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TRANSFER OF DEEMSTERS' FUNCTIONS ACT 2003

Chapter 1

Arrangement of sections

1. Bankruptcy fees and commissions
2. Constables' fees and witnesses' allowances
3. Coroners' fees
4. Interest on judgment debts
5. Damages for bereavement
6. Short title etc.

Schedule Enactments repealed



Signed in Tynwald: 18th February 2003
Received Royal Assent: 18th February 2003
Announced to Tynwald: 18th February 2003
Passed: 18th February 2003

AN ACT

to transfer certain functions of the Deemsters to
the Treasury.

WE, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and 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 (that is to say):—

1. Bankruptcy fees and commissions

After section 70 of the Bankruptcy Code 1892¹ insert —

"70A. Fees and commissions

(1) The Treasury shall by order prescribe the fees and percentages to be charged for or in respect of proceedings in bankruptcy.

(2) An order under this section shall not have effect unless it is approved by Tynwald."

2. Constables' fees and witnesses' allowances

(1) The Constables' Fees and Witnesses' Allowances Act 1947² renamed "the Witnesses' Allowances Act 1947".

(2) For section 1 of that Act substitute —

"1. Witnesses' allowances

¹ VI p.312

² XVI p.554

(1) The Treasury may by order prescribe the allowances payable to persons properly attending before —

- (a) the High Court,
- (b) a Court of General Gaol Delivery,
- (c) a court of summary jurisdiction,
- (d) a coroner of inquests, or
- (e) any other person having authority to take the examination of witnesses,

for the expense, trouble or loss of time properly incurred, or incidental to the attendance and giving of evidence.

(2) The Treasury may by order prescribe the allowances which may be authorised by a coroner of inquests to medical practitioners making post-mortem examinations at his direction or request, whether or not required to attend to give evidence at an inquest.

(3) Any power to make an order under this section includes power to vary or revoke any such order.

(4) An order under this section shall not have effect unless it is approved by Tynwald."

3. Coroners' fees

In section 5(1) of the Coroners Act 1983³, for "Deemsters may, after consultation with the Treasury," substitute "Treasury may".

4. Interest on judgment debts

In section 9 of the Administration of Justice Act 1981⁴, for subsection (1) substitute —

"(1) Unless a Deemster otherwise orders, every execution order, other than —

- (a) an execution order relating to a maintenance order; or
- (b) an execution order for any sum with interest continuing until payment,

shall carry interest at the prescribed rate.

(1A) In subsection (1) "the prescribed rate" means —

- (a) 4 per cent. per annum, or
- (b) such other rate as the Treasury may by order prescribe.

³ 1983 c.4

⁴ 1981 c.8

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(1B) An order under subsection (1A)(b) shall not have effect unless it is approved by Tynwald.

(1C) The defendant's liability to interest under subsection (1) shall arise on any sum outstanding under an execution from the date the execution is issued until the same is satisfied.

(1D) If the execution creditor so requests, such interest may be levied by a coroner while enforcing an execution."

5. Damages for bereavement

In section 1A(5) of the Fatal Accidents Act 1981⁵, for "Deemsters" substitute "Treasury".

6. Short title etc.

(1) This Act may be cited as the Transfer of Deemsters' Functions Act 2003.

(2) The Act shall come into operation on such day or days as the Treasury may by order appoint.

(3) The enactments specified in the Schedule are repealed to the extent specified in column 3 thereof.

(4) Any fee which was prescribed under section 50 of the Judicature (Matrimonial Causes) Act 1976⁶ immediately before the repeal of that section by subsection (3) shall continue to have effect as if prescribed under section 1 of the Fees and Duties Act 1989⁷.

⁵ 1981 c.13

⁶ 1976 c.14

⁷ 1989 c.12

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Section 6(3).

SCHEDULE
ENACTMENTS REPEALED

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
VI p.312	The Bankruptcy Code 1892.	In section 70(1), the words ", or for prescribing fees and per-centages to be charged for or in respect of proceedings".
XVI p.554	The Constables' Fees and Witnesses' Allowances Act 1947.	In section 5, the words "Constables' Fees and".
1976 c.14	The Judicature (Matrimonial Causes) Act 1976.	Section 50.
1976 c.29	The Governor's Financial and Judicial Functions (Transfer) Act 1976.	In section 2, the words from the beginning to "foregoing". In Schedule 2, paragraph 11.
1983 c.25	The Administration of Justice Act 1983.	In Schedule 2, paragraph 2.
1987 c.6	The Coroners of Inquests Act 1987.	In Schedule 1, paragraph 1.

