



Isle of Man

Ellan Vannin

AT 10 of 2017

STATUTE LAW REVISION ACT 2017



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**Isle of Man***Ellan Vannin*

STATUTE LAW REVISION ACT 2017

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AN ACT to make minor amendments to the Legislation Act 2015, the Interpretation Act 2015 and other enactments; to repeal spent and redundant enactments; and for connected purposes.

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

PART 1 — INTRODUCTORY

1 Short title

The short title of this Act is the Statute Law Revision Act 2017.

2 Commencement

This Act comes into operation on the first day of the month following that in which Royal Assent to it is announced.

PART 2 — INTERPRETATION ACT 2015 AMENDED

3 Interpretation Act 2015 amended

The *Interpretation Act 2015* is amended in accordance with this Part.

4 Meaning of “Manx legislation” and “statutory provision”: section 9 amended

In section 9(1)—

- (a) after paragraph (a) insert —

(b) an order of the Council of Ministers (an “exemption order”).

Tynwald procedure – negative.

(3) In a public document, a reference to a public document generally includes a reference to the provisions of that particular public document and of any other public document. **22**.

8 Public documents: section 15A inserted

After section 15 insert –

22 15A Provisions of Legislation Act applied to non-legislative public documents

The following provisions of Part 3 of the Legislation Act (statutory documents) apply for non-legislative public documents as they apply for statutory documents—

- (a) section 24 (making);
- (b) section 25 (day of making);
- (c) section 26 (commencement by notice);
- (d) section 27 (time of commencement);
- (e) section 28 (commencement of amendment of uncommenced statutory document); and
- (f) section 38 (presumption of validity). **22**.

9 Statutory documents: section 16 amended

(1) Section 16 (“statutory document” and its “responsible authority”) is amended as follows.

(2) For subsection (1)(a) substitute –

22 (a) any of the following made under an Act or a Measure—

- (i) regulations;
- (ii) orders;
- (iii) schemes;
- (iv) byelaws; and
- (v) rules of court; **22**.

(3) In subsection (3)—

(a) before paragraph (a) insert –

22 (za) a Measure;

Note: a Measure is made under Schedule 1 of the Church Legislation Procedure Act 1993. However, once enacted, it has the force and effect of

an Act of Tynwald (see section 2(3) of the 1993 Act) and is therefore properly regarded as primary, and not secondary, legislation. **22**.

(b) after paragraph (b) (and its associated example) insert —

23 (ba) a licence, permit, permission or other authorisation issued under an Act by a regulatory body (including a Department) to one or more persons;

Example:

*A licence under the Fisheries Act 2012 (including a general sea fishing licence) or a Community authorisation within the meaning of section 2 of the Medicines Act 2003. **22**.*

(4) For subsection (4) substitute —

24 (4) The “**responsible authority**” for, or for a provision about, a statutory document is the person in whom the power to make the statutory document is vested, subject to subsection (5).

(5) The responsible authority for, or for a provision about, a statutory document mentioned in column 1 is the person shown in the corresponding entry in column 2 —

<i>Description of statutory document</i>	<i>Responsible authority</i>
A statutory document made by — (a) the Governor; (b) the Governor in Council; or (c) the Council of Ministers.	The Chief Secretary.
A statutory document made by — (a) the Deemsters; or (b) the Clerk of the Rolls.	The Chief Registrar.
A statutory document made by a local authority.	The Department of Infrastructure.
A resolution or other act of the Synod.	The Standing Committee of the Synod.

(6) The Council of Ministers may by order amend the table in subsection (5).

Tynwald procedure — affirmative.

Note: For the main functions of responsible authorities for statutory documents, see Part 3, Division 2 (statutory documents: Tynwald procedures) and Part 4, Division 1 (numbering, citation and distribution) of the Legislation Act. **22**.

10 Meaning of “person”: sections 35 and 69 amended

(1) In section 35(1), for “body corporate” substitute **25**body (whether corporate or not) **22**.

(2) In consequence of the amendment made by subsection (1), section 69(5) (which provides for construction of “person” in that section) is repealed.

11 Maximum fines: section 55 amended

- (1) Section 55 (maximum fines) is amended as follows.
- (2) For the standard scale set out in subsection (1) substitute that set out below.

