



**Isle of Man**

*Ellan Vannin*

**AT 11 of 2015**

**INTERPRETATION ACT 2015**





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## INTERPRETATION ACT 2015

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**Isle of Man***Ellan Vannin*

## INTERPRETATION ACT 2015

*Signed in Tynwald:* 21 July 2015  
*Received Royal Assent:* 21 July 2015  
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**AN ACT** to assist in the interpretation and shortening of the Island's legislation and non-legislative public documents; to consolidate and re-enact the Statutory Time, et cetera, Act 1883, the Interpretation Act 1976 and the Fees and Duties Act 1989; and 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 Interpretation Act 2015.

#### **2 Commencement**

This Act, other than section 1 and this section, commences on the day or days appointed by order of the Council of Ministers.<sup>1</sup>

#### **3 Main purposes of Act**

The main purposes of this Act are to —

- (a) state what forms part of, and to state basic rules for interpreting, Manx legislation;
- (b) make generic provisions about functions and powers for Manx legislation and non-legislative public documents;
- (c) shorten Manx legislation by avoiding the need for repetition; and
- (d) promote consistency in the language and form of Manx legislation.

#### 4 Act not a complete interpretative code

- (1) This Act is not intended to be a complete code for interpreting Manx legislation.
- (2) In particular, this Act does not exclude the operation of interpretative rules not inconsistent with this Act.

*Example:*

*This Act does not affect section 3(1) of the Human Rights Act 2001, which provides that:*

*“So far as it is possible to do so, Acts and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights [under the Convention for the Protection of Human Rights and Fundamental Freedoms].”*

- (3) In this section, “interpretative rules” includes rules, privileges or presumptions at common law or in equity.

#### 5 Combined operation of this Act and the Legislation Act 2015

- (1) This Act and the *Legislation Act 2015* (the “**Legislation Act**”) are to be read together.
- (2) Subject to section 5A of this Act and section 4A of the *Legislation Act 2015*, both Acts apply to all Manx legislation (including this Act) and non-legislative public documents.<sup>2</sup>
- (3) Subject to sections 5A, 6 and 7 of this Act and section 4A of the *Legislation Act 2015*, Manx legislation and non-legislative public documents are taken to be made on the basis that they will operate in conjunction with both Acts.<sup>3</sup>

#### 5A Retained direct EU legislation

- (1) The provisions of this Act apply, so far as applicable and unless the contrary intention appears, to any retained direct EU legislation, which is not subordinate legislation.
- (2) The provisions of this Act apply to retained direct EU legislation which is subordinate legislation in the same way as it applies to subordinate legislation which is not retained direct EU legislation.
- (3) This section is subject to the *European Union and Trade Act 2019*.<sup>4</sup>

#### 6 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”).

*Example:*

*Section 52(1) of this Act (creation of offences and change in penalties) is displaced by section 50A (retrospective application of certain offences) of the International Criminal*



*Court Act 2003 for offences under section 45 (genocide, crimes against humanity and war crime) of that Act.*

- (2) However, a provision of this Act is not 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 section 7.

## **7 Applied Parliamentary enactments: Parliamentary Interpretation Acts apply**

- (1) This section applies if Manx legislation applies (with or without change) a Parliamentary enactment to the Island (the “applied law”).
- (2) Subject to any contrary intention under the applied law, the applied law as it has effect in the Island must be interpreted under Parliamentary Interpretation Acts.
- (3) However, the applied law is taken to include all necessary changes for its effective operation in the Island.

*Example:*

*The applied law refers to distributing post. As applied, it still mentions the Royal Mail performing that function. To the extent the function is performed in the Island, the reference to the Royal Mail is taken to be to the Isle of Man Post Office instead.*

- (4) To avoid any doubt, this section does not apply to UK legislation or another document applied by a non-legislative public document, under section 89 (public document may apply other laws or documents).
- (5) In this section, “Parliamentary Interpretation Acts” means the Interpretation Act 1978 of Parliament and any other Parliamentary enactment relevant to interpreting the applied law.

## **8 Interpretative provisions only for this Act**

The definitions in paragraph 2 of the Schedule apply only to this Act.

# **PART 2 – BASIC DEFINITIONS AND REFERENCES**

## **DIVISION 1 – ACTS AND PROVISIONS**

## **9 “Manx legislation” and “statutory provision”**

- (1) “**Manx legislation**” means —
  - (a) Acts of Tynwald, including this Act;
  - (aa) Measures;<sup>5</sup>

- (ab) retained direct EU legislation;<sup>6</sup>
  - (b) statutory documents; and
  - (c) UK legislation and other laws that, under an Act of Tynwald or a statutory document, apply to the Island as that legislation, or those laws, apply to the Island;<sup>7</sup>
- (2) A reference to a “**statutory provision**” is a reference to any provision of Manx legislation.

*Note:*

*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. The Schedule lists all emboldened definitions. Those that are defined in the body of this Act are signposted in the Schedule.*

## 10 “Act”

- (1) If the word “**Act**” is used without reference to the legislature that made it, the word means the text of a Bill (as it received Royal Assent) that has been passed by Tynwald as an Act of Tynwald.

*Notes:*

*1. For what forms the text of an Act or statutory document, see Part 3, Division 2.*

*2. For when an Act commences, see Part 2, Division 2 (commencement) of the Legislation Act.*

- (2) In an Act of Tynwald (the “Act in question”), a reference to the term “**Act**” generally without referring to any particular Act is a reference to the text of any Act of Tynwald, including the Act in question.
- (3) If the short title of an Act is amended, a reference in a Manx enactment to the Act by its short title before the amendment includes a reference to the text of the Act by its short title as amended.

## 10A Measures

- (1) If the word “Measure” is used without reference to the body that made it, the word means the text of a draft Measure (as it received Royal Assent) that has been —
- (a) approved by the Synod; and
  - (b) presented to the Sovereign in accordance with a resolution of Tynwald under paragraph 3(2) of Schedule 1 to the *Church Legislation Procedure Act 1993*.
- (2) If the short title of a Measure is amended, a reference in a Manx enactment to the Measure by its short title before the amendment includes a reference to the text of the Measure by its short title as amended.<sup>8</sup>

## 11 “Manx enactment”

- (1) A “**Manx enactment**” is an Act, a Measure, any retained direct EU legislation or a provision of an Act, a Measure or any retained direct EU legislation.<sup>9</sup>
- (2) A reference (either generally or specifically) to a Manx enactment includes a reference to all public documents in operation under the enactment.
- (3) If a Manx enactment refers to another Manx enactment (the “other enactment”), the reference is a reference to —
  - (a) the other enactment as originally enacted, and as amended from time to time since it was originally enacted;<sup>10</sup>
  - (b) if the other enactment has been repealed and re-enacted (with or without change) since the reference was made —
    - (i) the other enactment as re-enacted (or last re-enacted); and<sup>11</sup>
    - (ii) as amended from time to time since it was re-enacted (or last re-enacted); and<sup>12</sup>
  - (c) if a relevant provision of the other enactment has been omitted and re-enacted (with or without change) in another Manx enactment since the reference was made —
    - (i) the Manx enactment in which the provision was re-enacted (or last re-enacted), as in operation when the provision was re-enacted (or last re-enacted); and
    - (ii) as amended from time to time since the provision was re-enacted (or last re-enacted).<sup>13 14</sup>
- (4) However, if in any particular case Part 4, Division 4 of the Legislation Act (default savings and transitional provisions) applies for the repeal and re-enactment, subsection (3) is subject to that Division.
- (5) In subsection (3)(a) the reference to “originally enacted”, in relation to retained direct EU legislation, is a reference to the retained direct EU legislation in the form in which it was in on IP completion day.<sup>15</sup>

## 12 “Provision”

A “**provision**” of Manx legislation or UK legislation consists of words or other material included in its text.

*Examples of a provision:*

1. A Chapter, Part, Division, Subdivision, section, subsection, paragraph, subparagraph, example note or Schedule.
2. Provisions of a type mentioned in example 1 referred to together as a group (for example, “Parts 5 to 8”).
3. A map, a diagram, a mathematical formula.

### 13 “Parliamentary enactment” and references to UK legislation

- (1) A “**Parliamentary enactment**” is an Act of Parliament or a provision of an Act of Parliament.
- (2) A reference (either generally or specifically) to a Parliamentary enactment includes a reference to all instruments of a legislative character in operation under the enactment.
- (3) A reference in a Manx enactment to UK legislation is a reference to the legislation as it was in operation when the provision containing the reference commenced.

