



**Isle of Man**

*Ellan Vannin*

**AT 10 of 2015**

**LEGISLATION ACT 2015**





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## LEGISLATION ACT 2015

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**Isle of Man***Ellan Vannin*

## LEGISLATION ACT 2015

<i>Signed in Tynwald:</i>	21 July 2015
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AN ACT about general provisions for Manx legislation and non-legislative public documents; to consolidate and re-enact the Filing of Statutory Documents Act 1937, the Evidence Act 1965, the Pre-Revestment Written Laws (Ascertainment) Act 1978, the Promulgation Act 1988, the Evidence Act 1976, the Short Titles Act 1977 and the Reprints Act 1981; to repeal the Children and Young Persons Act 1969 and the Improvement of Livestock (Amendment) Act 1994; to make consequential and minor amendments to other Acts; 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 Legislation Act 2015.

#### 2 Commencement

- (1) This section and sections 1, 80, 92 and 99(8) commence on the announcement day for this Act.
- (2) Otherwise this Act commences on the day appointed by order of the Council of Ministers.

#### 3 Main purposes of Act

- (1) The main purposes of this Act are —
  - (a) to bring together into one Act general provisions about Manx legislation and non-legislative public documents, apart from those

matters provided for under the *Interpretation Act 2015* (the “**Interpretation Act**”);

- (b) to facilitate improvement in the presentation of Manx legislation;
- (c) to rationalise procedures for the making of statutory documents;
- (d) to facilitate the updating and ready availability of Manx legislation; and
- (e) generally to ensure Manx legislation is of the highest standard.

*Notes:*

1. The words “Act”, “Manx legislation”, “non-legislative public document” and “statutory document” are defined in Part 1 of the *Interpretation Act*.

2. The *Interpretation Act*’s main purposes include providing for what is the text of Manx legislation and stating the basic rules for statutory interpretation (see section 3 of that Act).

3. Definitions appear in quotation marks. Those in plain text are only for the particular section in which they appear. Those for more than one section are emboldened. Schedule 2 lists all emboldened definitions for this Act. Those defined in the body of this Act are signposted in Schedule 2.

- (2) The updating and availability of Manx legislation is facilitated mainly by provisions about access to, and the reprinting of, Manx legislation and for consolidating Acts.

#### **4 Combined operation of this Act and the Interpretation Act**

- (1) This Act and the *Interpretation Act* are to be read together.
- (2) Both Acts apply to all Manx legislation (including this Act) and non-legislative public documents.
- (3) Manx legislation and non-legislative public documents are taken to be made on the basis that they are to operate in conjunction with both Acts.
- (4) However, subsection (3) is subject to sections 6 (displacement of Act by contrary intention) and 7 (applied Parliamentary enactments: Parliamentary Interpretation Acts apply) of the *Interpretation Act*.
- (5) Despite subsections (2) and (3), this Act does not apply to Measures, or the making of Measures, under the *Church Legislation Procedure Act 1993*.

#### **5 Displacement of Act by contrary intention**

- (1) The application of this Act may be displaced, wholly or partly, by a contrary intention appearing in Manx legislation or a non-legislative public document to which this Act applies (the “instrument”).
- (2) However, a provision of this Act is not to be displaced by a provision of the instrument to the extent the provisions can operate concurrently.



- (3) Subsection (2) applies even if the provisions deal with the same or a similar subject matter.
- (4) This section is subject to sections 18(2) (automatic commencement of citation and commencement provisions) and 24(2) (making public documents).

## **6 Relationship with European Communities Act**

This Act is subject to sections 2A to 2C of the European Communities Act.

## **7 Definitions for Act**

Schedule 2 contains definitions for this Act.

# **PART 2 – ACTS**

## **DIVISION 1 – ANNOUNCEMENT AND PROMULGATION**

## **8 Application of Division**

This Division applies to each Act from when it receives Royal Assent.

## **9 Announcement of Royal Assent to Tynwald**

- (1) The President of Tynwald must announce Royal Assent to Tynwald.
- (2) The day the announcement is made is the Act's "**announcement day**".

## **10 Announcement certificate**

- (1) The President of Tynwald and the Speaker must sign a certificate (the "announcement certificate") endorsed on or annexed to the Act stating its announcement day and the time it was announced on that day.
- (2) The announcement certificate is conclusive evidence of the matters it states.
- (3) A certificate purporting to be the announcement certificate is presumed to be one unless the contrary is proved.

## **11 Promulgation requirement**

After its announcement day, the Act must be promulgated under this Division ("**promulgation**").

## **12 Act expires if not promulgated within 18 months**

- (1) If the promulgation of the Act has not taken place within 18 months after the announcement day, the Act ceases to have effect.

- (2) However, subsection (1) does not affect the validity of anything done under the Act.
- (3) If an Act ceases to have effect under subsection (1), any Manx legislation it amended or repealed is, from the cessation, revived in the form in which it was in operation immediately before the amendment or repeal commenced.
- (4) Subsection (3) applies despite section 57 (no revival if amendment or repeal repealed).

### 13 Pre-promulgation procedure

The Attorney General must prepare a memorandum in Manx and English containing the Act's short title and a concise statement of the effect of the Act.

### 14 Promulgation on Tynwald Hill

- (1) The promulgation of the Act takes place by the reading of the memorandum on Tynwald Hill by or under the authority of the Deemsters.
- (2) The reading has the same effect as if the entire Act had been read on Tynwald Hill.

### 15 Promulgation certificate

- (1) The President of Tynwald and the Speaker must sign a certificate of promulgation (the "promulgation certificate") in attestation of the promulgation of the Act on a stated day (the Act's "**promulgation day**").
- (2) The promulgation certificate is conclusive evidence of the Act's promulgation.
- (3) A certificate purporting to be the promulgation certificate is presumed to be a promulgation certificate unless the contrary is proved.

### 16 Evidence of announcement or promulgation

In a reprint of the Act, a statement about its announcement day or promulgation day is admissible as evidence of that day.

## DIVISION 2 — COMMENCEMENT

### 17 General commencement provision

- (1) An Act is "**enacted**" or "**passed**" and commences when it is announced to Tynwald on its announcement day.
- (2) If an Act or a provision of an Act commences on a particular day (including its announcement day), it commences at the start of that day.

- (3) This section is subject to the other provisions of this Division.

## 18 Automatic commencement of citation and commencement provisions

- (1) The provisions of an Act providing for its citation and commencement provisions automatically commence on the Act's announcement day.
- (2) For section 5, this section —
- (a) is not displaced merely because the Act provides that the Act (without mentioning any particular provisions) is to commence on a day to be fixed under a statutory document; but
- (b) is displaced if the Act expressly states a statutory document is to fix a day for the Act's citation and commencement provisions to commence.

## 19 Provisions for commencement by statutory document

- (1) This section applies if a Manx enactment is expressed to commence on a day to be fixed under a statutory document.
- (2) The statutory document may fix a single day for the commencement or different days, times or purposes for different provisions of the Manx enactment to commence.
- (3) Amendments made under the Manx enactment may be given separate commencements, whether or not a provision in which they are contained is self-contained.

### *Examples:*

1. A provision of the Manx enactment inserts 2 sections. They may be given separate commencements.
2. A provision of the Manx enactment inserts a section divided into subsections. The subsections may be given separate commencements.
- (4) If the day or time fixed for the commencement happens before the day on which the statutory document is published in the electronic gazette under section 43(1)(b) (the "notification day") —
- (a) the statutory document is valid; but
- (b) the Manx enactment does not commence until the notification day.

## 20 Commencement of amendment of uncommenced Act

- (1) This section applies if an Act (the "amending Act") amends an Act that has not commenced.
- (2) The amendment of the uncommenced Act does not of itself commence that Act.

- (3) The amendment made under the amending Act commences when the provision amended commences.

## **21 Commencement not undone if repealed**

- (1) If—
  - (a) a provision of an Act providing for the Act's commencement is repealed after the Act commences; and
  - (b) other provisions of the Act are still in operation,the repeal of the provision does not affect the Act's continuing operation.
- (2) Subsection (1) does not limit another provision of this Part and is in addition to any provision of the Act under which the repeal is made.
- (3) If a statutory document providing for an Act's commencement is repealed after the Act commences, the repeal does not affect the Act's continuing operation.

### DIVISION 3 – MISCELLANEOUS

## **22 Acts are public**

An Act is, and must be judicially noticed as, a public Act.

## **23 Provisions of Acts are substantive enactments**

Each provision of an Act has effect as a substantive enactment without introductory words.

## **PART 3 – PUBLIC DOCUMENTS**

### DIVISION 1 – MAKING AND COMMENCEMENT

## **24 Making public documents**

- (1) A public document must be made by being executed —
  - (a) for a Department, under paragraph 4 of Schedule 1 to the *Government Departments Act 1987*;
  - (b) for a Statutory Board, under paragraph 9 of Schedule 2 to the *Statutory Boards Act 1987*; or
  - (c) otherwise, by a person authorised for the purpose by the responsible authority for the document.
- (2) For section 5 (displacement by contrary intention), subsection (1) applies to a public document unless its authorising legislation expressly states the subsection does not apply to public documents made under it.