Level on the scale	Amount of fine
1	£500
2	£1,000
3	£2,000
4	£5,000
5	£10,000

- (3) At the appropriate places in the alphabetical list of enactments in the table in subsection (7) (very high maximum fines) insert the following entries—

<i>Copyright Act 1991</i>	£50,000	10 times level 5 on the standard scale
<i>Marine Infrastructure Management Act 2016</i>	£50,000	10 times level 5 on the standard scale
<i>Performers Protection Act 1996</i>	£50,000	10 times level 5 on the standard scale

12 Acting appointments and judicial officers: section 77 amended

In section 77(1) omit “other than a judicial officer”.

13 Acting appointments: directions about appointor: section 78 amended

- (1) Section 78 is amended as follows.
- (2) After subsection (6) insert—

<p>(6A) Nothing in this section applies to the appointment of judicial officers.</p>

- (3) Subsection (7) (which is spent) is repealed.

14 Power to prescribe reasonable fee: ss. 84 and 91 and Schedule amended

- (1) In section 84(1), for "general fees power" substitute **general fee power**;
- (2) For section 91 substitute —

91 Power to prescribe reasonable fee

- (1) This section applies if the authorising legislation for a statutory document confers power to prescribe a fee which may be charged by a person (the “charging authority”) for doing a thing.

- (2) The power includes a power to prescribe, instead of a stated amount, such amount as –
- (a) the charging authority considers is reasonable; and
 - (b) is no more than the actual cost of doing the thing (including a reasonable proportion of the charging authority’s administrative and overhead expenses).
- (3) The charging authority may publish a list of the fees for doing the thing and other things for which a fee is prescribed. **22**.
- (3) In the Schedule –
- (a) in paragraph 1, at the appropriate point in the alphabetical list, insert –
 - 23** “general fee power” see section 81(2); **22**;
 - (b) in paragraph 2, omit the entry relating to the general fee power.

15 Repeal of provisions: section 105 repealed in part

In the table in section 105, omit the entry relating to the *Insurance Act 2008*.

16 Index of defined terms: Schedule amended

In paragraph 1 of the Schedule (which contains a glossary of definitions for all Manx legislation) insert the following definitions at the appropriate alphabetical points –

- 24** “enactment” see section 103; **22**;
- 25** “Measure” see section 10A; **22**
- 26** “statutory provision” see section 9(2); **22**;
- 27** “subordinate legislation” means any order, rule, regulation notice or other instrument having legislative effect under an Act or Measure; **22**;
- 28** “Synod” (except in the expression “General Synod”) means the Diocesan Synod of the Diocese of Sodor and Man; **22**.

PART 3 – LEGISLATION ACT 2015 AMENDED

17 Legislation Act 2015 amended

The *Legislation Act 2015* is amended in accordance with this Part.

18 Measures: Part 2 amended

After Division 3 of Part 2 insert –

▣ DIVISION 4 — MEASURES

23A Application to Measures

- Divisions 1 to 3, except —
- (a) sections 11 to 15 (promulgation), and
 - (b) section 16, so far as it applies to promulgation,
- apply to a Measure as they apply to an Act. ▣.

19 Statutory documents: Part 3 amended

- (1) Part 3 is amended as follows.
- (2) For the heading of the Part substitute “Statutory Documents”.
- (3) In section 24—
 - (a) in the heading for “public” substitute “statutory”;
 - (b) in subsection (1)—
 - (i) in the opening words, for “public” substitute “statutory”; and
 - (ii) for paragraph (c) substitute —
 - ▣ (c) in any other case—
 - (i) by the person in whom is vested the power to make it (“the responsible person”); or
 - (ii) by a person authorised for that purpose by the responsible person. ▣; and
 - (c) in subsection (2) for “public document” and “public documents” substitute respectively ▣ statutory document ▣ and ▣ statutory documents ▣.
- (4) In section 25 (day of making), in the opening words, for “public document” substitute ▣ statutory document ▣.
- (5) In the following provisions for “public document” substitute ▣ statutory document ▣ (wherever occurring)—
 - (a) section 26 (power to provide for commencement by notice);
 - (b) section 27 (time of commencement);
 - (c) section 28 (commencement of amendment of uncommenced public document), including the heading to section; and
 - (d) section 38 (presumption of validity of public document), including the heading to the section.
- (6) For the heading of Division 2 substitute —

“DIVISION 2 – TYNWALD PROCEDURES”.

- (7) In section 36 –
- (a) in subsection (1) after “applies” insert **33**, subject to subsection (5), **32**; and
- (b) at the end of the section insert –
- “(5) This section does not apply to a statutory document –
- (a) which falls within section 16(1)(c) of the Interpretation Act; or
- (b) which is made under an enactment specified for the purpose of this subsection in an order made by the Council of Ministers.
- Tynwald procedure for subsection (5)(b) – approval required.*”.