*Note:*

*For references to repealed UK legislation applied to the Island, see section 40(3).*

### 14 References in Manx enactments to EU instruments

- (1) Subsections (2) and (3) apply if —
  - (a) a Manx enactment passed —
    - (i) after section 1B of the repealed Interpretation Act commenced; but
    - (ii) before IP completion day,<sup>16</sup>refers to an EU instrument (the “original instrument”); and
  - (b) the original instrument has been amended, extended or applied by another EU instrument.

*Note:*

*Section 1B of the repealed Interpretation Act commenced on 18 October 2011.*

- (2) If the reference is to an EU instrument which forms part of Manx law by virtue of section 7 of the *European Union and Trade Act 2019*, the reference is to be read, on or after IP completion day, as a reference to the EU instrument as it forms part of Manx law by virtue of section 7 of that Act and, unless the contrary intention appears, as modified by Manx law from time to time.<sup>17</sup>

*Note:*

*For public documents, see section 89 (public document may apply other laws or documents).*

- (3) If the reference is to an EU instrument which does not form part of Manx law by virtue of section 7 of the *European Union and Trade Act 2019*, the reference is to be read, on or after IP completion day, as a reference to the EU instrument as it has effect immediately before IP completion day.<sup>18</sup>
- (3A) Subsection (3) does not apply so far as any reference forms part of relevant separation agreement law (as that term is defined in the *European Union and Trade Act 2019*).<sup>19</sup>

- (4) A reference to an EU instrument in a Manx enactment passed or made on or after IP completion day is a reference to the EU instrument as it was in operation when the provision containing the reference commenced.<sup>20 21</sup>

## DIVISION 2 – PUBLIC DOCUMENTS

### 15 “Public document”

- (1) A public document is an order, proclamation, warrant, scheme, rule, regulation, byelaw, resolution, notice or other document (whether or not it is legislative in character) made under an Act or a Measure or made under any EU authorising legislation.<sup>22</sup>
- (2) But a document made under an Act or a Measure or any EU authorising legislation is not a public document if it is declared not to be one by –
- (a) the Act or Measure or EU authorising legislation under which it is made; or<sup>23</sup>
  - (b) an order of the Council of Ministers (an “exemption order”).<sup>24</sup>  
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.<sup>25</sup>

### 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).<sup>26</sup>

### 16 “Statutory document” and its “responsible authority”

- (1) A “statutory document” is the text of –
- (a) any of the following made under an Act or a Measure or made under any EU authorising legislation, –
    - (i) regulations;

- (ii) orders;
  - (iii) schemes;
  - (iv) byelaws; and
  - (v) rules of court;<sup>27</sup>
- (b) a public document declared under an Act to be a statutory document; or
- (c) a public document of a legislative character.<sup>28</sup>
- (2) For subsection (1)(c), a public document is of a legislative character only if it —
- (a) unilaterally affects a right or liability of someone other than the body making it; and
  - (b) is not of an administrative or judicial character.
- (3) Despite subsection (1), “statutory document” does not include —
- (za) a Measure;<sup>29</sup>

*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.*

- (a) rules or standing orders of Tynwald;
- (b) another public document of a judicial character;

*Example:*

*A court judgment or court order.*

- (ba) a licence, permit, permission or other authorisation issued under an Act or any EU authorising legislation by a regulatory body (including a Department) to one or more persons;<sup>30</sup>

*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.*

- (c) a warrant; or
- (d) a public document declared under an Act or an order of the Council of Ministers (an “exemption order”) not to be a statutory document.

*Note:*

*If a public document is only machinery, administrative, drafting or formal in nature, subsections (1) to (3) mean that it will only be a statutory document if it falls under subsection (1)(a) or (b) and it is not excluded under subsection (3).*

Tynwald procedure - negative.

- (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).<sup>31</sup>

- (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<sup>32</sup> —

<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 Executive Officer (Isle of Man Government) <sup>33</sup> .
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.<sup>34</sup>

*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.*

## 17 “Non-legislative public document”

A “**non-legislative public document**” is any public document that is not a statutory document.

*Example:*

*A Governor’s warrant mentioned in section 73, that is not the subject of an exemption order under section 15(2).*

## 18 “Authorising legislation”

The “**authorising legislation**”, for a public document, is if it is made, or is in operation, under —

- (a) an Act, that Act;
- (b) a statutory document, that statutory document and the provision of the Act under which it is made; or
- (c) EU authorising legislation, that EU authorising legislation.<sup>35</sup>

## PART 3 – LEGISLATIVE TEXT

### DIVISION 1 – INTRODUCTORY

#### 19 Operation of Division

This Division provides for what material forms part of an Act or statutory document or certain provisions of Acts or statutory documents (its “text”).

### DIVISION 2 – THE TEXT OF AN ACT OR STATUTORY DOCUMENT

#### 20 The text generally

- (1) Subject to the rest of this Division, the text of an Act or statutory document is all material from the start of its first section to the end of –
  - (a) if there is no Appendix or Schedule, its last section; or
  - (b) if there is an Appendix or Schedule, its last Appendix or Schedule.
- (2) For a statutory document, a reference in this section to a stated type of provision of an Act is a reference to a provision (whatever called) of the document that, if the provision were in an Act, would be called a provision of the stated type.

*Example:*

*A reference in this Part to a “section” includes a reference to a provision of a statutory document called an article, regulation or paragraph.*

#### 21 Inclusion of certain material before first section

The text of an Act or statutory document includes any of the following before its first section –

- (a) a preamble or recital (however described);
- (b) enacting words, or words similar to enacting words; or
- (c) a Chapter, Part, Division or Subdivision heading or a cross-heading.

#### 22 Excluded material

- (1) The text of an Act or statutory document does not include any –
  - (a) long title;
  - (b) marginal citation or note citing or referring to a provision;
  - (c) derivation;
  - (d) footnote;
  - (e) reprint note; or



- (f) for amending legislation, formatting or material included only to differentiate amendments from the rest of the legislation.

*Example for paragraph (f):*

*The amendments are highlighted or italicised or have a change bar next to them. The highlighting, italicisation or change bar itself is not included in the text of the amending legislation.*

- (2) In this section —

“derivation” means words in a provision citing a law from which the provision was derived; and

“reprint note” means a declaration or note inserted in a reprint under Part 5 (reprints) of the Legislation Act.

### DIVISION 3 — THE TEXT OF CERTAIN PROVISIONS

## 23 Headings

- (1) A provision’s text includes any heading to the provision.
- (2) If a section has a cross-heading immediately before it and there is another cross-heading immediately after it, the section’s text includes the first cross-heading, but not the second.

## 24 Example of or note to a provision and their relationship with provision

- (1) A provision’s text includes any example or note.

*Example:*

*This example relates to subsection (1). Therefore, an amendment omitting this subsection would omit this example.*

- (2) The following apply to an example of or note to a provision —
- (a) it is not exhaustive and may extend the provision’s meaning; and
- (b) it does not limit the provision’s meaning.
- (3) In this section, “example of or note to” a provision means —
- (a) an example or note included in the provision’s text;
- (b) an example or note that is elsewhere but is expressed in a way to indicate it applies to the provision; or
- (c) a statement at the end of the provision illustrating its operation included in the text of the same sentence as the provision, whether or not the words “for example” or “note” are used.

## 25 Penalties

- (1) The text of a section not divided into subsections includes any penalty at the end of the section.

- (2) A subsection's text includes any penalty at the end of the subsection.
- (3) However, subsection (2) does not apply if the penalty is expressed in a way to indicate it applies only to another provision or to another provision as well as the subsection.
- (4) Subsections (1) and (2) apply even though there is an example or note between the body of the section or subsection and the penalty.

## 26 Schedule provision references

A provision reference associated with a heading to a Schedule is included in the text of the heading and not the body of the Schedule.

*Note:*

*The provision referred to is the "authorising section" or other "authorising" provision relevant to the Schedule.*

# PART 4 – INTERPRETATION AIDS

## DIVISION 1 – INTRODUCTORY

### 27 Application of Part

- (1) This Part applies for interpreting all Manx legislation.
- (2) Section 47 (references to "Tynwald Day" and the special sitting of Tynwald Court) also applies for non-legislative public documents and all other documents.
- (3) For a statutory document, a reference in this Part to a stated type of provision of an Act is a reference to a provision (whatever called) of the document that, if the provision were in in an Act, would be called a provision of the stated type.

*Example:*

*A reference in this Part to a "section" includes a reference to a provision of a statutory document called an article, regulation or rule.*

## DIVISION 2 – GENERAL AIDS

### SUBDIVISION 1 – COMMON TERMS AND REFERENCES

### 28 Meaning of commonly-used terms

The definitions in paragraphs 1 and 1A of the Schedule apply to all Manx legislation.<sup>36</sup>

## 29 Application of definitions

- (1) A definition applying to all Manx legislation, or to particular Manx legislation, applies to all of the legislation.
- (2) A definition expressed to be for a particular provision does not apply to another provision.

