached thereto”	“European Court”
Section 7 (heading)	“Communities”	“the EU”
Section 7	“a Community obligation to a Community institution”	“an EU obligation to an EU institution”