**25 Day of making**

A public document is made on the following day —

- (a) generally, the day it states it was made; or
- (b) if it is made jointly by 2 or more authorities and it states any of them made it on a different day, the last day on which it is stated to have been made by any of the authorities.

**26 Power to provide for commencement by notice**

- (1) Subject to the requirements of any Tynwald procedure, a public document may provide that any or all of its provisions (other than its citation and commencement provisions) are to commence on a day to be published (a “commencement notification”) in —
  - (a) the electronic gazette; or
  - (b) another way the responsible authority for the public document reasonably considers is sufficient to bring its purport to the notice of the public or those likely to be affected by it.
- (2) If provision is made under subsection (1), the public document’s citation and commencement provisions commence when the public document is made.

**27 Time of commencement**

If a public document commences on a particular day, it commences —

- (a) if it provides for a particular time on that day for it to commence, at that time; or
- (b) otherwise, at the start of that day.

**28 Commencement of amendment of uncommenced public document**

- (1) This section applies if a public document (the “amending document”) amends a public document that has not commenced.
- (2) The amendment of the uncommenced document does not of itself commence the document.
- (3) The amendment made under the amending document commences when the provision amended commences.

## DIVISION 2 — STATUTORY DOCUMENTS: TYNWALD PROCEDURES

**29 Meaning of “Tynwald procedure” followed by certain words**

- (1) This section defines the words “Tynwald procedure” if they —
  - (a) are —

- (i) included in the text of a provision that empowers the making of a statutory document; or
- (ii) expressed in a way to indicate they apply to such a provision; and
- (b) are followed by one of the following words or phrases —
  - (i) **“approval required”**;
  - (ii) **“affirmative”**;
  - (iii) **“negative”**;
  - (iv) **“laying only”**.
- (2) The words mean that one of the procedures set out in sections 30, 31, 32 and 34 apply to any statutory document made under that provision.

*Examples:*

1. The following words appear at the end of a section creating a regulation-making power:

*“Tynwald procedure – approval required.”*

*The words mean that that the procedure set out in section 30 apply to any regulations made under that provision.*

2. The following words appear at the end of a subsection divided into paragraphs (a) and (b) (but not at the end of the section in question) and each of paragraphs (a) and (b) contain a different order-making power:

*“Tynwald procedure –*

*(a) for paragraph (a) - negative*

*(b) for paragraph (b) – laying only.”*

*The words mean that the procedure set out in section 32 applies to any orders made under paragraph (a) and the procedure set out in section 34 applies to any orders made under paragraph (b).*

### 30 **“Approval required”**

- (1) This section applies to a statutory document only if its authorising legislation —
  - (a) includes or applies the phrase **“Tynwald procedure – approval required”** in the manner described in section 29; or
  - (b) provides that this section applies to the document.
- (2) The document cannot come into operation until it is approved by Tynwald.

### 31 **“Affirmative”**

- (1) This section applies to a statutory document only if its authorising legislation —

- (a) includes or applies the phrase “**Tynwald procedure – affirmative**” in the manner described in section 29; or
  - (b) provides that this section applies to the document.
- (2) The responsible authority for the document must cause the document to be laid before Tynwald for approval as soon as practicable after it is made.
- (3) If Tynwald at the sitting at which it was laid or the next subsequent sitting fails to approve the document it ceases to have effect.

### 32 “Negative”

- (1) This section applies to a statutory document only if its authorising legislation –
- (a) includes or applies the phrase “**Tynwald procedure – negative**” in the manner described in section 29; or
  - (b) provides that this section applies to the document.
- (2) The responsible authority for the document must cause the document to be laid before Tynwald as soon as practicable after it is made.
- (3) If Tynwald at the sitting at which it was laid or the next subsequent sitting resolves that the document is to be annulled it ceases to have effect.

### 33 Effect of statutory document ceasing to have effect

- (1) For sections 31 and 32 if the statutory document ceases to have effect as a result of Tynwald’s failing to approve it or resolving to annul it as the case may be –
- (a) the document is taken to have been revoked at the end of the last day on which it could have been approved or at the time the resolution to annul it is passed, as the case may be;
  - (b) as if there had been a further exercise of the same powers revoking it; and
  - (c) any Manx legislation amended or repealed by the document is revived on the passing of the resolution.
- (2) Other than as provided in subsection (1), the revocation –
- (a) does not affect the operation of section 58 (saving of operation of amended and repealed Manx legislation) on the document;
  - (b) does not prevent the exercise of the same power under which the document was made for another statutory document for the same or substantially the same matter.

**34 “Laying only”**

- (1) This section applies to a statutory document if its authorising legislation –
  - (a) includes or applies the phrase “**Tynwald procedure – laying only**” in the manner described in section 29; or
  - (b) provides that this section applies to the document.
- (2) The responsible authority for the document must cause the document to be laid before Tynwald as soon as practicable after it is made.

**35 Power to change one procedure to another**

- (1) Tynwald may resolve that a statutory document other than rules of court that is subject to any of the Tynwald procedures described in sections 30, 31, 32 and 34 be subject instead to one of the other procedure mentioned in any of those sections.
- (2) The Council of Ministers may by order amend the authorising legislation to give effect to the resolution.  
Tynwald procedure - negative.

**36 Default procedure is laying only**

- (1) This section applies if the authorising legislation for a statutory document does not make provision for a Tynwald procedure as described in section 29 to apply to the document.
- (2) The procedure set out in section 34(2) applies to the document unless it expires before the next sitting of Tynwald.
- (3) A failure to comply with that section does not affect the validity of the document, or if it has expired, its former validity.
- (4) However, if the section is not complied with, the responsible authority for the document must –
  - (a) give the President of Tynwald a written explanation for the non-compliance; and
  - (b) cause the document to be laid before Tynwald as soon as practicable.

## DIVISION 3 – MISCELLANEOUS

**37 Correction of statutory document after laying before Tynwald**

- (1) If it appears to a Minister (including the Chief Minister) that a statutory document that has been laid before Tynwald contains an error the Minister may give a notice to the President of Tynwald (“a correction



notice”) setting out the text of any correction subject to which the document is to be read.

- (2) However, a correction notice may be given only if —
  - (a) in the case of a statutory document to which section 30 or section 31 applies, Tynwald has not yet approved the document;
  - (b) in the case of a statutory document to which section 32 applies, the time for consideration of any resolution to annul the document has not expired; and
  - (c) in the case of a statutory document to which section 32 or section 34 applies, the document has not commenced.
- (3) The President must decide, after consulting the Clerk of Tynwald, whether to accept a correction notice.
- (4) The President must not accept a correction notice unless satisfied that, disregarding changes to the original document which are only consequential upon a change specified below, it does only one or more of the following—
  - (a) corrects an incorrect citation or commencement date for the document;
  - (b) corrects an error of grammar, spelling or syntax;
  - (c) inserts a citation or commencement date in the document;
  - (d) corrects a cross-reference in the document (whether to a provision of the document or an external document) which is obviously incorrect;
  - (e) corrects a reference to the Tynwald procedure applying to the document.
- (5) Once a correction notice has been accepted the statutory document is to be treated for all purposes as if it had been made in the corrected form.

### **38 Presumption of validity of public document**

- (1) It is presumed, unless the contrary is proved, that all conditions and steps required for making a public document have been satisfied and taken and consequently a public document must be judicially noticed as such.
- (2) However, subsection (1) does not affect the application of a requirement under the authorising legislation for a statutory document that it must not be made or is of no effect unless a particular step has been taken.

## PART 4 – ALL MANX LEGISLATION

### DIVISION 1 – NUMBERING, CITATION AND DISTRIBUTION

#### 39 Numbering of Acts

- (1) The Clerk of Tynwald must give a number to each Act within 7 days of its announcement day.
- (2) The numbering must –
  - (a) be consecutive according to the Act’s announcement day (starting from the beginning of each year);
  - (b) have the prefix “AT” (being an abbreviation for “Act of Tynwald”), starting with “AT 1” for each year.
- (3) If more than one Act has the same announcement day –
  - (a) the numbering is to be in the order of when the Bill for each Act was last considered by the Council or the Keys; and
  - (b) the Act that was so considered earlier is to receive the earlier number.
- (4) All Acts in operation immediately before this section commences are, on the commencement, taken to have been numbered by year under subsections (2) and (3).
- (5) In an Act or a document, a reference to a numbered chapter for an Act (other than as a provision of the Act) is taken to be a reference to its numbering by year under this section.

#### 40 Numbering of statutory documents

- (1) The Clerk of Tynwald must give a number for each statutory document.
- (2) The numbering must –
  - (a) be consecutive according to the calendar year in which statutory documents are made; and
  - (b) have the prefix “SD”, followed by the calendar year in which it is given the number followed by the number given to the statutory document.

*Example: The first statutory document numbered in 2015 will be SD 2015/1.*

#### 41 Citation of Manx legislation

- (1) An Act passed after the commencement of this Act may be cited by its short title or by reference to its year and number.