## 30 Definitions to be read in context

Definitions in or applicable to Manx legislation apply except to the extent the context or subject matter otherwise indicates or requires.

## 31 Defined terms: other parts of speech, grammatical forms, derivations and associated terms

- (1) If Manx legislation defines a term, other parts of speech and grammatical forms of the term have corresponding meanings.

*Example:*

*“Published”, “publisher”, “publishes”, “publishing” and “publication” are other parts of speech or grammatical forms of the word “publish”.*

- (2) If Manx legislation defines a term (the “defined term”), a reference to a term derived from, or associated with, the defined term is, subject to the context, to be interpreted as having a meaning based on the defined term.

*Example:*

*“Occupier”, “occupied” and “unoccupied” are associated terms. A definition of “occupier” applying to a provision of Manx legislation is, subject to the context, to be used to interpret what “occupied” and “unoccupied” means in that provision.*

## 32 References to the Sovereign

- (1) This section applies for a reference in Manx legislation to the Sovereign generally or to the Sovereign reigning when the legislation commences, at some other stated time or when a stated event happens.
- (2) The reference includes a reference to —
  - (a) the Sovereign’s predecessors and the Sovereign’s heirs and successors; and
  - (b) the capacity of the Sovereign, and the Sovereign’s predecessors and the Sovereign’s heirs and successors, as the Lord of Mann.

## 33 Gender

Words indicating a gender include other genders.

### 34 Number

Words in the singular include the plural and words in the plural include the singular.

### 35 References to “person” generally

- (1) An expression used to denote persons generally includes a reference to a body (whether corporate or not) as well as to an individual.<sup>37</sup>

*Example:*

*“Person”, “anyone else”, “party”, “someone else”, “no-one”, “another”, “whoever” and “employer” are references to a person generally.*

- (2) Subsection (1) is not displaced only because there is an express reference to an individual or corporation elsewhere in the Manx legislation.

*Examples:*

1. *“Body corporate” and “company” are express references to a corporation.*

2. *“Adult”, “child”, “spouse” and “driver” are express references to an individual.*

### 36 Meaning of “may”

The word “**may**”, if used for a function, indicates the function may be exercised, or not exercised, at discretion.

### 37 Meaning of “shall”

The word “**shall**”, if used for a function, indicates the function is required to be exercised.

### 38 Names commonly used

A common name for someone or something is the person or thing to which the name is commonly applied, or is commonly applied in the Island, whether or not it is the formal or unabbreviated name or designation of the person or thing.

### 39 “Commencement” and references to commencement

- (1) Generally, the “**commencement**”, for Manx legislation or a provision of Manx legislation, is the time at which it comes into operation.
- (2) However, a reference in Manx legislation to when that legislation or other Manx legislation (the “referenced law”) commences is a reference to the following —
- (a) if the main provisions of the referenced law all commence, or are all required to commence, on a single day or at a single time, the commencement of its main provisions;

- (b) if paragraph (a) does not apply and the reference is in a provision of the referenced law, the commencement of the provision; or
- (c) otherwise, the commencement of the relevant provision of the referenced law.

*Note:*

*For general provisions about commencement, see Part 2, Division 2 (for Acts) and Part 3, Division 1 (for statutory documents) of the Legislation Act.*

- (3) In this section, “main provisions”, of the referenced law, means its provisions other than those providing for its citation and commencement.

#### **40 References to repealed legislation**

- (1) Generally, a reference to repealed legislation is a reference to that legislation as it was in operation immediately before it was repealed.
- (2) However, subsection (3) applies if Manx legislation applies (with or without change) a Parliamentary enactment to the Island and the enactment is subsequently repealed.
- (3) A reference to the repealed Parliamentary enactment is a reference to the enactment as it was in operation when the provision applying it to the Island commenced.

*Note:*

*For references to extant enactments of Parliament, see section 13.*

- (4) This section is subject to any relevant operation of Part 4, Division 4 (default savings and transitional provisions) of the Legislation Act.

### SUBDIVISION 2 — REFERENCES

#### **41 References to Manx legislation or Parliamentary enactments are inclusive**

A reference to a provision of Manx legislation or a Parliamentary enactment (the “law”) is a reference to —

- (a) the part of the law that starts the provision;
- (b) the part of the law that ends the provision;
- (c) any part of the law between the start and the end of the provision.

*Examples:*

1. A reference to “sections 5 to 9” includes both section 5 and section 9.
2. A reference to “sections 260 to 264” includes a Part or other heading and all other text of the law in and between section 260 and section 264.
3. A subsection of an Act contains the words “child who is capable of exercising the judgement of an adult”. Another Act amends the subsection by omitting from “child” to “adult”. The amendment omits “child”, “adult” and all words in between them.

## 42 General references to provisions or a part of a provision

- (1) If —
- (a) Manx legislation refers to a Chapter, Part, Division, Subdivision, section or Schedule (a “higher level provision”) by a number; and
  - (b) there is nothing in the context to indicate the reference is to a higher level provision outside the legislation,
- the reference is to the higher level provision so numbered in the legislation itself.

- (2) However, if —
- (a) the higher level provision referred to is a Schedule or Part of a Schedule; and
  - (b) there is nothing in the context to indicate the reference is to a higher level provision of the body of the Manx legislation or to another Schedule to it,
- the reference is to the higher level provision so numbered in the Schedule or Part.

- (3) If a section refers to a provision of a section without referring to any particular one, the reference is to that section itself.

*Example:*

*A section numbered “24” has 6 subsections. Section 24(6) just refers to something done “under subsection (3)”. The reference is to section 24(3).*

- (4) If a paragraph in a Schedule refers to a provision of a paragraph without referring to any particular one, the reference is to that paragraph itself.
- (5) If a Manx enactment refers to a public document without referring to any particular one, the reference is to any public document made under the enactment.
- (6) A reference in a Manx enactment to a power exercisable, public document made or act or thing done under a Manx enactment is a reference to a power exercisable, a public document made or act or thing done under the enactment or of any public document made under it.

### SUBDIVISION 3 — OTHER GENERAL AIDS

## 43 Application to all of the Island

Manx legislation applies to the entire Island.

## 44 Manx legislation is always speaking

Manx legislation continues to have effect and may be applied from time to time as each occasion requires.

**45 Changes of drafting practice not to affect meaning**

- (1) The purpose of this section is to encourage improvements in the form of Manx legislation by the following without inadvertently changing its substantive effect —
  - (a) replacing older forms of legislative expression with forms reflecting current drafting practice; and
  - (b) updating legislative structure.
- (2) If Manx legislation is amended so that it contains an older form of legislative expression in one provision and a newer form of expression in another, the ideas in those provisions must not be regarded as different only because different words are used or the provisions are structured differently.
- (3) Subsection (2) also applies if the provisions are in different pieces of Manx legislation.
- (4) If Manx legislation is amended so that a provision containing an older form of legislative expression is replaced (whether or not in the same position) by a provision in a newer form, the ideas in those provisions must not be regarded as different only because different words are used or the provisions are structured differently.
- (5) In deciding whether the ideas are different, regard must be had to the context and history of the provisions.
- (6) Subsection (5) does not limit the matters to which regard may be had.

**DIVISION 3 — DISTANCE AND TIME****46 Measurement of distance**

Distance is to be measured in a straight line on a horizontal plane.

**47 References to “Tynwald Day” and the special sitting of Tynwald Court**

- (1) This section applies to a reference in Manx legislation, a non-legislative public document or another document to Tynwald Day, or to anything appointed to be done at the Tynwald Court ordinarily held yearly on 5th July.
- (2) For a year “**Tynwald Day**” is —
  - (a) 5th July, if that day is not a Saturday or Sunday;
  - (b) if 5th July is a Saturday, 7th July; or
  - (c) if 5th July is a Sunday, 6th July.
- (3) A reference to the Tynwald Court ordinarily held yearly on 5th July also includes a reference to a sitting to which that Court is adjourned.

**48 Working out periods of time generally**

- (1) Subject to section 49, this section applies for working out periods of one day or longer, whether the period is a period in the future or the past.
- (2) A period of time described as starting at, on or with a stated day, act or event includes the stated day or the day of the stated act or event.
- (3) A period of time described as starting from or after a stated day, act or event does not include the stated day or the day of the stated act or event.
- (4) A period of time described as ending at, by, on or with, or as continuing to or until, a stated day, act or event includes the stated day or the day of the stated act or event.
- (5) A period of time described as ending before a stated day, act or event does not include the stated day or the day of the stated act or event.
- (6) A reference to a number of days between 2 events does not include the days when the events happen.
- (7) Despite subsection (3), if something must or may be done within a particular period of time after a stated day, the thing may be done on the stated day.