20 Numbering of Acts: section 39 amended

- (1) Section 39 (numbering of Acts) is amended as follows.
- (2) After subsection (3) insert –
- 33** (3A) In the case of an Act which is assented to by the Sovereign in Council subsections (2) and (3) (but not subsection (1)) have effect as if the reference to the Act’s announcement day were a reference to the date of Royal Assent. **32**.
- (3) In subsection (4) for “subsection (2) and (3)” substitute **33** subsections (2) to (3A) **32**.

21 Numbering of Measures: section 39A inserted

After section 39 insert –

- 33** **39A** **Numbering of Measures** **33** (1) **The Clerk of Tynwald must give a number to each Measure within 7 days of its announcement day.**
- (2) The numbering must –
- (a) be consecutive according to the Measure’s announcement day (starting from the beginning of each year);
- (b) have the prefix “SM” (being an abbreviation for “Synod Measure”), starting with “SM 1” for each year.
- (3) If more than one Measure has the same announcement day –
- (a) the numbering is to be in the order of when the resolutions directing the drafts of the Measures to be presented to Sovereign were passed by Tynwald; and
- (b) the Measure, the resolution on the draft of which was so passed earlier, is to receive the earlier number.

- (4) In the case of a Measure which is assented to by the Sovereign in Council subsections (2) and (3) (but not subsection (1)) have effect as if the reference to the Measure's announcement day were a reference to the date of Royal Assent.
- (5) All Measures in operation immediately before this section commences are, on the commencement, taken to have been numbered by year under subsections (2) to (4).
- (6) In an Act or a document, a reference to the numbering of a Measure as a statutory document is taken to be a reference to its numbering by year under this section. **22**.

22 Filing original and distributing copies of Acts and statutory documents: section 42 amended

In section 42, for subsections (1) and (2) substitute—

- 63** (1) As soon as practicable after an Act is promulgated, the Clerk of Tynwald must file the original in the Public Record Office.
- (1A) As soon as practicable after Royal Assent to a Measure is announced to Tynwald, the Clerk of Tynwald must file a copy in the Public Record Office.
- (2) As soon as practicable after a statutory document is made and numbered under section 40, the responsible authority must file the original of the document in the Public Record Office. **22**.

23 Electronic gazettal and arrangements for publication and sale of Manx legislation: section 43 amended

- (1) Section 43 is amended as follows.
- (2) In subsection (1)(a) for “and sale of Manx legislation” substitute **63** of Acts of Tynwald, Measures and statutory documents **22**.
- (3) After subsection (1) insert —
 - 63** (1A) The Attorney General may make arrangements for publishing information in the electronic gazette about the making of other Manx legislation.

Note: Manx legislation includes Acts of Parliament and General Synod Measures extended to the Island by or under an Act of Tynwald. **22**.
- (4) In subsection (2) —
 - (a) for “consult with” substitute **63** consult **22**;
 - (b) at the end add **63** under subsection (1) or (1A) **22**.
- (5) In subsection (3)—

- (a) for “piece of Manx legislation” substitute **63** Act of Tynwald, Measure or statutory document **62**; and
- (b) for “receiving a certified copy of it under section 42(1)” substitute —

63 receiving—

- (a) in the case of an Act of Tynwald or a Measure, notification from the Clerk of Tynwald of the announcement of Royal Assent;
- (b) in the case of a statutory document—
 - (i) notification from the responsible authority of the making of the document and, if section 30 applies, of its approval by Tynwald; and
 - (ii) a copy of the statutory document authenticated by, or on behalf of, the responsible authority. **62**.

24 Saving of operation of amended and repealed Manx legislation: section 58 amended

In section 58(5)(c) for “section 63” substitute **63** section 66 **62**.

25 Default savings and transitional provisions – application of Part 4, Division 4: section 60 amended

In section 60(3) for “section 63” substitute **63** section 66 **62**.

26 Existing Manx legislation: publication by a government authority

- (1) Section 91 is amended as follows.
- (2) In subsection (2)—
 - (a) for paragraph (a) substitute—
 - 63** (a) for the publication of the matter on a website maintained or approved for the purpose by the Government authority; **62**;
 - (b) in paragraph (b) for “the purport of matter” substitute **63** the purport of the matter **62**.
- (3) After subsection (2) insert —
 - 63** (2A) A Government authority that publishes a matter under subsection (2)(a) must take reasonable steps to inform the public of how they may access the matter. **62**.