- (2) If the short title or citation of an Act is amended, a reference in Manx legislation or a non-legislative public document to the short title or year and number is a reference to the Act as so amended.
- (3) A statutory document may be cited by the title provided for in the document or by reference to its year and number.
- (4) If the title or citation of a statutory document is amended, a reference in Manx legislation or a non-legislative public document to its title or year and number is a reference to it as so amended.
- (5) In this section—  
“number”, for Manx legislation, means its number under this Division; and  
“short title”, of an Act, includes a short title under the repealed Short Titles Act 1977 or the repealed Pre-Revestment Written Laws (Ascertainment) Act 1978, by which the Act may be cited.

#### **42 Filing original and distributing copies**

- (1) The Clerk of Tynwald must, as soon as practicable after an Act is promulgated —
  - (a) file the original of the Act in the Public Record Office; and
  - (b) give the Tynwald Library and the Attorney General a certified copy of the original.
- (2) The responsible authority for a statutory document must, as soon as practicable after it is made and numbered under section 40 —
  - (a) file the original of the document in the Public Record Office;
  - (b) once any applicable Tynwald procedure has been complied with, give the Tynwald Library and the Attorney General a certified copy of the original.
- (3) No fee is payable for the filing.
- (4) The Chief Registrar must ensure an original mentioned in this section is kept in the Public Record Office.
- (5) In this section—  
“certified copy”, of an original, includes a digital document that —
  - (a) includes all digital writing from which the original was produced;
  - (b) records all other writing on the original; and
  - (c) bears, or is accompanied by, a digital statement made, or purporting to be made, by the Clerk of Tynwald and stating the copy is a true copy of the document of which it purports to be a copy;  
“Public Record Office” includes a secure archive kept for the purposes of the Public Record Office.

### 43 Electronic gazettal and arrangements for publication and sale

- (1) The Attorney General must —
  - (a) make arrangements the Attorney General considers appropriate for the publication and sale of Manx legislation; and
  - (b) cause Manx legislation to be published in an electronic gazette on a website approved by the Attorney General for that purpose (the “**electronic gazette**”).
- (2) However, the Attorney General must consult with the Clerk of Tynwald before making or changing the arrangements.
- (3) The Attorney General must comply with subsection (1) for each piece of Manx legislation as soon as practicable after receiving a certified copy of it under section 42(1).
- (4) The publication in the electronic gazette must be —
  - (a) a notice stating —
    - (i) for an Act, that Royal Assent to the Act has been announced to Tynwald; or
    - (ii) for a statutory document, that the document has been made; and
  - (b) either of the following about the Manx legislation —
    - (i) information in the notice about how copies of it may be obtained; or
    - (ii) all of its text, with or without any other material the Attorney General considers appropriate.

*Note:*

*For the evidentiary value of the publication, see section 17A (proof of electronic gazette) of the Evidence Act 1871.*

- (5) To avoid any doubt —
  - (a) the publication of an Act in the electronic gazette is in addition to the requirements under Part 2, Division 1 for its promulgation; and
  - (b) this section applies to all amending Acts and amending provisions despite the fact that they will later expire under section 50.
- (6) This section does not limit what else may be published in the electronic gazette.

*Note:*

*See also section 91 (existing Manx legislation: publication by a government authority).*

#### 44 Defence if Manx legislation not published

- (1) This section applies to a proceeding for an offence consisting of a contravention of any Manx legislation.
- (2) Subject to the following provisions of this section it is a defence to the proceeding for the defendant to prove the legislation had not been published under section 43 on or before the day the alleged contravention happened.
- (3) This section does not apply to a proceeding for an offence if the provision the subject of the proceeding was enacted or made before this section commences.
- (4) To avoid any doubt, it is not a defence for the defendant to prove the Manx legislation had been published only electronically when the contravention happened.
- (5) The defence is not available if the person prosecuting proves reasonable steps were taken on before the day the alleged contravention happened by or for the relevant body, to bring its purport to the notice of —
  - (a) the public;
  - (b) persons likely to be affected by it; or
  - (c) the defendant.

*Examples of reasonable steps:*

1. For paragraph (a), a newspaper publication circulating throughout the Island.

2. For paragraph (b) or (c), giving all the persons or the defendant notice under Part 4, Division 5 (service of documents) of the Interpretation Act.

- (6) A certificate signed by the Attorney General stating the legislation was published under section 43 on a stated day is evidence of the publication.
- (7) This section does not affect a provision of this or other Manx legislation about the making, commencement or validity of Manx legislation.
- (8) In this section, “relevant body” means —
  - (a) if the Manx legislation is an Act, any Department or Statutory Board administering the Act; or
  - (b) if the Manx legislation is a statutory document, the responsible authority for the document.

#### DIVISION 2 — AMENDMENTS: GENERAL

#### 45 Principal and amending legislation to be read as one

Manx legislation and other Manx legislation amending it are to be read as one.

## 46 Placing insertion if not specified exactly

- (1) This section applies if an amending provision —
  - (a) amends Manx legislation by inserting a provision (the “new provision”); but
  - (b) does not specify exactly where the new provision is to be inserted.
- (2) The new provision is to be inserted in the Manx legislation as follows —
  - (a) for a Chapter, Part, Division, Subdivision, section, subsection, paragraph or sub-subparagraph, in the appropriate numerical, alphanumerical or alphabetical position;
  - (b) for a definition, in the appropriate numerical, alphanumerical or alphabetical position in the series of definitions in which it is to be inserted, as the case may be;
  - (c) for an example, note or penalty, at the end of the provision into which it is to be inserted; or
  - (d) otherwise, in the appropriate position.

*Example for paragraph (a):*

*A section numbered “6AA” is to be inserted into Manx legislation with an existing sequence of sections “section 6, section 6A, section 6B”. Section 6AA must be inserted between sections 6A and 6B.*

- (3) In working out the appropriate position, regard may be had to —
  - (a) the new provision’s number;
  - (b) the heading of the amending provision;
  - (c) other amendments in the relevant amending Manx legislation, including the order of amendments;
  - (d) anything else in the amending provision or amended provision; and
  - (e) current drafting practice.
- (4) For this section —
  - (a) a reference to a type of provision includes a provision of a statutory document called something else that would, if the amending provision was in an Act, be called a provision of that type; and
  - (b) in Manx legislation divided otherwise than into sections, a reference to a section or subsection is a reference to a provision corresponding to —
    - (i) for an Act, a section; or
    - (ii) for a statutory document, a provision that would, if the amending provision was in an Act, be called a section.
- (5) In this section, “insert” includes relocate.

## 47 Amendment must be made wherever possible

- (1) If an amending provision amends Manx legislation by doing any of the following, the amendment is taken to have been made wherever it is possible to make it in the provision —
  - (a) omitting a word;
  - (b) substituting a word for another word; or
  - (c) inserting a word before or after a particular word.
- (2) For subsection (1)(b), it does not matter whether the omitted or substituted word is in upper or lower case or what font or type it is in.

*Example:*

*The X Amendment Act substitutes the word “cat” for “dog” in section 20 of the Y Act, without referring to any particular provision of that section. In that section, “dog” occurs once in the heading (starting in upper case), 3 times in subsection (1) and twice in a note (in a different font). The amendment substitutes “cat” for “dog” in each of those occurrences.*

## 48 Automatic consequential amendments

- (1) If Manx legislation substitutes a reference to a person or body for another person or body, a pronoun referring to the substituted person or body is, if appropriate, taken to be amended to accord with the substitution.
- (2) If Manx legislation is amended, it is taken to include all necessary consequential amendments, whether of punctuation, numbering or another kind.

*Examples:*

*1. If the following provision were to be amended by omitting paragraph (c), the amendment is taken to include:*

- (a) *inserting the word “and” at the end of paragraph (a);*
- (b) *replacing the emboldened semicolon with the bracketed full stop; and*
- (c) *omitting the word “and” at the end of paragraph (b) —*

*“5. A notice is to —*

- (a) *be signed by the chairperson;*
- (b) *state the period within which it is to be complied with; [.] and*
- (c) *state where it is to be complied with.”.*

*2. If a section not divided into subsections is amended by inserting a subsection at the end, the existing provision is numbered as subsection (1).*

*3. If a section divided into subsections is amended by inserting another subsection given a new number (for example, a subsection (1A) to be inserted after subsection (1)), subsection (2) does not require the renumbering of subsections after the inserted subsection because such renumbering is neither necessary nor consequential to the insertion.*

*4. If a provision heading is amended, a reference in any Manx legislation to the heading is amended to mention the heading as amended.*

- (3) An amendment under this section commences when the relevant substitution or amendment mentioned in subsection (1) or (2) commences.

#### **49 Relocations: meaning unaffected**

- (1) This section applies if a provision of Manx legislation is relocated (with or without change) to a different place in the same legislation or to different legislation.
- (2) The operation or meaning of the provision is not affected only because of the provision's relocation.
- (3) Without limiting subsection (2), if before its relocation the provision was to be interpreted in a particular way, it is to be interpreted in that way in its new location.

### DIVISION 3 – REPEALS AND AMENDMENTS

#### SUBDIVISION 1 – GENERAL

#### **50 Time repeal takes effect**

- (1) This section applies if Manx legislation is repealed on a certain day (the “repeal day”).
- (2) The repeal takes effect at the following time on the repeal day –
  - (a) if the legislation is remade on the repeal day (with or without change), when the repeal day starts; or
  - (b) otherwise, at midnight.
- (3) In this section, “repealed”, on a certain day, includes where the legislation has –
  - (a) expired on that day; or
  - (b) otherwise ceased to have effect on that day.