**49 Provisions for non-working days**

- (1) If an act or proceeding is directed or allowed to be done or taken within a period of time of 6 days or less, non-working days are not included in working out the period.
- (2) If —
  - (a) something must or may be done on a particular day or within a particular period of time; and
  - (b) the day, or the last day of the period, is a non-working day,the thing must or may be done on the next day that is a working day.

**50 Doing things for which no time is fixed**

If something must or may be done but no time is provided for doing it, the thing must or may be done as soon as reasonably possible and as often as needed.

**51 Continuing effect of obligations required within a period or by a time**

If an act must be done, the obligation to do the act continues until the act is done even if —

- (a) the provision required the act to be done within a certain period or before a certain time, and the period has ended or the time has passed; or
- (b) someone has been convicted of an offence for not doing the act.



## DIVISION 4 – OFFENCES AND PENALTIES

**52 Creation of offences and changes in penalties**

- (1) If a provision of Manx legislation makes an act or omission an offence, the act or omission is only an offence if it happens after the provision commences.
- (2) If a provision of Manx legislation increases the penalty for an offence, the penalty as increased applies only to an offence committed after the provision commences.

**53 Continuing offences**

- (1) This section applies to a requirement under Manx legislation to do an act if –
  - (a) the act is required to be done within a certain period or before a certain time; and
  - (b) failure to comply with the requirement is an offence against a provision of the legislation.
- (2) A charge for an offence against the provision may be by reference to a day, stated days or any longer period of time.
- (3) If, on a charge for a period of time (the “charged period”), a person is convicted of an offence against the provision (the “first conviction”), the person may also be convicted of a second or subsequent offences by reference to any period of time during the charged period following the first conviction.
- (4) The maximum penalty for an offence against the provision applies for each of the second or subsequent convictions.

**54 Liability of officers of bodies corporate**

- (1) This section applies if –
  - (a) an offence against a provision of Manx legislation is committed by a body corporate; and
  - (b) it is proved that an officer of the body authorised, permitted, participated in, or failed to take all reasonable steps to prevent the commission of, the offence.
- (2) The officer, as well as the body, commits the offence.  
Maximum penalty (on information) or (summary) as the case may be –
  - (a) if the officer is a body corporate, the same penalty as the other body corporate;

- (b) if the officer is an individual, the penalty to which an individual would be liable if guilty of the offence committed by the body corporate.
- (3) In this section, “officer”, of the body, means any or all of the following of or for the body –
- (a) a director, manager or secretary or other similar officer;
- (b) anyone purporting to act as its director, manager or secretary;
- (c) if its affairs are being managed by its members, a member; and
- (d) if it has a registered agent under incorporation legislation, the registered agent or anyone purporting to act as its registered agent.

## 55 Maximum fines

- (1) The following is “**the standard scale**” for offences punishable summarily –

Level on the scale	Amount of fine <sup>38</sup>
1	£500
2	£1,000
3	£2,000
4	£5,000
5	£10,000

- (2) If a Manx enactment (whenever passed or made) provides –
- (a) that a person is liable on summary conviction to a fine or a maximum fine by reference to a specified level on the standard scale; or
- (b) confers power by statutory document to make a person liable on summary conviction to a fine or maximum fine by reference to a specified level on the standard scale,

that enactment is to be construed as referring to the standard scale in subsection (1) as that scale has effect from time to time.

- (3) If it appears to the Council of Ministers that there has been a change in the value of money since the relevant date, the Council of Ministers may by order substitute for the amounts in column 2 of the Table containing the standard scale in subsection (1) such other amounts as appear to them to be justified by the change.

Here “the relevant date” is the date on which this section came into operation or the date on which the most recent order under it came into operation.

Tynwald procedure – affirmative.

- (4) Subsection (5) has effect in relation to a provision in a Manx enactment that –

- (a) is in operation on the coming into operation of this section; and
- (b) prescribes, or makes provision for a statutory document to prescribe, a fine on summary conviction of a specified amount or subject to a specified maximum.

But that subsection does not apply to a fine expressed to be calculated on a daily basis.

- (5) If this subsection applies, the specified amount or specified maximum in the provision mentioned in subsection (4) is to be read as a reference to the first level in the standard scale that is higher than the specified amount or maximum which was in force immediately before this section comes into operation.
- (6) Without limiting the scope of subsection (5) the Council of Ministers may by order amend a provision mentioned in subsection (4) so as to substitute for a fine prescribed in or under it a fine or maximum fine determined by reference to the standard scale.

Tynwald procedure – affirmative.

- (7) The enactments specified in column 1 are amended to substitute for the amount in column 2 (wherever occurring) the expression in column 3.

<b>Enactment</b>	<b>Amount</b>	<b>Expression</b>
<i>Copyright Act 1991</i> <sup>39</sup>	£50,000	10 times level 5 on the standard scale
<i>Fisheries Act 2012</i>	£50,000	10 times level 5 on the standard scale
<i>Food Act 1996</i>	£20,000	4 times level 5 on the standard scale
<i>Genetically Modified Organisms Act 2001</i>	£20,000	4 times level 5 on the standard scale
<i>Housing (Miscellaneous Provisions) Act 2011</i>	£20,000	4 times level 5 on the standard scale
<i>Marine Infrastructure Management Act 2016</i> <sup>40</sup>	£50,000	10 times level 5 on the standard scale
<i>Merchant Shipping Registration Act 1991</i>	£50,000	10 times level 5 on the standard scale
<i>Oil Pollution Act 1986</i>	£50,000	10 times level 5 on the standard scale
<i>Performers Protection Act 1996</i> <sup>41</sup>	£50,000	10 times level 5 on the standard scale
<i>Public Health Act 1990</i>	£20,000	4 times level 5 on the standard scale
<i>Regulation of Care Act 2013</i>	£20,000	4 times level 5 on the standard scale
<i>Town and Country Planning Act 1999</i>	£20,000	4 times level 5 on the standard scale
<i>Tree Preservation Act 1993</i>	£20,000	4 times level 5 on the standard scale

<i>Video Recordings Act 1995</i>	£20,000	4 times level 5 on the standard scale
<i>Water Pollution Act 1993</i>	(a) £20,000 (b) £50,000	4 times level 5 on the standard scale 10 times level 5 on the standard scale

- (8) Despite any provision to the contrary, the maximum fine which may be imposed on summary conviction of an offence triable on information (whether by virtue of Schedule 2 to the *Summary Jurisdiction Act 1989* or otherwise) is the amount which equals level 5 on the standard scale.
- (9) Subsection (8) does not apply to —
- (a) a fine expressed to be calculated on a daily basis; or
  - (b) an offence for which the maximum fine on summary conviction is greater than £5,000 immediately before the coming into operation of this section.

## 56 Meaning of “maximum penalty” followed by a stated penalty

- (1) This section defines the words “**maximum penalty**” if they —
- (a) are —
    - (i) included in the text of a particular provision; or
    - (ii) expressed in a way to indicate they apply to a particular provision; and
  - (b) are followed by a stated penalty (whether or not including the words “a fine”).
- (2) The words mean that a contravention of the provision is an offence punishable by a penalty of no more than the one stated.
- (3) If the penalty is a fine and no amount is stated for the fine, there is no limit on the amount of the fine that may be imposed.
- (4) If more than one penalty is stated and the penalties are joined by the word “and” or “or”, the word means that the penalties may be imposed cumulatively or alternatively.

*Examples for section 56:*

1. The following words appear at the end of a section divided into 3 subsections and the words “Maximum penalty” do not appear elsewhere in the section:

“Maximum penalty (summary) for subsection (3) — £2,500.”

The words mean that a contravention of subsection (3) (but not the other subsections) is an offence punishable by a penalty of no more than £2,500.

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):

“Maximum penalty (on information) or (summary) —

- (a) for paragraph (a) — £2,500; or
- (b) for paragraph (b) — a fine or 6 months custody.”.

The words mean that a contravention of either paragraph (a) or (b) is an offence. For paragraph (a), the penalty is one of no more than £2,500. For paragraph (b), the penalty is a fine of any amount or custody for 6 months and that either or both may be imposed.

## 57 Meaning of additional words “(on information)” or “(summary)”

- (1) This section applies if —
  - (a) section 56 applies for a particular provision; and
  - (b) the words “(on information)” or “(summary)” appear after the words “maximum penalty” (whether or not immediately after) but before the stated penalty for the provision.