27 Miscellaneous amendments: section 99 amended

Omit section 99(9).

PART 4 – OTHER LEGISLATION AMENDED

28 Building Control Act 1991

For section 25 of the *Building Control Act 1991* (which deals with the exercise of local authority powers by the Department of Environment, Food and Agriculture) substitute—

25 Powers of Department

The powers conferred on a local authority by sections 22, 23 and 24 may be exercised by the Department.

Accordingly, references in those sections to the local authority shall be taken as including the Department acting under this section.

29 Child Custody Act 1987

- (1) In section 1(1)(c)(i) and (3)(a) of the *Child Custody Act 1991* for “the said section 9” substitute the said section 11.
- (2) The amendment made by subsection (1) is to be treated as having always had effect.

30 Church Legislation Procedure Act 1993

- (1) The *Church Legislation Procedure Act 1993* is amended as follows.
- (2) After section 2(2) insert—
 - (2A) A Measure may provide that an act or other matter done before the coming into operation of the provision in question shall have effect, and be deemed always to have had effect, in accordance with that provision.
 - (2B) Subsection (2A) applies to Measures passed before (as well as after) that subsection comes into operation.
- (3) Omit paragraph 4 of Schedule 1.

31 Customs and Excise Duties (General Reliefs) Act 1986

- (1) The *Customs and Excise Duties (General Reliefs) Act 1986* is amended as follows.
- (2) In section 1(2)(b) for the words following “any decisions” substitute of the European Council.
- (3) In the heading to section 2 for “Community practices” substitute EU practices.
- (4) In the heading to section 4 for “Community reliefs” substitute EU reliefs.

(5) For “Community relief” substitute “EU relief” in the following provisions—

- (a) section 5(3), (4)(a) and (5); and
- (b) section 11(2), (4)(a) and (5).

32 Customs and Excise Management Act 1986

- (1) The *Customs and Excise Management Act 1986* is amended as follows.
- (2) In section 2 for “Without prejudice to section 12 of the Boards of Tynwald Act 1952,” substitute “Without limiting section 3 of the *Government Departments Act 1987*,”.
- (3) In section 174(5), in the definition of “EU customs duty” for “the Economic Community” substitute “the European Union”.

33 Designated Businesses (Registration and Oversight) Act 2015

In section 3(2) of the *Designated Businesses (Registration and Oversight) Act 2015*—

- (a) omit paragraph (c);
- (b) renumber paragraph (d) as (c); and
- (c) after paragraph (c) of that section (as renumbered by paragraph (b) above) insert—
 - “ (d) the *Terrorism and Other Crime (Financial Restrictions) Act 2014*;

34 Education Act 2001

In paragraph 5 of Schedule 9 of the *Education Act 2001* (but not the heading to the paragraph) after “Isle of Man College” insert “(now known as University College Isle of Man)”.

35 European Communities (Isle of Man) Act 1973

In section 1(1) of the *European Communities (Isle of Man) Act 1973* re-order the definitions alphabetically.

36 High Court Act 1991

- (1) The *High Court Act 1991* is amended in accordance with subsections (2) and (3).
- (2) After section 36 insert—

“36A Periodical payments of damages

| P1996/48/2

- (1) On awarding damages for future pecuniary loss in respect of personal injury the High Court —
 - (a) may order that the damages are wholly or partly to take the form of periodical payments, and
 - (b) must consider whether to make that order.
- (2) On awarding other damages in respect of personal injury the High Court may, if the parties consent, order that the damages are wholly or partly to take the form of periodical payments.
- (3) The High Court may not make an order for periodical payments unless satisfied that the continuity of payment under the order is reasonably secure.
- (4) For the purpose of subsection (3) the continuity of payment under an order is reasonably secure if —
 - (a) it is protected by a guarantee given under section 36D or Schedule 2A,
 - (b) it is protected by a scheme under *section 43 of the Insurance Act 2008* (whether or not as modified by section 36C), or
 - (c) the source of payment is the Public Services Commission, a Department or a Statutory Board or an organ of the government of a State outside the Island which appears to the Treasury to have functions corresponding to those of a Department or a Statutory Board.
- (5) An order for periodical payments may include provision —
 - (a) requiring the party responsible for the payments to use a method (selected or to be selected by that party) under which the continuity of payment is reasonably secure by virtue of subsection (4);
 - (b) about how the payments are to be made, if not by a method under which the continuity of payment is reasonably secure by virtue of subsection (4);
 - (c) requiring the party responsible for the payments to take specified action to secure continuity of payment, where continuity is not reasonably secure by virtue of subsection (4);
 - (d) enabling a party to apply for a variation of provision included under paragraph (a), (b) or (c).
- (6) Where a person has a right to receive payments under an order for periodical payments, or where an arrangement is entered into in satisfaction of an order which gives a person a right to receive periodical payments, that person's right under the order or arrangement may not be assigned or charged without the approval of the High Court; and —