#### **51 Expiry provisions take effect as a repeal**

If Manx legislation (the “expiring legislation”) provides that it or other Manx legislation (the “expired legislation”) is to expire, the expired legislation is repealed to the extent of the expiry provided for under the expiring legislation.



## SUBDIVISION 2 – AUTOMATIC REPEAL OF SPENT AMENDMENTS

**52 “Amending legislation”**

“**Amending legislation**” is Manx legislation the text of which consists only of any or all provisions of the following types –

- (a) a preamble or recital (however described);
- (b) a provision about its citation, or the citation of any Manx legislation it amends;
- (c) a provision about its commencement;
- (d) a provision about its purposes or of any of its provisions;
- (e) a provision amending or repealing Manx legislation (including a provision identifying the amended or repealed legislation);
- (f) a provision about the renumbering of Manx legislation; or
- (g) a savings provision, transitional provision or validating provision.

*Example of amending legislation:*

*The Manx Museum and National Trust (Amendment) Act 1986. It commenced and was promulgated in 1986. Apart from amending provisions, that Act consists only of its citation provision and a transitional provision (section 1(4)).*

*Note:*

*A long title (and certain other material) is not included in the text of, and is therefore is not part of, Manx legislation. See section 22 of the Interpretation Act.*

**53 “Amending provision”**

(1) An “**amending provision**” is a provision of Manx legislation the text of which provision only amends or repeals Manx legislation, including, for example –

- (a) a provision (for example, a Schedule) that only identifies the legislation amended or repealed; or
- (b) another provision (for example, a part heading) that only identifies (or groups) provisions amended or repealed.

*Example of a provision for paragraph (b):*

*Part 8 (repeals and amendments).*

(2) To remove any doubt, a provision of amending legislation inserting a savings provision, transitional provision or validating provision into principal legislation is an amending provision only of the amending legislation and not of the principal legislation.

(3) In this section, “principal legislation” means Manx legislation that is not amending legislation.

## 54 Repeal of existing spent amendments

- (1) This section applies to amending legislation or an amending provision only if the legislation or provision commenced before this section commences.
- (2) The amending legislation is automatically repealed on the day after the latest of the following to happen —
  - (a) the commencement of this section;
  - (b) if it is an Act, its promulgation; or
  - (c) either of the following —
    - (i) the commencement of all of its provisions; or
    - (ii) when the last of its provisions that have not commenced are omitted or no longer can commence.

*Example:*

*The Manx Museum and National Trust (Amendment) Act 1986 (mentioned in the example to section 52) will be repealed under this section on the day after this section commences.*

*Note:*

*For repealed transitional provisions, see also section 59 (saving, transitional or validating provision continues in effect).*

- (3) An amending provision is automatically repealed on the day after the latest of the following to happen —
  - (a) the commencement of this section;
  - (b) if it is in the text of an Act, the promulgation of the Act; or
  - (c) the commencement of all, or of the last of, the amendments and repeals made under the amending provision or to which it relates.

## 55 Automatic expiry of future amendments

- (1) This section applies to amending legislation or an amending provision only if the legislation or provision commences on or after this section commences.
- (2) The amending legislation automatically expires on the day after the later of the following to happen —
  - (a) if it is an Act, its promulgation; or
  - (b) either of the following —
    - (i) the commencement of all of its provisions; or
    - (ii) when the last of its provisions that have not commenced are omitted or can no longer commence.

*Example for subparagraph (ii):*

*The ABC Act 2015 includes a provision amending the XYZ Act 2000. Before the provision commences, the XYZ Act 2000 is repealed. The provision can, therefore, no longer commence.*

- (3) The amending provision automatically expires on the day after the later of the following to happen —
- (a) if it is in the text of an Act, the Act's promulgation; or
  - (b) the commencement of all, or of the last of, the amendments and repeals made under it or to which it relates.

*Examples for section:*

*1. Other than provisions about its citation and commencement, the only provisions of the Hypothetical Amendment Act 2015 are amending ones. The citation and commencement provisions commenced under section 18 (automatic commencement of citation and commencement provisions). The amending provisions commenced on a date fixed under an order, 12 April 2016. The Act automatically expires under this section on the day after all of its provisions have commenced, namely 13 April 2016.*

*2. The Example Act 2015 contains provisions for a new licensing scheme. It also amends several Acts and repeals others. Because it contains the scheme provisions, it is not amending legislation. Therefore, the Act does not automatically expire.*

### SUBDIVISION 3 — OPERATION OF REPEALS AND AMENDMENTS

#### **56 Automatic repeals**

- (1) A repeal under Subdivision 2 has effect for all purposes, including, for example, the other provisions of this Part about repeals.
- (2) This section does not limit another provision of this Part.

#### **57 No revival if amendment or repeal repealed**

- (1) An amendment or repeal of Manx legislation operates once and for all.
- (2) In particular, repealed Manx legislation is not revived if the provision that repealed it is itself repealed.
- (3) The repeal of amending legislation or an amending provision does not —
  - (a) revive the Manx legislation it amended as it operated before the amendments commenced;
  - (b) revive anything not in operation or existing when the amendment or repeal took effect; or
  - (c) affect the continuing operation of the amendments.

*Note:*

*See also section 94 (declaratory provision for previous amendments and repeals).*

- (4) Subsections (1) and (2) also apply for any amendment or repeal of the common law under a repealing or amending provision.

- (5) This section does not limit another provision of this Part and is in addition to any provision of the repealing or amending legislation.
- (6) In this section, “common law” includes a procedure or rule at common law or in equity.

## **58 Saving of operation of amended and repealed Manx legislation**

- (1) This section applies if Manx legislation is amended or repealed.
- (2) The amendment or repeal does not affect any of the following —
  - (a) the previous operation of the legislation or anything done, begun or suffered under it;
  - (b) an existing capacity or status acquired under the legislation before the amendment or repeal;
  - (c) an existing immunity, liability, privilege, obligation, right or title acquired, accrued or incurred under the legislation (an “existing accrued matter”);
  - (d) a penalty incurred for an offence against the legislation (also an “existing accrued matter”); or
  - (e) a procedure relating to an existing accrued matter.
- (3) The following may take place for an existing accrued matter as if the amendment or repeal had not happened —
  - (a) carrying out a procedure relating to it;
  - (b) enforcing it; or
  - (c) imposing a penalty.
- (4) Without limiting subsections (1) and (2), the amendment or repeal does not affect —
  - (a) the proof of anything that has happened; or
  - (b) any right, privilege or liability saved by the legislation.
- (5) To remove any doubt, the following apply —
  - (a) this section is in addition to any provision of the legislation under which the amendment or repeal was made;
  - (b) this section does not limit the operation of —
    - (i) another provision of this Part; or
    - (ii) any express savings provision in the legislation relating to the amendment or repeal;
  - (c) if the legislation is repealed, this section does not continue the operation of any public document made under it (but this is subject to section 63); and
  - (d) paragraph (c) does not affect any continued operation given to the public document under a savings or transitional provision.

- (6) In this section —
- “carrying out”, a procedure, includes starting, exercising, continuing or completing it;
- “liability” includes liability to a penalty for an offence against the legislation;
- “penalty” includes punishment and forfeiture;
- “privilege” includes immunity;
- “procedure” means an investigation, proceeding or other action for a remedy; and
- “right” includes capacity, interest, status and title.

## 59 **Savings, transitional or validating provision continues in effect**

- (1) The continuing operation of a savings provision, transitional provision or validating provision is not affected only because it is repealed.
- (2) However, subsection (1) does not apply if the provision is a savings provision, transitional provision or validating provision only because of amendments the provision made to other Manx legislation.
- (3) This section does not limit another provision of this Part and is in addition to any provision of the Manx legislation under which the repeal is made.

### DIVISION 4 — DEFAULT SAVINGS AND TRANSITIONAL PROVISIONS

## 60 **Application of Division**

- (1) This Division applies if Manx legislation or a provision of Manx legislation (the “**old legislation**”) has been repealed and re-enacted, with or without change, (the “**new legislation**”), including, for example, under a consolidation.
- (2) However, this Division applies only to the extent —
- (a) it is consistent with the new legislation; and
- (b) that something provided for under this Division can be done consistently with, or adapted to, the new legislation.
- (3) This Division is subject to section 58 but, for the sake of clarity, that section does not limit the application of section 63 to a statutory document made under the old legislation to the extent that it could have been made under the new legislation.

## 61 **Interpretation for Division**

- (1) In this Division —

“**corresponding provision**”, of the old legislation and the new legislation to each other, means any or all provisions of the other that is (or are) the same as, substantially the same as or expresses the same idea as the other, even though a different form of words is used;

“**done**” includes issued, given or made; and

“**thing**” includes an authorisation, consent, decision, direction, matter, notice, public document, request or transaction.

(2) In this Division, a reference to enforcing something includes starting or continuing a proceeding, or pursuing another remedy, for that thing.

## **62 Existing appointments continue**

The appointment of a person under the old legislation continues for the corresponding provisions of the new legislation for the rest of the period for which the person was appointed, as if the person had been appointed under the new legislation.