Examples for paragraph (b):

1. “Maximum penalty (on information) — 2 years custody or a fine”.
2. “Maximum penalty (summary) — £5,000.”.

- (2) The words “**(on information)**” mean the penalty refers to a conviction on information for the offence mentioned in section 56.
- (3) The words “**(summary)**” mean the penalty refers to a summary conviction for the offence mentioned in section 55.
- (4) If the words “**(summary)**”, but not “**(on information)**”, appear in the provision, or *vice versa*, a proceeding for an offence against the provision is a summary offence or an offence triable only on information, as the case may be.

## DIVISION 5 — SERVICE OF DOCUMENTS

## 58 Application of Division

- (1) This Division applies if —
  - (a) a particular document is authorised or required to be served, whether the word “serve”, “deliver”, “give”, “notify”, “send” or another word of a similar effect is used; and
  - (b) no particular manner of service is required.
- (2) This Division does not affect the application of —
  - (a) the *Service of Documents Act 1963*;
  - (b) the *Electronic Transactions Act 2000*;
  - (c) a provision under incorporation legislation about how a document may be served on a body corporate; or
  - (d) another provision under which a document is authorised or required to be served otherwise than as provided under this Division.

**59 Service of documents on individuals**

- (1) The document may be served on an individual by —
  - (a) personal service;
  - (b) sending an envelope containing the document by prepaid post, addressed to the individual at the individual's address; or
  - (c) leaving it for the individual with someone who appears to be at least 16 years old and to live or be employed at the individual's address.
- (2) In this section, "address", for an individual, means the individual's usual or last known place of abode or business.

**60 Service of documents on body corporate or association**

- (1) The document may be served on a body corporate or association ("the entity") by —
  - (a) giving it to a relevant officer or agent of the entity;
  - (b) sending an envelope containing the document by prepaid post, addressed to the entity (or a relevant officer or agent of the entity), to its registered address; or
  - (c) leaving it for the entity with someone who appears to be at least 16 years old and to live or be employed at its registered address.

- (2) In this section —

"association" means a partnership or other association of persons, whether or not it is incorporated or has legal personality;

"entity's board" means any governing body of the entity (however described);

"relevant officer or agent", of the entity, means —

- (a) a director of the entity;
- (b) anyone (however described and, if the entity is a body corporate, whether or not the person is a director of the entity) —
  - (i) under whose directions or instructions a director of the entity's board may be required, or is, accustomed to act; or
  - (ii) who exercises, or is entitled to exercise, or who controls, or is entitled to control, the exercise of powers that, apart from the entity's constitution, would fall to be exercised by the entity's board; and
- (c) anyone else who, under any relevant Manx legislation, is a registered agent of, or is authorised to accept service for, the entity; and

"registered address", for an entity, means its registered office, principal office, business address or other address for its place of business registered under incorporation legislation.

**61 Email or other electronic service by agreement**

- (1) The document may be served on a person (the “recipient”) by using a particular form of electronic communication to a particular electronic address (the “agreed mode”) agreed to in writing by the recipient before the communication is sent.

*Example of a written agreement:*

*A Department makes an electronic statutory form for electronic dealings concerning its administration of a particular Act, for those who choose to do so. The form requires someone completing the form (the “participant”) to —*

- (a) state the participant’s email address for such dealings;*
- (b) agree to certain conditions, including one that the Department may serve documents about such dealings by email to the participant at the stated address (“service by email”); and*
- (c) show the participant’s agreement to the conditions in a box located near to, or that is referenced by, a statement to that effect.*

*An electronic tick in the box is the participant’s written agreement to service by email.*

- (2) Subsections (3) to (5) apply if —
- (a) the sender sends the recipient an electronic communication using the agreed mode; and
  - (b) the communication states that a document (whether or not identified) for the recipient is available for viewing by opening a stated hyperlink (or words to a similar effect).
- (3) The recipient is taken to have also been served with the document if it was able to be viewed at the location so hyperlinked (the “hyperlinked address”) —
- (a) when the communication was sent (the “sending time”); and
  - (b) for a period after the sending time that, in all the circumstances, was reasonable to allow the recipient to open the hyperlink and read or copy the document.
- (4) Subsection (3) applies whether or not, or whenever, the recipient opened the hyperlink.
- (5) In a civil or criminal proceeding, a certificate signed by the sender (or, if the sender is a body corporate, an officer of the sender) attaching a copy of the communication and stating the following matters is evidence of those matters —
- (a) the sending time; and
  - (b) that the document was able to be viewed at the hyperlinked address at the sending time and for a stated period after that time.
- (6) In this section —
- “electronic communication” means a communication, by means of an electronic communications network, of information —

- (a) in the form of data, text or images; or
- (b) in the form of speech processed at its destination by an automated voice recognition system; and<sup>42</sup>

“sender” means the person sending the document by electronic communication, or an agent or principal of that person.

*Note:*

*See also section 2 (time and place of dispatch and receipt of electronic communications) of the Electronic Transactions Act 2000.*

## **62 Service on unknown owner, lessee or occupier**

- (1) This section applies if —
  - (a) a person (the “sender”) wishes to serve the document on someone (the “recipient”) who owns, leases or occupies certain premises;
  - (b) the sender does not know the recipient’s identity; and
  - (c) reasonable enquiries by the sender to find out that identity have been unsuccessful.
- (2) The sender may serve the document on the recipient by properly addressing the document to the recipient and by doing one or both of the following —
  - (a) delivering it to someone at the premises who appears to be at least 16 years old and to live or be employed there; or
  - (b) fixing the document, or a copy of it, to some conspicuous part of the premises.
- (3) In this section, “properly addressing” the document to the recipient means writing on it words that —
  - (a) address it to the “owner”, “lessee” or “occupier” (as the case may be) of the premises; and
  - (b) name or otherwise identify the premises.

## **63 When service by prepaid post happens**

- (1) This section applies if, under this Division, a document is served by sending it by prepaid post.
- (2) The document is taken to have been served —
  - (a) generally, when it would be delivered in the ordinary course of post; or
  - (b) if it was sent by registered post in the Island for delivery at a place in the Island or the United Kingdom, 48 hours after it was sent.
- (3) However, subsection (2) does not apply if the contrary is proved.



- (4) In this section, “registered post” means prepaid post sent under a scheme under section 13 (charges, terms and conditions) of the *Post Office Act 1993* under which scheme that office accepts limited liability under section 19 (limited liability for registered post) of that Act.

## DIVISION 6 – STATUTORY FORMS

### 64 Application of Division

This Division applies if Manx legislation (the “**empowering law**”) generally authorises or requires a written form (a “**statutory form**”) to be approved or prescribed (“**made**”).

### 65 Power to make statutory forms

A statutory form may be made for a matter under or relating to a provision of the empowering law, even though the provision does not mention any form.

*Example:*

*Section 23 of the X Act provides for a person to apply for registration but does not mention the form to be used for the application. The X Act does not empower the Department administering the X Act to make forms for that Act. This section authorises that Department to make a statutory form for the application.*

### 66 Compliance with statutory forms

- (1) Substantial compliance with a statutory form is sufficient.

*Example of substantial compliance:*

*The current statutory form for an application requires it to be made at a stated address. An applicant uses a superseded version of the form that states an old address. The applicant makes the application to the stated address and not the old one. Apart from the statement of the old address in the superseded form, the application complies with the current form.*

- (2) However, if a statutory form requires any or all of the following, it is properly completed only if the requirement is (or are) complied with –

- (a) that the form is to be signed;
- (b) that the form is to be prepared in a particular way;

*Examples:*

*On paper of a particular size or quality, or in a particular electronic form.*

- (c) that the form is to be completed in a particular way;
- (d) that particular information is to be included in the form, or a particular document is to be attached to or given with it; or
- (e) that the form, information in the form, or a document attached to or given with it, is to be verified in a particular way.

*Example:*

*By a statutory declaration.*

- (3) Despite subsection (2), one need not comply with the requirement mentioned in subsection (2)(d) (and the statutory form is taken to be properly completed despite the non-compliance) if —
  - (a) the form is approved or prescribed for one or more purposes; and
  - (b) the information or document is not reasonably necessary for any of the purposes because it is irrelevant to all of them.
- (4) If the empowering law requires a statutory form to be completed for an application or another purpose, the application is not made or the purpose is not achieved unless the form is completed as required under this section.

## DIVISION 7 — PUBLIC DOCUMENTS

### 67 Words and expressions follow authorising legislation

Words and expressions used in a public document have the same meanings as they have, from time to time, under its authorising legislation.