- (a) the High Court must not approve an assignment or charge unless satisfied that special circumstances make it necessary, and
 - (b) a purported assignment or charge, or agreement to assign or charge, is void unless approved by the High Court.
- (7) Where an order is made for periodical payments, an alteration of the method by which the payments are made is to be treated as a breach of the order (whether or not the method was specified under subsection (5)(b)) unless—
- (a) the High Court declares its satisfaction that the continuity of payment under the new method is reasonably secure,
 - (b) the new method is protected by a guarantee given under section 25D or Schedule 1A,
 - (c) the new method is protected by a scheme under section 43 of the *Insurance Act 2008* (whether or not as modified by section 25C), or
 - (d) the source of payment under the new method is a Department or a Statutory Board or an organ of the government of a State outside the Island which appears to the Treasury to have functions corresponding to those of a Department or a Statutory Board.
- (8) An order for periodical payments is to be treated as providing for the amount of payments to vary by reference to the retail prices index maintained by the Office for National Statistics in the United Kingdom at such times, and in such a manner, as may be determined by or in accordance with the rules of the High Court.
- (9) But an order for periodical payments may include provision disapplying subsection (8), or modifying the effect of that subsection.
- (10) Schedule 1A (guarantees for public sector settlements) has effect.

36B Periodical payments: supplementary

P1996/48/2A

- (1) Rules of court may require the High Court to take specified matters into account in considering—
 - (a) whether to order periodical payments;
 - (b) the security of the continuity of payment;
 - (c) whether to approve an assignment or charge.
- (2) Section 36A(6) does not limit a person's power to assign a right to the scheme manager established under section 43 of the *Insurance Act 2008*.

- (3) In section 36A “**damages**” includes an interim payment which a court orders a defendant to make to a claimant.
- (4) Section 36A does not limit any power exercisable apart from that section.

36C Variation of orders and settlements

P1996/48/2B

- (1) Rules of court may enable an order of the High Court for periodical payments to be varied in specified circumstances (otherwise than in accordance with section 36A(5)(d)).
- (2) Rules of court may provide that, in specified circumstances, a judge of the High Court may vary the terms on which a claim or action for damages for personal injury is settled by agreement between the parties if the agreement—
 - (a) provides for periodical payments, and
 - (b) expressly permits a party to apply to a court for variation in those circumstances.
- (3) Rules of court may make provision—
 - (a) which operates wholly or partly by reference to a condition or other term of the court’s order or of the agreement;
 - (b) about the nature of an order which may be made by the High Court on a variation;
 - (c) about the matters to be taken into account on considering variation.
- (4) Rules of court made in reliance on this section may apply (with or without modification) or amend an enactment about provisional or further damages.

Here—

 - (a) “**provisional damages**” means damages awarded by virtue of subsection (2)(a) of section 33, and
 - (b) “**further damages**” means damages awarded by virtue of subsection (2)(b) of that section.

36D Enhanced protection for periodical payments

P1996/48/4

- (1) Subsection (2) applies if—
 - (a) a person has a right to receive periodical payments, and
 - (b) the person’s right is protected by a scheme under section 43 of the *Insurance Act 2008*, but only as to part of the payments.