## **63 Existing securities and things**

- (1) A bond, guarantee or other security of a continuing nature under the old legislation remains in operation for the corresponding provisions of the new legislation.
- (2) Information, documents and other things done or used under the old legislation may continue to be used under the corresponding provisions of the new legislation.

## **64 Existing proceedings**

A proceeding started under the old legislation may be continued under the corresponding provisions of the new legislation.

## **65 Existing penalties and accrued and accruing rights**

- (1) The procedure under the new legislation applies for enforcing a penalty incurred, or a right acquired, under the old legislation.
- (2) If —
  - (a) corresponding provisions of the old legislation and the new legislation both have a penalty;
  - (b) the corresponding penalty under the new legislation mitigates or reduces the penalty; and
  - (c) a penalty for something that happened before the old legislation’s repeal is to be imposed or adjudged after the repeal,the penalty must be mitigated or reduced to reflect the corresponding penalty.

- (3) In this section, “penalty” includes forfeiture and punishment.

## **66 Things done under the old legislation**

A thing done under the old legislation —

- (a) has the same effect under the corresponding provisions of the new legislation as it had under the old legislation; and
- (b) may be enforced as if it had been done under the corresponding provision.

## **67 Transition of references in other legislation**

- (1) A general reference in other legislation to the old legislation is a reference to the new legislation generally.
- (2) A reference in other legislation to a discontinued body is a reference to its successor.
- (3) If, on the repeal, a body is not discontinued but its name is changed, a reference in other legislation to its name before the repeal is a reference to its name after the repeal.
- (4) In this section —
  - “discontinued”, for a body, means that it was created or continued under the old legislation and that, on the repeal, it ceased to exist or underwent a change in legal personality;
  - “other legislation” means Manx legislation other than the new legislation;
  - “repeal” means the repeal of the old legislation; and
  - “successor”, for a discontinued body, means the body that, under the new legislation, performs the same, or substantially the same, functions that the discontinued body performed before the repeal.

## **68 Transition of specific references for things happening after repeal**

- (1) This section applies for a thing happening after the repeal of the old legislation if Manx legislation other than the new legislation refers to a particular provision of the old legislation (the “old provision”).
- (2) The reference is to any corresponding provisions of the new legislation relating to the same or similar subject matter as the old legislation.
- (3) If there is no corresponding provision, the reference is to the old legislation, but only so far as is necessary to give effect to the old legislation in the reference.

## DIVISION 5 – MISCELLANEOUS

**69 Amendment of statutory document by Manx enactment**

If an Act amends a statutory document, the document may be amended or repealed as if the amendment had been made under another statutory document of that type.

**PART 5 – REPRINTS**

## DIVISION 1 – GENERAL

**70 Attorney General’s reprint power**

- (1) The Attorney General may, under this Part, authorise and publish a version of –
  - (a) any Manx legislation showing all of its text; and
  - (b) UK legislation or another law as that law applies to the Island.
- (2) Subsection (1) applies whether or not the Manx legislation –
  - (a) was enacted, made, announced, printed, published or promulgated before or after this section commences; or
  - (b) has been amended.
- (3) The Attorney General may also authorise and publish a notice (a “**reprint correction notice**”) correcting an error made in a publication under subsection (1).
- (4) A publication under subsection (1) and any relevant reprint correction notice for it from time to time is a “**reprint**” of the Manx legislation or other law.
- (5) The Manx legislation the subject of a reprint is the “**reprinted legislation**” for the reprint.

**71 Delegation of functions**

- (1) The Attorney General may delegate the Attorney General’s functions under this Part to the “**Chief Legislative Drafter**”.
- (2) The Attorney General or the Chief Legislative Drafter may nominate any other person in the Attorney General’s Chambers to carry out the Chief Legislative Drafter’s functions under this Act.



## 72 Reprints

- (1) The Attorney General may publish reprints either in hard copy or electronically, including, for example, by publication on an approved website.
- (2) The Attorney General may decide to make a reprint (whether in hard copy or electronic) an official reprint—
  - (a) in the case of a hard copy reprint, by declaring, before the text of the reprinted legislation starts, that the reprint is an official reprint; and
  - (b) in the case of an electronic reprint, by including in, or logically associating with, the electronic file containing the data comprising the reprint, a declaration that the reprint is an official reprint.
- (3) A printed document identifiable as an official reprint must be treated as an official reprint, unless the contrary is proved.
- (4) The Attorney General must ensure an electronic official reprint is in an approved format and can be accessed only at, or downloaded only from, an approved website.
- (5) Any reprint correction notice for an electronic official reprint must be electronically accessible together with the reprint.
- (6) An electronic official reprint so accessed or downloaded must be treated as an official reprint, unless the contrary is proved.
- (7) In this section, “approved” means approved by the Attorney General.

## 73 Status of official reprint and certain printouts of official reprints

- (1) This section applies for Manx legislation reprinted as an official reprint.
- (2) This section also applies to a document purporting to be a printout of any of the following under section 72 from an approved website —
  - (a) all of an electronic official reprint; or
  - (b) a particular provision of reprinted legislation from an electronic official reprint, together with the declaration under section 72(2) and the notes required under section 78 (authorisation and reprint date notes) for the reprint.
- (3) In the absence of evidence to the contrary, the reprint or printout is —
  - (a) taken to correctly state all of the text of the legislation or provision and to include all amendments of it that commenced on or before the reprint date;
  - (b) evidence that any changes made to the legislation or provision in the reprint were made under this Part; and
  - (c) admissible in evidence in any proceeding.

- (4) A court or person acting judicially must take judicial notice of the reprint or printout.
- (5) This section does not apply for a repositioning or inclusion of a section heading under paragraph 1 to Schedule 1.

## DIVISION 2 – WHAT REPRINTS MUST AND MAY INCLUDE

### SUBDIVISION 1 – AMENDMENTS

#### 74 Commenced amendments

- (1) A reprint must show all of the reprinted legislation as in operation on a stated day (the reprint’s “**reprint date**”) including all amendments to it that commenced on or before the reprint date.
- (2) Subsection (1) does not prevent a reprint showing any uncommenced amendments to the reprinted legislation, so long as –
  - (a) they are shown in a way that differentiates them from the legislation’s text; and
  - (b) a note is included in a suitable place stating the amendments have not commenced and that the note is not included in the legislation’s text.

*Example for paragraph (a):*

*By highlighting or italicising the uncommenced amendments.*

### SUBDIVISION 2 – REPRINT CHANGES

#### 75 Permitted changes and corrections

A reprint may include a change or correction to the text of reprinted legislation as provided for under Schedule 1 (each a “**reprint change**”).

#### 76 Restrictions on making reprint changes

A reprint change –

- (a) may be made only if the Attorney General has approved it after consultation with the Clerk of Tynwald; and
- (b) must not be made if, were it to be enacted, it would change the effect of the text or would renumber or relocate a provision.

#### 77 Effect of reprint change

- (1) If a reprint change is made for a reprint, the reprint has effect as if the change had been expressly made under an amending provision that commenced immediately before the reprint date.

- (2) However, subsection (1) does not apply for a repositioning or inclusion of a section heading under paragraph 1 of Schedule 1.

### SUBDIVISION 3 – REPRINT NOTES

#### 78 Authorisation and reprint date notes

- (1) Each official reprint must, before the text of the reprinted legislation starts, include notes stating –
  - (a) that the Attorney General has authorised the reprint as an official reprint; and
  - (b) its reprint date.
- (2) The notes are evidence of the matters they state unless the contrary is proved.

*Note:*

*The text of Manx legislation does not include a note under this Part. See section 22(1)(e) (excluded material) of the Interpretation Act.*

#### 79 Endnotes

- (1) A reprint must include endnotes stating –
  - (a) the amending provision under which any amendment of the reprinted legislation was made;
  - (b) details of any corrections or changes made under Subdivision 2; and
  - (c) anything else the Attorney General considers is necessary or desirable to help users of the reprinted legislation.
- (2) Endnotes must be included after the end of the text of the reprinted legislation.
- (3) Endnotes are evidence of the matters they state unless the contrary is proved.

#### 80 Notes to aid users

- (1) A reprint may include other notes the Attorney General considers necessary or desirable to help users of the reprinted legislation.

*Example of possible other notes:*

*Notes about savings, transitional or validating provisions continued in effect under section 59 after the relevant amending Act or provision is repealed.*

- (2) The notes –
  - (a) must be shown in a way that differentiates them from the text of the reprinted legislation;

*Example:*

*By parenthesising the notes in square brackets.*

- (b) do not have any legal effect; and
- (c) are not evidence of any matter they state.

## PART 6 – CONSOLIDATIONS OF ACTS

### DIVISION 1 – LEGISLATION CONSOLIDATION BOARD

#### 81 Establishment

The Legislation Consolidation Board (the “**Board**”) is established.

#### 82 Functions

- (1) The Board’s functions are to –
  - (a) draft, as it considers appropriate for the main purposes of this Act, Bills (each a “**consolidation**”), that if enacted, will –
    - (i) combine 2 or more Acts into one;
    - (ii) split an Act into 2 or more Acts; or
    - (iii) relocate (with or without change) provisions of one Act to a different place in the Act or to a different Act; and
  - (b) arrange for consolidations to be introduced to Tynwald for its consideration.
- (2) The Board must act unanimously in performing its functions.
- (3) Any Act the subject of a consolidation is the “**existing legislation**” for the consolidation.