### 68 References to “Act” etc

- (1) In a public document a reference to “Act” or “the Act” without mentioning a particular Act, means the Act under which the document is made or is in operation.
- (2) A reference in a public document to “these Regulations”, “this Order” or a similar expression signifying the document itself includes any public document made under it.

## PART 5 — FUNCTIONS AND POWERS

### DIVISION 1 — GENERAL

### 69 General provisions

- (1) A function under Manx legislation may be performed from time to time as the occasion requires.
- (2) If the function is conferred on a stated officer or the holder of a stated office, it may be performed by any person for the time being occupying or acting in the office concerned.
- (3) A power under Manx legislation to do an act or thing includes the power to do anything else reasonably necessary for, or incidental to, doing the act or thing.
- (4) A power under a Manx enactment to amend a Manx enactment (the “subject enactment”) other than by an Act does not include a power to

repeal or to amend in a way that will render the subject enactment ineffective or of no value or importance.

- (5) [Repealed]<sup>43</sup>

## **70 Power to make decision includes power to reverse or change**

- (1) If Manx legislation authorises or requires the making of a decision, the power includes a power to reverse or change the decision.
- (2) The power to reverse or change is exercisable in the same way, and subject to the same conditions, as the power to make the decision.

## **71 Exercise of powers between making and commencement**

- (1) This section applies for a power to do anything, given under —
- (a) Manx legislation (the “authorising law”) that has been made, but has not commenced; or
- (b) Manx legislation that has been made, as amended under other Manx legislation that has been made, and either or both such legislation has not commenced (either or both also called the “authorising law”).

*Examples:*

*A power to make a public document or appoint members of a body to be established under the authorising law.*

- (2) Any of the following may take place at any time —
- (a) the exercise of the power; or
- (b) doing anything else to bring the authorising law into operation or to give full effect to it.
- (3) For the exercise of the power or doing the other thing, the authorising law is taken to have commenced.
- (4) However, a public document or appointment made under this section cannot commence before the provision of the authorising law empowering that document or appointment commences.

## **DIVISION 2 — THE EXECUTIVE**

## **72 Governor’s delegation power**

- (1) The Governor may delegate the performance of any of the Governor’s functions under a Manx enactment or Tynwald resolution, other than a power to make a public document.
- (2) The delegation may be to —
- (a) a named person or body; or

- (b) the officer, or the holder of an office, identified by reference to the title of the office concerned.
- (3) The Governor may impose conditions on the performance of the delegated function.

### **73 Making and signing by or on behalf of Governor**

- (1) An authority, direction or order is taken to have been made by the Governor if it purports to have been so made and is signed by the Chief Executive Officer (Isle of Man Government).<sup>44</sup>
- (2) However, a proclamation or warrant must be signed by the Governor personally.

### **74 Evidence of signing of public documents etc**

- (1) An authority, direction or public document is taken to have been made by the Governor in Council or the Council of Ministers if it purports to have been so made and is signed by the Chief Executive Officer (Isle of Man Government).<sup>45</sup>
- (2) To avoid any doubt, subsection (1) does not limit who may execute a public document under section 24 of the Legislation Act.

### **75 Council of Ministers' amendment power if Parliamentary enactment applied to the Island**

- (1) This section applies if a Parliamentary enactment is applied (with or without change) to the Island (the “applied law”).
- (2) The Council of Ministers may, by order, and after having consulted the Attorney General, amend any Manx enactment it considers appropriate to do any of the following —
  - (a) carry out, give effect to or reflect the provisions of the applied law;
  - (b) remove any inconsistencies with the applied law;
  - (c) consequentially amend the Manx enactment because of the application of the applied law; or
  - (d) include consequential, supplementary, incidental, savings, transitional or validating provisions it considers appropriate because of the effect of the applied law.

Tynwald procedure – approval required.

## DIVISION 3 — APPOINTMENT POWERS

**76 Appointments may be made by name or office**

- (1) This section applies if the Governor or another officer or body (the “appointor”) is authorised or required under Manx legislation to appoint —
  - (a) a person to an office; or
  - (b) a person or body to exercise a power or to do another thing.
- (2) The appointor may make the appointment by appointing —
  - (a) a person or body by name; or
  - (b) a stated officer, or the holder of a stated office, by reference to the title of the office concerned (the “titled appointee”).
- (3) The titled appointee is taken to be the person for the time being occupying or acting in the office concerned.

**77 Acting appointments: general provisions**

- (1) This section applies if Manx legislation or a Tynwald resolution (the “empowering document”) empowers an appointment of a public officer.<sup>46</sup>
- (2) The power to appoint (the “primary power”) also includes a power (the “acting appointment power”) to appoint a person, or 2 or more people, to act in the office during —
  - (a) any vacancy, or all vacancies, in the office, whether or not an appointment has previously been made to the office; or
  - (b) any period, or all periods, when the appointee for any reason is not able to perform the functions of the office.

*Example:*

*The current appointee is ill, on leave or outside the Island.*

- (3) The acting appointment power is exercisable in the same way, and subject to the same conditions, as the primary power.
- (4) Subsection (5) applies if the empowering document requires —
  - (a) the appointee to hold a qualification; or
  - (b) the usual appointor (or someone else) to be satisfied about the appointee’s suitability (whether in terms of knowledge, experience, character or another personal quality) before appointing the appointee to the position.
- (5) Without limiting subsection (3), the acting appointment power may be exercised only if the appointee holds the qualification or the usual appointor (or other person) is so satisfied.

- (6) An acting appointment under subsection (2) may be expressed to have effect only in the circumstances stated in the document of appointment.
- (7) This section is subject to section 78.
- (8) In this section, “usual appointor” means the person who, under the empowering document, is empowered to appoint someone to the office concerned.

## **78 Acting appointments: directions about appointor**

- (1) The following person or body may give a direction (an “appointment direction”) that someone (the “alternate appointor”) other than the usual appointor under section 77 is to exercise an acting appointment power under that section —
  - (a) for an appointment of an employee of the Public Services Commission, that Commission (the “Commission”); or
  - (b) otherwise —
    - (i) the Chief Minister; or
    - (ii) another Minister whom the Chief Minister or the Council of Ministers has authorised to give the appointment direction.
- (2) The alternate appointor may be —
  - (a) a named person or body; or
  - (b) a stated officer, or the holder of a stated office, by reference to the person for the time being occupying or acting in the office concerned.
- (3) The effect of an appointment direction is that section 77 applies, subject to the following —
  - (a) only the alternate appointor may exercise the acting appointment power;
  - (b) the exercise of that power is subject to any conditions imposed under the direction; and
  - (c) the appointment must be made under the terms of the direction.
- (4) Before giving an appointment direction, the Commission must seek the concurrence of the relevant Minister.
- (5) However, a failure to comply with subsection (4) does not invalidate the appointment direction.
- (6) In this section “relevant Minister” means —
  - (a) generally, the Minister who appears to the Commission to be principally concerned with the exercise of the acting appointment power; or

- (b) if it appears to the commission that there is no Minister principally concerned, or that Minister is absent or unable to act, the Chief Minister.
- (6A) Nothing in this section applies to the appointment of judicial officers.<sup>47</sup>
- (7) [Repealed]<sup>48</sup>

## **79 Power of appointment includes certain incidental powers**

- (1) A power (the “appointment power”) to appoint a public officer, other than a judicial officer, under Manx legislation includes the power to —
  - (a) decide the terms and conditions of the appointment;
  - (b) suspend the appointee, and to end the suspension;
  - (c) end the appointment, and appoint someone else; and
  - (d) if the appointee is still eligible, reappoint the appointee.
- (2) The powers under subsection (1)(b) to (d) are exercisable in the same way, and subject to the same conditions, as the appointment power.

## **80 Deputies**

- (1) This section applies if, under Manx legislation or a Tynwald resolution, functions are conferred on a Minister or a public officer, other than a judicial officer.
- (2) The Minister or public officer may appoint someone as the Minister’s or public officer’s deputy to perform the functions.
- (3) However, a person may be appointed as a deputy only if —
  - (a) the person is appropriately qualified to perform the functions; and
  - (b) for a public officer (other than the Chief Minister or a Minister), the person or body who appointed the officer has approved the deputy’s appointment.
- (4) The deputy holds office subject to any conditions imposed by the Minister or public officer.

### **DIVISION 4 — GENERAL FEE POWER**

## **81 Grant of power to the Treasury, Departments and Statutory Boards**

- (1) The Treasury, another Department or Statutory Board may do either of the following under regulations or an order —
  - (a) levy fees and duties for a matter mentioned in section 82; or
  - (b) provide for the following for fees and duties levied under paragraph (a) or another Act —
    - (i) their time and manner of payment;

- (ii) matters incidental to their due collection and accounting.