- (2) The protection provided by the scheme shall extend by virtue of this section to the whole of the payments.
- (3) Subsection (4) applies where—
- (a) one person (“the claimant”) has a right to receive periodical payments from another person (“the defendant”),
 - (b) a third person (“the insurer”) is required by or in pursuance of an arrangement entered into with the defendant (whether or not together with other persons and whether before or after the creation of the claimant’s right) to make payments in satisfaction of the claimant’s right or for the purpose of enabling it to be satisfied, and
 - (c) the claimant’s right to receive the payments would be wholly or partly protected by a scheme under section 43 of the *Insurance Act 2008* if it arose from an arrangement of the same kind as that mentioned in paragraph (b) but made between the claimant and the insurer.
- (4) For the purposes of the scheme under section 43 of that Act—
- (a) the claimant is to be treated as having a right to receive the payments from the insurer under an arrangement of the same kind as that mentioned in subsection (3)(b),
 - (b) the protection under the scheme in respect of those payments shall extend by virtue of this section to the whole of the payments, and
 - (c) no person other than the claimant is entitled to protection under the scheme in respect of the payments.
- (5) In this section “periodical payments” means periodical payments made pursuant to—
- (a) an order of the High Court in so far as it is made in reliance on section 36A (including an order as varied), or
 - (b) an agreement in so far as it settles a claim or action for damages in respect of personal injury (including an agreement as varied).
- (6) In subsection (5)(b) the reference to an agreement in so far as it settles a claim or action for damages in respect of personal injury includes a reference to an undertaking given by the Motor Insurers’ Bureau (being the company of that name incorporated on 14th June 1946 under the Companies Act 1929 (of Parliament)), or an Article 75 insurer under the Bureau’s Articles of Association, in relation to a claim or action in respect of personal injury. .
- (3) After Schedule 1 insert —

SCHEDULE 1A**GUARANTEES FOR PUBLIC SECTOR SETTLEMENTS**

[Section 36A(10)]

1 Application

This Schedule applies where—

- (a) a claim or action for damages for personal injury is settled on terms such that the damages are to consist wholly or partly of periodical payments; or
- (b) the High Court when awarding damages for personal injury makes an order incorporating such terms.

2 Guarantees

If it appears to a Department or to the Public Services Commission (the “relevant authority”) that the periodical payments are to be made by a body in relation to which the relevant authority has, by virtue of this Schedule, power to do so, the relevant authority may guarantee the payments to be made under the agreement or order.

3 Bodies to which this Schedule applies

The bodies in relation to which a relevant authority may give such a guarantee shall be such bodies as are designated in guidelines agreed between the relevant authority and the Treasury.

This is subject to paragraph 4.

4 Effect on guarantee of failure to comply with guidelines

A guarantee purporting to be given by a relevant authority shall not be invalidated by any failure on the part of that authority to act in accordance with the guidelines.

5 Guarantee must provide for reimbursement with interest

A guarantee under this Schedule shall be given on such terms as the relevant authority may determine, but those terms must in every case require the body to which the guarantee is provided to reimburse the relevant authority, with interest, for any sums paid by that authority in fulfilment of the guarantee.

6 Statements about guarantees to be laid before Tynwald

A relevant authority which has given one or more guarantees under this Schedule must, as soon as possible after the end of its financial year, lay before Tynwald showing—

- (a) what liabilities are outstanding in respect of the guarantees in that year,
- (b) what sums have been paid in that year in fulfilment of the guarantees, and
- (c) what sums (including interest) have been recovered in that year in respect of the guarantees or are still owing. **22**.

- (4) Section 25 of the *Law Reform Act 1997* (which makes provision corresponding in some respects to that made by the amendments contained in this section) is repealed.

37 Interception of Communications Act 1988

- (1) The *Interception of Communications Act 1988* is amended in accordance with subsections (2) and (3).
- (2) In section 7—
- (a) in subsection (1) at the end add **23** or another Minister authorised in writing by the Chief Minister under section 20 of the *Interpretation Act 1976* **22**; and
 - (b) in subsection (2) for the words after “Home Affairs” substitute **23** or other Minister acting by virtue of this section **22**.
- (3) On the coming into operation of section 80 of the *Interpretation Act 2015* (deputies) in section 7(1) omit “under section 20 of the *Interpretation Act 1976*”.

38 Isle of Man Constitution Amendment Act 1919

- (1) Section 17 of the *Isle of Man Constitution Amendment Act 1919* is amended as follows.
- (2) For “*Mental Health Act 1974*” substitute “*Mental Health Act 1998*”.
- (3) Omit “and so inform the President of Tynwald”.

39 Law Reform Act 1997

For paragraph 16(3)(a) of Schedule 1 to the *Law Reform Act 1997* substitute—

- 24** (a) the Court of Justice of the European Union and any court attached to that Court;
- (ab) the European Court of Auditors; **22**.

40 Local Government Act 2006

- (1) For the definition of "the appointed day" in paragraph 1 of Schedule 1 to the *Local Government Act 2006* substitute—
- | **33** "the appointed day" means the day appointed under section 21(2) for the coming into operation of section 17(1); **32**.
- (2) The amendment made by subsection (1) is to be treated as having always had effect.