#### 83 Composition of Board

The Board consists of the following persons as its members –

- (a) the President of Tynwald, as its chairperson;
- (b) the Speaker;
- (c) a member of the Council of Ministers;
- (d) the Chief Secretary;
- (e) the Attorney General; and
- (f) the Chief Legislative Drafter.

## DIVISION 2 — DRAFTING POWERS

**84 Powers**

- (1) Subject to section 85, in drafting a consolidation the Board has the following powers —
- (a) update references to UK legislation to reflect remade or replaced UK legislation or changed names or titles;
  - (b) make changes or corrections that, under Part 5, may be made in a reprint;
  - (c) change a section heading repositioned or inserted in a reprint under paragraph 1 of Schedule 1 so it will be in the consolidated legislation’s text;
  - (d) make changes to omit or shorten provisions in reliance on this Act or the Interpretation Act;
  - (e) replace older forms of legislative expression with forms that reflect current drafting practice, ensure consistency of expression or to shorten or simplify a phrase or sentence;
  - (f) rearrange or update legislative structure to make it consistent with current drafting practice;
  - (g) make numbering or renumbering provisions;
  - (h) omit any or all of the following—
    - (i) provisions it considers are spent or no longer have any effect;
    - (ii) preambles;
    - (iii) words of enactment; or
    - (iv) words it considers are obsolete or redundant;
  - (i) change words (including the name or title of an office or officer already established) to make them gender neutral;
  - (j) change spelling, punctuation or layout to make it consistent with current drafting practice;
  - (k) correct conjunctions or disjunctives at the end of provisions or change them to make them consistent with current drafting practice;
  - (l) change an expression of date, amount of money, number, time or unit of measurement or other matter or idea (the “item”) so that the item is expressed consistently with current drafting practice;
  - (m) include consequential, supplementary, incidental, savings, transitional or validating provisions it considers appropriate because of —
    - (i) combining, splitting or relocating provisions of the existing legislation; or

- (ii) the enactment of the consolidation; or
  - (n) do anything else that appears necessary or desirable to the Board to improve the drafting of the existing legislation or make it consistent with current drafting practice.
- (2) In exercising the powers, the Board must consult, in the way it considers appropriate, with the Department, Statutory Board or other body that administers each Act in question and any other person or body the Board considers appropriate.

## **85 Consolidation must not change existing legislation's effect**

- (1) A consolidation must not change the existing legislation's effect.
- (2) However, subsection (1) does not apply for minor amendments the Board considers are necessary or desirable to –
- (a) clarify Tynwald's intent in enacting the existing legislation; or
  - (b) reconcile inconsistencies between its provisions.

### **DIVISION 3 – ENACTMENT PROCEDURES**

## **86 Board certification of draft**

- (1) After finishing a draft of a consolidation, the Board must certify in writing to the Clerk of Tynwald that it has been drafted under this Part.
- (2) A Bill purporting to be a consolidation must not be introduced into Tynwald without the certificate.

## **87 Abridged Bill procedure**

- (1) This section applies on the certification under section 86, of a consolidation, despite any Act, law or procedure to the contrary.
- (2) The consent of the Council of Ministers is required for the introduction of the consolidation into Tynwald as a Bill.
- (3) The consolidation –
- (a) need not pass through any stages of the Council or the Keys; and
  - (b) is taken to have been passed by the Council and the Keys if it is approved at a sitting of Tynwald Court.
- (4) However, the consolidation must not be approved unless at least one sitting of Tynwald has passed since its introduction into Tynwald.
- (5) An amendment to the consolidation may be moved only –
- (a) with the leave of the President of Tynwald; or
  - (b) if the Board has certified in writing that the amendment is necessary to correct an error.

**88 Board certification to Governor if Bill passed**

- (1) If a consolidation is approved by Tynwald Court, the Board must certify in writing to the Governor —
  - (a) that the Bill as passed is a consolidation prepared under this Part; and
  - (b) one of the following —
    - (i) that the Bill does not change the existing legislation's effect;
    - (ii) that any changes to the effect are only minor amendments of a type mentioned in section 85(2); or
    - (iii) that, because of amendments moved before Tynwald Court, the effect was changed, but that the Bill does not otherwise change the existing legislation's effect.
- (2) If subsection (1)(b)(ii) or (iii) applies, the certification must also identify the amendments and all relevant provisions of the consolidation and the existing legislation.

**PART 7 – OTHER PROVISIONS**

## DIVISION 1 – GENERAL

**89 Delegations by Council of Ministers**

- (1) The Council of Ministers may delegate to the Chief Minister its powers under this Act to make public documents.
- (2) The delegation may be —
  - (a) general or limited; and
  - (b) revoked, wholly or partly, by the Council of Ministers.
- (3) A power so delegated may be exercised only under any conditions the Council of Ministers imposes on the exercise of the power.

**90 General regulation-making powers**

- (1) The Council of Ministers may make regulations for the purposes of this Act.
- (2) The regulations may provide for consequential, incidental, supplemental or transitional matters the Council of Ministers considers —
  - (a) are necessary or convenient for the purposes; or
  - (b) are not provided for, or not sufficiently provided for, under Division 2.
- (3) To allow the public to be able to ascertain what existing SDs are in operation, a provision of the regulations may repeal all existing SDs

except those in a stated list published on the website of the Attorney General's Chambers.

- (4) Before publishing the list, the Attorney General must —
  - (a) consult the Board and the Clerk of Tynwald; and
  - (b) conduct all enquires the Attorney General considers are reasonably necessary to discover all existing SDs.
- (5) The list must include a statement that, in the Attorney General's view, it is a complete list of all existing SDs.

Tynwald procedure – approval required.

- (6) Subsections (3) to (5) and (7) and this subsection expire when any provision made under subsection (3) commences.
- (7) In this section, “existing SDs” means statutory documents in operation when this section commences.

#### DIVISION 2 – SAVINGS, TRANSITIONALS AND MISCELLANEOUS

### 91 Existing Manx legislation: publication by a government authority

- (1) This section applies if Manx legislation passed before this section commences requires (the “old requirement”) the publication by a Government authority of a notice or other matter (the “matter”) in a newspaper circulating in the Island.
- (2) The legislation has effect as if it provided instead —
  - (a) for the publication of the matter in the electronic gazette; and
  - (b) if appropriate, that other reasonable steps must be taken to bring the purport of matter to the attention of the public or of persons likely to be affected by it.

*Example of when paragraph (b) need not be complied with:*

*Everyone likely to be affected by the matter has already been given notice of it under Part 4, Division 5 (service of documents) of the Interpretation Act.*

*Example of other reasonable steps:*

*A newspaper publication for the number of times required under the old requirement.*

- (3) In this section, for “government authority” see Part 2 of the Schedule to the Interpretation Act.

### 92 Existing reprints

- (1) A reprint produced under section 1(1) of the repealed *Reprints Act 1981* (the “1981 Act”) is, when this section commences, taken to be an official reprint produced under this Act.



- (2) This Act applies to the reprint as if it were an official reprint and with other necessary changes.

*Note:*

*See however, section 99 of the Interpretation Act (declaratory provision for marginal notes in existing reprints).*

- (3) The reprint date for the reprint is the day that it was published under the 1981 Act.
- (4) A note included under section 1(2) of the 1981 Act is taken to be a note under section 80 (notes to aid users).
- (5) To avoid any doubt —
- (a) the 1981 Act always included the power to publish reprints electronically; and
  - (b) any volume published by Juta & Co. Ltd. or Blackhall Publishing bearing in its title any year from 1996 up to and including 2011 and the words “Statutes of the Isle of Man” is a volume of reprints produced under the 1981 Act.

### **93 Default savings and transitional provisions apply for re-enactments**

To remove any doubt, for Part 4, Division 4 this Act repeals and re-enacts —

- (a) the Filing of Statutory Documents Act 1937;
- (b) the Evidence Act 1976;
- (c) the Short Titles Act 1977;
- (d) the Pre-Revestment Written Laws (Ascertainment) Act 1978;
- (e) the Reprints Act 1981; and
- (f) the Promulgation Act 1988.

### **94 Declaratory provision for previous amendments and repeals**

To avoid any doubt, it is declared that it has never been the law of the Island that the repeal of amending legislation or an amending provision —

- (a) revived the Manx legislation it repealed or amended as the legislation operated before the amendments concerned commenced;
- (b) revived anything not in operation or not existing when the amendments concerned took effect; or
- (c) affected the continuing operation of the amendments concerned.

## 95 Declaration about effect of Transfer of Functions (Health and Safety) Order 2014

- (1) In Part 1 of the Schedule to the Transfer of Functions (Health and Safety) Order 2014, after “the Department of Infrastructure” insert “relating to health and safety”.
- (2) The amendment in subsection (1) is to be treated as having always had effect.