Tynwald procedure - negative.

- (2) The power under subsection (1) is the “**general fee power**”.
- (3) The general fee power does not limit another power to make a public document or section 91 (under which a power to prescribe a fee includes a power to prescribe a reasonable fee).

## 82 Matters for which general fee power may be exercised

The matters for which the general fee power may be exercised are —

- (a) a government authority performing a function or service, or a matter incidental to the performance of the function or service;
- (b) a matter relating to a proceeding;
- (c) a matter for which —
  - (i) an Act; or
  - (ii) any EU authorising legislation,
 provides that a fee is to be prescribed under the general fee power; and<sup>49</sup>
- (d) a matter for which fees were, or could be, prescribed under a Manx enactment repealed or amended (but not changed) under this Act.

*Examples of performing a function or service:*

1. Granting or issuing under Manx legislation a right, sanction, certificate, permit, licence, authorisation, permission, or a similar decision or document for that purpose.
2. A government authority considering an application or carrying out an examination, inspection or investigation.
3. A matter relating or incidental to the registration of deeds or the registration of bodies corporate, industrial and building societies and documents relating to those bodies.
4. Swearing oaths, making declarations, captioning a document or affixing a seal.
5. Registering, recording, filing, enrolling or depositing a document with, or in a register maintained by, a government authority.
6. Issuing, inspecting or producing a copy of a document in a government authority's possession.

*Examples of matter relating to a proceeding:*

*Filing, inspecting, copying, producing or issuing a document or making an order.*

## 83 Treasury concurrence required

The general fee power may be exercised by a Department (other than the Treasury) or Statutory Board only with the concurrence of the Treasury.



**84 Requirement to make available rate of fees and duties**

- (1) This section applies if a statutory document prescribes fees or duties under the general fee power.<sup>50</sup>
- (2) The responsible authority must ensure a copy of, or an extract from, the provisions prescribing the fees or duties is available free of charge —
  - (a) at every office or place where the fees or duties are charged during normal office hours; and
  - (b) for public viewing on the Government website or another website that the responsible authority considers appropriate for that purpose.
- (3) A contravention of subsection (2) does not affect the validity of the exercise of the power.

**85 Receipt of fees or duties**

A fee or duty received under the exercise of the general fee power forms part of the General Revenue.

**DIVISION 5 — POWERS FOR PUBLIC DOCUMENTS****86 Meaning of “matter” for Division**

In this Division, “**matter**”, for a public document, includes circumstance, person, place, purpose and thing.

**87 Additional powers implied by power to make public document**

- (1) This section applies if the authorising legislation for a public document authorises or requires the making of a public document for that legislation or other Manx legislation (both the “legislation”).
- (2) The power to make the public document also authorises the making of a public document for any matter —
  - (a) required or permitted to be prescribed under the legislation; or
  - (b) necessary, convenient or incidental to the exercise of the power or to carry out or give effect to the legislation.
- (3) Subsection (2) applies to the authorising legislation even though —
  - (a) it authorises the making of a public document only for that legislation; or
  - (b) it also authorises or requires the making of a public document about a particular matter.

*Example for subsections (2)(b) and (3):*

*A statutory document is amending legislation. It may make consequential amendments to statutory documents made under other Manx enactments or by a different body to the one making the amending legislation.*

- (4) A power given under the authorising legislation for a public document about a particular matter is in addition to, and does not limit the effect of, a power given under the authorising legislation or other legislation to make a public document (whether or not of the same type) about another matter.

## **88 Public documents may apply generally or differentially**

- (1) A public document may —
  - (a) apply generally or be limited in its application to a particular part of the Island;
  - (b) apply generally to all persons and matters or be limited in its application to, or make different provision for —
    - (i) different persons or matters; or
    - (ii) different classes of persons or matters; or
  - (c) apply generally or be limited in its application by reference to stated conditions, exceptions or factors.
- (2) Without limiting subsection (1), a public document-making power about particular matters includes the power to make a public document about any one or more of those matters or a particular class of those matters.
- (3) In this section, “class” includes a single matter.

## **89 Public document may apply other laws or documents**

- (1) A public document may make provision about a matter by applying all or part of the provisions of any of the following (the “applied provisions”) —
  - (a) stated Manx legislation;
  - (b) UK legislation;
  - (c) an EU instrument;
  - (d) a law of another jurisdiction; or
  - (e) another document (whether of the same or a different type).
- (2) The applied provisions may be expressed to apply as in operation —
  - (a) at a stated time before the making of the public document;
  - (b) on the making of the public document; or
  - (c) from time to time, subject to section 40(3) (references to repealed legislation).
- (3) If the public document does not make any provision as mentioned in subsection (2), the applied provisions are taken to apply as they were in operation on the making of the public document.

*Note:*

*For what laws apply for the interpretation of, and other matters relating to, the applied provisions, see sections 5 to 7.*

- (4) In this section, “applying” includes adapting, adopting or incorporating, with or without change, and whether directly or indirectly, but does not include the mere copying of a provision mentioned in subsection (1) without referring to it.

## **90 Public document may refer to map, plan or register for land or waters**

- (1) This section applies if the authorising legislation for a public document authorises or requires the document to make a provision relating to land or waters.
- (2) The provision may be made by reference to a particular map, plan or register (the “document”) held or kept by the responsible authority.
- (3) However, the responsible authority must ensure the document is available for public viewing free of charge —
  - (a) at its principal office during normal office hours; and
  - (b) on the Government website or another website that the responsible authority considers is appropriate for that purpose.
- (4) A contravention of subsection (3) does not affect the validity of the provision.

## **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.<sup>51</sup>

## **92 Power to charge reasonable amount for non-obligatory services**

- (1) This section applies if —
  - (a) under Manx legislation, a government authority is authorised, but not required, to perform a service; and

- (b) no fee is prescribed under the general fee power or otherwise for performing the service.
- (2) The government authority may charge a reasonable amount for performing the service.

### **93 Power to make public document includes power to amend or repeal**

- (1) A power to make a public document includes the power to amend or repeal it.
- (2) The power to amend or repeal is exercisable in the same way, and subject to the same conditions, as the power to make the public document.
- (3) However, despite subsection (2), a statutory document may, after consultation with the Legislation Consolidation Board under the Legislation Act, be repealed by an order of the Council of Ministers (a “repeal order”) without complying with the conditions.
- (4) A repeal order may be made for more than one statutory document and for statutory documents that have different authorising legislation.
- (5) Tynwald procedure - negative.

### **94 Acts done under public document**

An act done under a public document is taken to have been done under its authorising legislation.

## **DIVISION 6 – MISCELLANEOUS**

### **95 Power to produce information includes information kept on computer**

- (1) This section applies if —
  - (a) someone keeps, or has access to, a document or information (“the material”) kept by way of a computer;
  - (b) under Manx legislation an authority is empowered to require the person to produce, or help to produce, the material to an authority; and
  - (c) that power is exercised in relation to the person.
- (2) The person must produce a document reproducing the material in a form capable of being understood by the authority.
- (3) Also, for a requirement made by an inspector —
  - (a) the form must allow the inspector to take the reproduction away; and
  - (b) the person must allow the inspector to check the computer’s operation and any apparatus associated with it.
- (4) In this section —

“authority” means a court, tribunal or an inspector; and

“inspector” includes an individual (whatever called) performing monitoring or enforcement functions under a Manx enactment.

## 96 Power of majority of more than 2 persons

If an act or thing is required to be done by more than 2 persons, a majority of them may do it.

# PART 6 – OTHER PROVISIONS

## DIVISION 1 – GENERAL

### 97 Delegation by Council of Ministers

- (1) The Council of Ministers may delegate –
  - (a) to the Chief Minister any of its powers under this Act to make a public document; or
  - (b) any of its powers under Part 5, Division 3 (appointment powers) to –
    - (i) a Minister; or
    - (ii) an employee of the Public Services Commission appointed under the *Public Services Commission Act 2015* who is appropriately qualified to exercise the power.
- (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.
- (4) Until the coming into operation of the *Public Services Commission Act 2015*, the reference to an employee of the Public Services Commission appointed under the *Public Services Commission Act 2015* is to be read as a reference to a civil servant under the *Civil Service Act 1990*.

### 98 General regulation-making powers

- (1) The following bodies may make regulations for the purposes of this Act –
  - (a) the Council of Ministers;
  - (b) a Department; and
  - (c) a Statutory Board.Tynwald procedure – approval required.

- (2) The regulations may provide for consequential, incidental, supplemental or transitional matters the body considers —
  - (a) are necessary or convenient for the purposes; or
  - (b) are not provided for, or not sufficiently provided for, under Division 2.
- (3) Despite subsections (1) and (2), a Department or Statutory Board may make regulations only under the provisions applying to Manx legislation it administers.