41 Marriage Act 1984

- (1) The *Marriage Act 1984* is amended in accordance with subsections (2) to (4).
- (2) In section 4A(3) —
- (a) for "member of the clergy" and "members of the clergy" substitute **33** cleric **32** and **33** clerics **32** respectively;
- (b) omit the words from "For the purposes" onwards.
- (3) In section 5(b), after "at any convenient" insert **33** time or **32**.
- (4) In section 17(2), for paragraphs (b) and (c) substitute —
- | **33** (b) without banns having been duly published or a common licence having been obtained; or
- | (c) on the authority of —
- | (i) a publication of banns which is void by virtue of section 3(7) or section 11(2), or
- | (ii) a common licence which is void by virtue of section 13(4). **32**.
- (5) The amendments made by subsections (2) to (4) are to be treated as having come into operation on 22 July 2016 (immediately after the commencement of the *Marriage and Civil Partnership (Amendment) Act 2016*).

42 Marriage and Civil Partnership (Amendment) Act 2016

- (1) The following amendment to Schedule 3 to the *Marriage and Civil Partnership (Amendment) Act 2016* are to be treated as having come into operation on 22 July 2016 immediately before that Act came into operation.
- (2) For sub-paragraph 2(2)(c) (amendment to Schedule 1 to the *Sharing of Church Buildings Act 1986*) substitute—
- | **33** (c) for sub-paragraph (2) substitute—
- | " (2) In section 6(2)—
- | (a) for "Marriage Act 1949" substitute "1984 Act";

- (b) in sub-paragraph (b), for “section 20 of the said Act” substitute “section 14 of the 1984 Act”.

43 Mental Health Act 1998

- (1) The *Mental Health Act 1998* is amended as follows.
- (2) In section 37—
- (a) for subsection (6) substitute—
- █ (6) In this section “spouse” and “civil partner” include a person who is living with the patient as the patient’s spouse (or, if the patient is for the time being an in-patient in a hospital, was so living until the patient was admitted), and has been or had been so living for a period of not less than 6 months.
- But a person is not to be treated by virtue of this subsection as the nearest relative of a married patient unless the spouse or civil partner of the patient is disregarded by virtue of subsection (5)(b). █.
- (b) for subsection (7)(b) substitute —
- █ (b) shall not be treated, by virtue of this subsection, as the nearest relative of a patient who is married or has a civil partner unless the patient’s spouse or civil partner is disregarded by virtue of subsection (5)(b). █.
- (3) In section 38 for “husband or wife” substitute █ spouse or civil partner █.
- (4) In section 88(1) for the definition of “regulations” substitute —
- █ “regulations” means regulations made by the Department; █.

44 Peel Town Commissioners (Acquisition and Disposal of Land) Act 1975 amended

- (1) The *Peel Town Commissioners (Acquisition and Disposal of Land) Act 1975* is amended as follows.
- (2) In section 1(2) for everything following “approved by” substitute █ the Department of Infrastructure”. █.
- (3) At the end of section 1 add—
- █ (3) In this section “encumbrance” means a mortgage, charge or lien, the title of the encumbrancer to which is proved to the Commissioners’ satisfaction. █.
- (4) Section 4 is repealed.

45 Post Office Act 1993

- (1) For section 15(7) and (8) of the *Post Office Act 1993* substitute —

- ~~66~~ (7) In this section, “statutory provisions” includes —
 - (a) any EU instrument which applies as part of the law of the Island under section 2(1) of the *European Communities (Isle of Man) Act 1973*; and
 - (b) any EU instrument applied to the Island as part of the law of the Island under section 2A of that Act.
- ~~66~~ (8) In subsection (7) “EU instrument” has the same meaning as in section 1(1) of the *European Communities (Isle of Man) Act 1973*. ~~66~~
- (2) The amendment made by subsection (1) shall be treated as having come into operation on 1 June 2013 immediately after section 11 of the *Cash in Postal Packets Act 2013* came into operation.