## PART 8 – REPEALS AND AMENDMENTS<sup>1</sup>

### 96 Repeal of Acts

The following Acts are repealed —

- (a) the Filing of Statutory Documents Act 1937;
- (b) the Evidence Act 1965;
- (c) the Children and Young Persons Act 1969;
- (d) the Evidence Act 1976;
- (e) the Short Titles Act 1977;
- (f) the Pre-Revestment Written Laws (Ascertainment) Act 1978;
- (g) the Reprints Act 1981;
- (h) the Promulgation Act 1988;
- (i) the Improvement of Livestock (Amendment) Act 1994.

### 97 Amendments for filing original and distributing copies

- (1) In paragraph 10 of Schedule 3 to the *Highways Act 1986*, for the words after subparagraph (c) substitute —
 

█ and Part 4, Division 1 (numbering, citation and distribution) of the *Legislation Act 2015* applies to the certificate as if it were a statutory document. █.
- (2) For section 5(6) of the *Council of Ministers Act 1990*, substitute —
 

█ (6) Part 4, Division 1 (numbering, citation and distribution) of the *Legislation Act 2015* applies to an instrument under subsection (1) as if it were a statutory document. █.
- (3) In section 42(5) of the *Town and Country Planning Act 1999* for “section 2 of the *Filing of Statutory Documents Act 1937*”, substitute █ Part 4, Division 1 (numbering, citation and distribution) of the *Legislation Act 2015* █.

<sup>1</sup> This Part will automatically expire after promulgation of this Act, depending on when this Part commences. See section 55 (automatic expiry of future amendments).

**98 Evidence Act 1871 amended**

(1) This section amends the *Evidence Act 1871*.

(2) In section 17 —

- (a) for “Acts of Tynwald”, substitute **43** Manx legislation **22**; and
- (b) insert —

**43** *Note:*

*See also section 69 (status of official reprint and certain printouts of official reprints) of the Legislation Act 2015. 22.*

(3) After section 17, insert —

**43 17A Proof of electronic gazette**

In the absence of evidence to the contrary, the production of a printout of the electronic gazette is evidence of —

- (a) that part of the gazette; and
- (b) any day on which the printout states the part was published in the gazette. **22**.

(4) After section 19, insert —

**43 19A Offence: false statement that document printed by authority**

A person must not, without due authority, print or publish or cause to be printed or published, on a document purporting to be a copy of any of the following, a statement that the copy was printed by authority of —

- (a) an act of State of the Government;
- (b) Manx legislation or a reprint of Manx legislation;
- (c) UK legislation applying to the Island;
- (d) a non-legislative public document; or
- (e) proceedings of Tynwald Court, the Keys or the Council.

Maximum penalty (summary) — £5,000. **22**.

(5) After section 49, insert —

**43 50 Savings provision for repealed Evidence Act 1976**

Sections 1 to 4 of the Evidence Act 1976 continue to apply for a document enacted or made before the repeal of that Act, despite the repeal of that Act.

*Notes:*

1. *The Evidence Act 1976 was repealed by the Legislation Act 2015.*
2. *The operative provisions of that Act were as follows:*

*“1. Admissibility, etc, of copies of UK legislation applied with modifications to the Island*

*Where any provision of any Act of Parliament, or any provision of any instrument of a legislative character made under any Act of Parliament, is applied or extended to the Island (with or without exceptions, adaptations or modifications), a copy of any such provision purporting to be published by or under the authority of the Attorney General shall be admissible in evidence in all courts in the Island and shall, until the contrary is proved, be evidence of the contents thereof.*

*2. Admissibility, etc, of certain copies of public documents*

*A copy of any public document purporting to be contained in a Government Circular or Statutory Document or otherwise purporting to have been published or printed by authority shall be admissible in evidence in all courts in the Island and shall, until the contrary is proved, be evidence of the contents thereof.*

*3. Application of sections 1 and 2*

*Sections 1 and 2 of this Act shall apply in relation to copies of provisions of Acts of Parliament or instruments of a legislative character, or of public documents, whether published before or after this Act comes into operation.*



*4. Annual volumes and volumes of revised edition of the statutes to be admissible in evidence*

*Any Act, contained in any annual volume of the statutes or in any volume of the revised edition of the statutes (whether published before or after the commencement of this Act) purporting to be printed by authority shall, until the contrary is proved, be treated as a copy of an Act to which section 17 of the Evidence Act 1871 (admission in evidence of Acts of Parliament and of Tynwald) applies.*

....

*6. Saving*

*Nothing in this Act shall prejudice the provisions of any other enactment relating to the admissibility in evidence, or mode of proof, of any document”.*

*3. Following the repeal, for the matters mentioned in those provisions see sections 17, 17A and 18 of the Evidence Act 1871 and section 74 of the  (status of official reprint and certain printouts of official reprints). .*

## 99 Other amendments and repeals

- (1) In section 2 of the *Criminal Code 1872* for “the death of the eldest son” substitute “the death of the eldest child”.
- (2) The *Douglas Library Act 1938* is repealed.
- (3) For section 25 of the *Rating and Valuation Act 1953* substitute —

### 25 Appeal Commissioners’ procedure

The Appeal Commissioners —

- (a) are to hear and determine all objections made in accordance with this Part;
  - (b) may if they think fit, with the consent of all persons interested in any hereditament, hear and determine an objection relating to that hereditament even though notice of it has not been given in accordance with this Part; and
  - (c) may alter the valuation list to give effect to the determination of an objection. **22**.
- (4) In section 12(5) of the *Civil Evidence Act 1973* in the definition of “matrimonial proceedings” for “a county court” substitute **23** the family court **22**.
- (5) The *Tourist Act 1975* is amended as follows—
  - (a) after section 15(2) insert —
    - 24** (2A) Subsection (2B) applies if the Department has received notice of an appeal relating to —
      - (a) a refusal to register any land as tourist premises in the register for which application has been made; or
      - (b) a cancellation of the registration of any tourist premises in any register.
    - (2B) The Department must —
      - (a) temporarily register the land in the register for which application has been made or, as the case may require, temporarily re-register the tourist premises in the register in which it had been registered before the cancellation of the registration; or
      - (b) grant temporary exemption of the land or, as the case may be, the tourist premises from the provisions of this Act. **22**.
- (6) In section 1(2) of the *Control of Advertising Act 1981*, delete “, or the *Advertisements Regulation Act 1925*,”.
- (7) In section 13 of the *Coroner of Inquests Act 1987* -
  - (a) in subsection (1)(a)(ii) after “section 1” insert “2B, 3A or 3B”; and
  - (b) in subsection (6)(b) —
    - (i) after “section 1” insert “2B, 3A or 3B”; and
    - (ii) for “(causing death by reckless driving)” substitute “(causing death by driving in certain circumstances)”.
- (8) The *Building Control Act 1991* is amended as follows —
  - (a) for section 37 substitute —

**23 37 Tynwald procedure: building regulations and exemption**

**directions**

Section 30 of the *Legislation Act 2015* (Tynwald procedure – approval required) applies to building regulations and to directions under section 3(2). **22**; and

(b) for section 37A(2) (procedure for orders about building authorities) substitute –

**23** (2) Section 30 of the *Legislation Act 2015* (Tynwald procedure – approval required) applies to an order under section 34(2). **22**.

(9) The *Copyright Act 1991* is amended as follows –

(a) in section 145 –

(i) subsections (1) and (2) are repealed, and

(ii) in subsection (3) for “Provision shall be made by the rules” substitute **24** Rules under section 8 of the *Tribunals Act 2006* must provide for **25**;

(b) section 146 is repealed; and

(c) in section 147(2) for “section 145” substitute **26** section 8 of the *Tribunals Act 2006* **27**.

(10) In the *Merchant Shipping Registration Act 1991* for section 60E(2) (as inserted by section 3 of the *Merchant Shipping (Amendment) Act 2007*) substitute –

**28** (2) The Representative Persons Review Tribunal consists of a chairman appointed under the *Tribunals Act 2006* and 2 members drawn from a panel appointed in accordance with that Act. **29**.

(11) In Schedule 13 to the *Value Added Tax Act 1996* –

(a) for paragraph 6 substitute –

**23 6 Rules of procedure**

(1) Rules made under section 8 of the *Tribunals Act 2006* with respect to the Tribunal may include provision –

(a) about the joinder of appeals brought by different persons if a notice is served under section 61 and the appeals relate to, or to different portions of, the basic penalty referred to in the notice; and

(b) for any directly applicable Community legislation relating to any duty of customs or any enactment relating to any duty of customs or excise, to apply as if the amount awarded were an amount of duty which the appellant is required to pay.

- (2) Before making rules under section 8 of the *Tribunals Act 2006* concerning the Tribunal the Council of Ministers must consult the Chamber President. **22**; and
- (b) in paragraph 7(1), for “rules made under paragraph 6” substitute **23**rules referred to in paragraph 6 **22**.
- (12) The *Mental Health Act 1998* is amended as follows —
- (a) in section 80(1)(b)(iii), for “section 77(1)(i)” substitute “section 74(1)(i)”;
- (b) in section 86—
- (i) subsection (1) is repealed;
- (ii) in subsection (2) for “Rules made under this section” substitute “Rules under section 8 of the *Tribunals Act 2006*” and in paragraph (i) of that subsection for “the Deemsters think” substitute **24**the Council of Ministers thinks **22**;
- (iii) in subsection (3) for “Subsections (1) and (2) apply” and “they apply” substitute respectively **25**Subsection (2) applies **22** and **26**it applies **22**; and
- (iv) subsections (4) and (6) are repealed; and
- (c) in Schedule 3 —
- (i) paragraph 2A is repealed; and
- (i) in paragraph 5 for “section 86” substitute **27**section 8 of the *Tribunals Act 2006* **22**.
- (13) The *Data Protection Act 2002* is amended as follows —
- (a) for section 4(4) substitute —
- 28** (4) The Tribunal is to consist of a chairman and 2 other members, appointed in accordance with the *Tribunals Act 2006*. **22**;
- (b) for paragraph 6 of Schedule 6 (obstruction etc) substitute —

### **29** 6 Obstruction etc

- (1) If any person is guilty of any act or omission in relation to proceedings before the Tribunal which, if those proceedings were proceedings before the High Court, would constitute contempt of court, the Tribunal may certify the matter to the High Court.
- (2) Where a matter is so certified, the High Court may inquire into it and, after hearing any witness who may be produced against or on behalf of the person charged with the matter, and after hearing any statement that may be offered in defence, deal with him in any manner in which it could deal with him or her if the act or omission had occurred in relation to the court. **22**.
- (14) The *Tribunals Act 2006* is amended as follows —

(a) for section 3(4) substitute —

**33** (4) Subject to sections 5 to 5B, a member of a Part 1 tribunal shall hold office for the term specified in the warrant of appointment, being not less than 3 nor more than 5 years beginning on the date of the appointment. **32**;

(b) for section 4(1)(b) substitute —

**33** (b) shall hold office, subject to sections 5 to 5B, for the term specified in the warrant of appointment, being not less than 3 nor more than 5 years beginning on the date of the appointment. **32**

(c) after section 5(3) insert —

**33** (3A) The Commission must, after consulting the Deemsters, make an order specifying the procedure to be adopted in connection with the determination of any matter for the purposes of subsection (3).

(3B) An order under subsection (3A) may provide for —

- (a) the suspension of a member while a question about the member's ability or fitness is investigated;
- (b) an appeal to the High Bailiff against a decision of the Commission under subsection (3); and
- (c) the suspension of the operation of any instrument issued under subsection (3) pending the disposal of the appeal. **32**.

(d) after section 5 insert —

### **33**5A Appointment to fill casual vacancy

(1) This section applies if —

(a) a vacancy has arisen —

- (i) by virtue of a person's being disqualified under section 3(3) or 4(3) for being a member of a Part 1 Tribunal, or for being a chairman or a member of Part 2 tribunal; or
- (ii) by reason of a resignation or removal from office under section 5; and

(b) the Commission consider it appropriate to make an appointment for the remainder of the term of the person who has been disqualified or removed from office or who has resigned.

(2) If this section applies the Commission may appoint a person for a term —

(a) beginning on the date of the appointment; and



- (b) ending on the date on which the term of appointment of the person who has been disqualified or removed from office or who has resigned would have ended (even though that term is less than 3 years).

#### **5B Continuation of appointment where appeal part-heard**

- (1) If a member of a Tribunal has begun to hear an appeal, the member may, with the consent of the Commission, continue to deal with it despite the expiry of the member's appointment.
- (2) A consent under subsection (1) may be without limit of time, or be subject to a time limit as the Commission sees fit, and may be renewed from time to time.
- (3) The Commission may only give a consent under subsection (1) or renew a consent under subsection (2) if it appears to the Commission to be in the interests of justice to do so. **22**.
- (e) in section 12(1) after paragraph (a) insert—
  - 23** (aa) orders under section 5(3A); **22**.



**SCHEDULE 1**

[Section 75]

**REPRINT CHANGES PERMITTED****1 Inclusion of section headings to pre-commencement legislation**

- (1) This paragraph applies if a section or other provision of Manx legislation —
  - (a) does not have a heading; but
  - (b) the legislation, as enacted and originally printed, had a marginal note relating to the provision that, under the repealed *Interpretation Act 1976*, was not included in the legislation's text.
- (2) A reprint of the legislation may —
  - (a) reposition (with or without change) the note so that it appears in the form of a heading to the provision; or
  - (b) insert a different heading to the provision that the Attorney General considers is more appropriate.
- (3) To remove any doubt, the repositioning of a note or the insertion of a heading does not mean that it is included in the text of the reprinted legislation.

**2 Format changes**

A reprint may include format changes to make the text of the reprinted legislation consistent with current drafting practice.

*Examples:*

1. *Changing the setting out of provisions, tables and Schedules.*
2. *Changing typeface and type size.*
3. *Adding or removing bold, italics or similar textual attributes.*
4. *Adding or removing quotation marks and rules.*
5. *Changing the case of a letter or word.*
6. *For an Act, repositioning its announcement day or promulgation day.*

**3 Correction of minor errors**

A reprint may correct a minor error including —

- (a) a typographical error;
- (b) a grammatical error;
- (c) an error of punctuation;

- (d) an error in a cross-reference to a provision of Manx legislation or UK legislation, including, for example, an incorrectly omitted reference; or
- (e) a numbering error.

*Examples of specific minor errors:*

1. If the word “license” is used as a noun, it may be replaced with “licence”.
2. In the following provision, the emboldened word may be omitted —  
“The chairperson is to be the executive officer of the **the** Board.”.
3. In the following provision, the bracketed word may be inserted where shown —  
“The chairperson is to be the executive officer of (the) Board.”.

#### **4 Minor editorial changes**

A reprint may make minor editorial changes.

*Examples:*

1. If there are 2 full stops at the end of a sentence, one of them may be omitted.
2. If an Act has a citation that includes a comma before or after a year in the citation, the citation or a reference to the Act may be given omitting the comma.
3. If an Act has a citation starting with the word “The” —
  - (a) if “The” is not part of a proper name, the citation may be given omitting the word; and
  - (b) if the context requires, the word “The” (with or without capitalisation, as appropriate) may be inserted immediately before the citation.

#### **5 Changes because of transfer of functions order**

A reprint may make changes to reflect an order under Schedule 2 to the *Government Departments Act 1987* or section 5 of the *Statutory Boards Act 1987*.

#### **6 Changes of reference under default savings and transitional provisions**

A reprint may make a change of reference made under Part 4, Division 4, including for the repealed Acts mentioned in section 96.

#### **7 Changes to correct order of definitions**

- (1) A definition provision containing non-alphabetical or non-alphanumerical definitions may be rearranged so they are alphabetical or alphanumerical, as the case may be.
- (2) A definition provision containing definitions in a particular order may be rearranged in another order consistent with current drafting practice.
- (3) In this paragraph, “definition provision” means a provision containing a number of definitions.

## 8 **Metrication changes**

- (1) A reprint may change a reference in the reprinted legislation to an imperial unit of measurement to a reference to its corresponding metric unit of measurement.
- (2) If there is no exact corresponding metric equivalent to an imperial unit of measurement, the change may round up or round down the reference to its nearest metric equivalent.
- (3) However, subparagraph (2) does not apply if the rounding up or rounding down changes the effect of the reference.
- (4) In this paragraph, “unit” of measurement, means a unit of measurement of area, capacity, length, mass or weight as defined under Schedule 1 of the *Weights and Measures Act 1989*.



## SCHEDULE 2

[Section 7]

## DEFINITIONS

“**affirmative**” see section 31.

“**alphabetical**”, for a provision about definitions, means in alphabetical order, worked out on a letter-by-letter basis.

“**alphanumeric**”, for a provision about definitions, means numerically and then alphabetically.

“**amending legislation**” see section 52.

“**amending provision**” see section 53(1).

“**announcement day**”, for an Act, see section 9(2).

“**approval required**” see section 30.

“**Board**” see section 81.

“**Chief Legislative Drafter**” means the senior person in the Attorney General’s Chambers responsible for legislative drafting or any other person nominated under section 71(2).

“**consolidation**”, for a provision about Manx legislation, see section 82(1)(a).

“**corresponding provision**”, for Part 4, Division 4, see section 61(1).

“**done**”, for Part 4, Division 4, see section 61(1).

“**electronic gazette**” see section 43(1)(b).

“**enacted**” or “**passed**”, for an Act, see section 17(1).

“**existing legislation**”, for a consolidation, see section 82(3).

“**Interpretation Act**” see section 3(1)(a).

“**laying**”, a document before Tynwald, means taking the action under the standing orders of Tynwald so as to lay the document before Tynwald.

“**laying only**” see section 34.

“**negative**” see section 32(1).

“**new legislation**”, for Part 4, Division 4, see section 60(1).

“**official reprint**”, for a provision about Manx legislation, means a hard copy official reprint printed, or an electronic official reprint made, under section 72(2).

“**old legislation**”, for Part 4, Division 4, see section 60(1).

“**promulgation**”, for an Act, see section 11.

“**promulgation day**”, for an Act, see section 15(1).

“**publication**” includes publication in electronic form.

“**reprint**” see section 70(4).

“**reprint change**” see section 75.

“**reprint correction notice**”, see section 70(3).

“**reprint date**”, for a provision about a reprint, see section 74(1).

“**reprinted legislation**” see section 70(5).

“**thing**”, for Part 4, Division 4, see section 61(1).

“**Tynwald procedure**” see section 29.