46 Proceeds of Crime Act 2008

- (1) The *Proceeds of Crime Act 2008* is amended as follows.
- (2) In section 27(7) for “the General Revenue of the Island” substitute ~~66~~ the Seized Assets Fund ~~66~~.
- (3) In section 38(10) for “the General Revenue of the Island” substitute ~~66~~ the Seized Assets Fund ~~66~~.
- (4) In section 52(1) for “the General Revenue of the Island” substitute ~~66~~ the Seized Assets Fund ~~66~~.
- (5) In section 54(6) for “the General Revenue of the Island” substitute ~~66~~ the Seized Assets Fund ~~66~~.
- (6) In section 63 for “the General Revenue of the Island” substitute ~~66~~ the Seized Assets Fund ~~66~~.
- (7) In section 222 —
- (a) in subsection (2) for “the General Revenue of the Island” substitute ~~66~~ the Seized Assets Fund ~~66~~;
 - (b) at the beginning of subsection (5) insert ~~66~~ Subject to subsection (5A), ~~66~~; and
 - (c) after that subsection insert —
- ~~66~~ (5A) The terms and conditions imposed under subsection (5) must include such provision as the Treasury considers appropriate to protect the interest of any person entitled to be reimbursed from the Seized Assets Fund in accordance with section 222ZA(2)(a). ~~66~~
- (8) After section 222 (and before section 222A) insert —

~~66~~ 222ZA Seized Assets Fund

- (1) There is constituted a Seized Assets Fund, separate from the General Revenue of the Island.

- (2) The Seized Assets Fund shall be under the care and management of the Board subject to subsection (3).
- (3) The Seized Assets Fund is to be applied in the following order—
 - (a) first, in reimbursing persons who have suffered loss as a result of the criminal activity which gave rise to the offending in connection with which the assets were seized;
 - (b) second, in meeting the costs and expenses of the management of the fund; and
 - (c) third, in meeting such other public expenditure as the Board thinks fit, being expenditure which would otherwise be payable out of the General Revenue of the Island.
- (4) The Treasury must concur in any decision to apply more than £25,000 on a single item of expenditure falling within paragraph (b) or (c) of subsection (3) before effect is given to it.
- (5) The Treasury may by order amend subsection (4) to vary the amount above which Treasury agreement is required.

Tynwald procedure – affirmative.
- (6) On the coming into operation of this section, there shall be transferred to the Seized Assets Fund so much of the General Revenue of the Island as is still in the hands of the Treasury as sums representing assets seized under this Act during the financial year in which this section comes into operation.
- (7) In this section “the Board” means the FIU Board established by the *Financial Intelligence Unit Act 2016*: see Schedule 1 to that Act. **22**.”.

47 Road Traffic Act 1985

- (1) The *Road Traffic Act 1985* is amended as follows.
- (2) In section 72(1) —
 - (a) in the definition of “**Community rules**” for “Community” substitute “EU”; and
 - (b) relocate the amended definition to the appropriate alphabetical location in the list of definitions.
- (3) In Schedule 5, in paragraph 12(1) omit the definition of “**the Communities**”.

48 Value Added Tax Act 1996

- (1) The *Value Added Tax Act 1996* is amended as follows.
- (2) For “Community customs debt” substitute **23** EU customs debt **22** in the following provisions —

- (a) section 15(1)(c) and (2)(a) and (b);
 - (b) section 18(6) in the definition of the “duty point”;
 - (c) section 94(3)(b);
 - (d) Schedule 5, paragraph 6(2)(b).
- (3) For “Community customs provisions” substitute ~~the~~ EU customs provisions ~~in~~ in sections 18A(4)(c), 18B(6)(a) and 18C(4)(b).
- (4) For Note (1)(b) to Group 6 (education) in Schedule 10 substitute —
| ~~the~~ (b) University College Isle of Man; ~~the~~.

49 **Veterinary Surgeons Act 2005**

In the *Veterinary Surgeons Act 2005*, in Schedule 1, paragraph 5(2) for “Isle of Man College” substitute ~~the~~ University College Isle of Man ~~the~~.

50 **Church legislation – transfer of functions**

For “Department of Infrastructure” substitute “Department of Environment, Food and Agriculture” in —

- (a) the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992, in the Schedule, paragraphs 15(3) and 17(2);
- (b) in the Mission and Pastoral Measure (Isle of Man) 2012 in section 3(1), Schedule 2 paragraphs 1(3)(a) and 2(1), and Schedule 3, paragraph 5(4)(b).

51 **Repeals and savings**

- (1) The following are repealed —
- (a) section 174(5) of the *Employment Act 2006*;
 - (b) the *Electricity (Amendment) Act 2010*, so far as it is still in operation; and
 - (c) the *Lloyds TSB Act 1997*.

- (2) Despite the repeal of the *Electricity (Amendment) Act 2010* by subsection (1)(b), section 11 of that Act (transitional provision in respect of revenues of the Manx Electricity Authority) continues to have effect in respect of financial years preceding the financial year 2010-11.

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