## DIVISION 2 — SAVINGS AND TRANSITIONALS

### 99 Operation of Act for existing Manx legislation and other documents

- (1) To avoid any doubt, this Act applies to Manx legislation, non-legislative public documents and other documents (each an “existing document”) even though they were in operation or existence before this section commences (the “commencement”).
- (2) However —
  - (a) this Act does not affect the operation of a repealed Act for anything that happened before the commencement; and
  - (b) this Act applies only for an existing document for something that happens on or after the commencement.

*Example:*<sup>52</sup>

1. [Repealed<sup>53</sup>]

*There is High Court authority (Re: Atrium Trading (2003-5) MLR 91) that a long title is included in the text of existing Manx legislation. For things happening before the commencement, a long title is included in such text. For things happening after the commencement, because of section 22(1)(a), a long title does not.*<sup>54</sup>

- (3) The reference in subsection (2) to a thing happening includes a reference to the existence, non-existence or coming into existence of a fact, matter or circumstance.
- (4) This section —
  - (a) is subject to section 14 (references in Manx enactments to EU instruments);
  - (b) does not apply for sections 53 (continuing offences) and 54 (liability of officers of bodies corporate); and
  - (c) does not apply for section 44 of the Legislation Act (defence if Manx legislation not published) if the statutory document concerned was in operation before the commencement.

**100 Declaratory provision for marginal notes in existing reprints**

- (1) This section applies if before this section commences —
  - (a) an Act as enacted and printed included a heading in the form of a marginal note to a section or other provision; and
  - (b) a reprint of the Act under the repealed *Reprints Act 1981* purported to include the heading as a heading to the provision.
- (2) To avoid any doubt, the inclusion of the heading in the reprint did not affect, and has never affected, the application of section 8 (preambles, headings and marginal notes) of the repealed Interpretation Act to the heading or provision.

**101 Default savings and transitional provisions apply for re-enactments**

To remove any doubt, for Part 4, Division 4 of the Legislation Act (default savings and transitional provisions), this Act repeals and re-enacts the repealed Acts.

**102 Transition of orders under repealed Fees and Duties Act 1989**

- (1) This section applies despite the repeal of the *Fees and Duties Act 1989* (the “1989 Act”).
- (2) An order in operation under the 1989 Act immediately before its repeal continues in operation as if the order had been made in exercise of the general fee power.
- (3) To remove any doubt, if the order was approved by Tynwald under section 1(4) of the 1989 Act before this section commences, section 32 of the Legislation Act (negative Tynwald procedure) does not apply to the order.

**103 References to “enactment”**

In Manx legislation or a document the term “enactment” is, if the context permits, taken to be a reference to Manx legislation.

*Example of case in which the context does not permit:*

*The term is defined in the provision in which it appears or used in reference to UK legislation.*

**PART 7 — REPEALS AND AMENDMENTS<sup>1</sup>****104 Repeal of Acts**

The following Acts are repealed —

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<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) of the Legislation Act.

- (a) [Repealed the *Statutory Time, et cetera, Act 1883*]
- (b) [Repealed the *Interpretation Act 1976*]
- (c) [Repealed the *Fees and Duties Act 1989*]

## 105 Repeal of provisions

Each of the Acts referred to in column 1 of the following table is repealed to the extent shown in column 2.

<b>Act</b>	<b>Extent of repeal</b>
<i>Newspapers Act 1846</i>	[Repealed section 18]
<i>Industrial and Building Societies Act 1892</i>	[Repealed section 7(10)]
<i>Bankruptcy Code 1892</i>	[Repealed section 5A(2)]
<i>Pedlars and Street Traders Act 1906</i>	[Repealed the definition of “local authority” in section 2]
<i>Petty Sessions and Summary Jurisdiction Act 1927</i>	In section 3 the definition of “court of summary jurisdiction”
<i>Agricultural Marketing Act 1934</i>	[Repealed section 31(5)]
<i>Children and Young Persons Act 1966</i>	[Repealed section 118(3) and (4)]
<i>Companies Act 1974</i>	[Repealed sections 12 and 23(3)]
<i>Peel Town Commissioners (Acquisition and Disposal of Land) Act 1975</i>	[Repealed section 4] <sup>55</sup>
<i>Fertilisers and Feeding Stuffs Act 1975</i>	[Repealed section 20(3)]
<i>Tynwald Proceedings Act 1984</i>	[Repealed section 5]
<i>Local Government Act 1985</i>	[Repealed section 31A]
<i>Tobacco Products Duty Act 1986</i>	[Repealed in section 6D(7) the words “within the meaning of section 3 of the <i>Interpretation Act 1976</i> ”.]
<i>Bank Holidays Act 1989</i>	[Repealed the words “Without prejudice to section 16 of the <i>Interpretation Act 1976</i> ” in section 3(3)]
<i>Summary Jurisdiction Act 1989</i>	[Repealed Schedule 4 paragraph 7(1)]
<i>Income Tax Act 1989</i>	[Repealed in section 1 in the definition of “annual allowance”, all the words after “Treasury”.]
<i>High Court Act 1991</i>	[Repealed section 58(1A)]
<i>Merchant Shipping Registration Act 1991</i>	[Repealed section 45(2)]
<i>Customs and Excise Act 1993</i>	[Repealed section 1(4)]
<i>Medicines Act 2003</i>	[Repealed in Schedule 2 definition of “registered”]



<i>Anti-terrorism and Crime Act 2003</i>	[Repealed the words “within the meaning of the <i>Interpretation Act 1976</i> ” in section 72(3)]
[Repealed] <sup>56</sup>	[Repealed]
<i>Tynwald Auditor General Act 2011</i>	[Repealed Schedule 2, paragraph 2]
<i>Regulation of Care Act 2013</i>	[Repealed sections 33(3) and (4), 127, 153, and 156 and 161(2)(b) and (c) and (3); Part 10, Division 5; and the definitions “commence”, “enactment”, “maximum penalty”, “personal representative” and “see” in the Schedule]
<i>Flood Risk Management Act 2013</i>	[Repealed sections 10(2) and (3), 45(2)(e) and (f), 65, 71, 72, and 95 and the definitions “commence”, “the Island”, “maximum penalty” and “see” in the Schedule]

**106 Grouped amendments**

- (1) In each of the provisions in Table A for “section 3 of the *Interpretation Act 1976*” substitute **3A** Part 1 of the Schedule to the *Interpretation Act 2015* (definitions for all Manx legislation) **3A** –

Table A:

<i>Land Registration Act 1982</i>	[Amended section 79(1), in the definition of “land”]
<i>Tynwald Proceedings Act 1984</i>	[Amended section 5] <sup>57</sup>
<i>Customs and Excise Management Act 1986</i>	[Amended section 174(1)]
<i>Tynwald Auditor General Act 2011</i>	[Amended Schedule 1, paragraph 8(9)]
<i>Tynwald Commissioner for Administration Act 2011</i>	[Amended Schedule 1, paragraph 8(9)]

- (2) In each of the provisions in Table B for the following words substitute **3B** Part 5 of the *Interpretation Act 2015* (functions and powers) **3B** –

- (a) “section 26 of the *Interpretation Act 1976*”;
- (b) “section 26(3) of the *Interpretation Act 1976*”; and
- (c) “section 28 of the *Interpretation Act 1976*”.

Table B:

<i>Income Tax Act 1970</i>	[Amended sections 1(3D) and 27A(2)]
<i>Income Tax (Retirement Benefit Schemes) Act 1978</i>	[Amended section 14(1), in the definition of “annual allowance”]

<i>Income Tax Act 1989</i>	[Amended section 1(1), in the definition of “annual allowance”] <sup>58</sup>
<i>Moneylenders Act 1991</i>	[Amended section 17(1A)(b)]
<i>Collective Investment Schemes Act 2008</i>	[Amended section 24(6)]
<i>Financial Services Act 2008</i>	[Amended section 44(3)]
<i>Tynwald Auditor General Act 2011</i>	section 11 <sup>59</sup>
<i>Tynwald Commissioner for Administration Act 2011</i>	section 11 <sup>60</sup>
<i>Company and Business Names Act 2012</i>	[Amended section 12(5)]

- (3) In each of the provisions in Table C for the following words substitute **Part 4, Division 5** of the *Interpretation Act 2015* (service of documents) —

- (a) “section 40 of the *Interpretation Act 1976*”;
- (b) “section 41 of the *Interpretation Act 1976*”; and
- (c) “section 41(2) of the *Interpretation Act 1976*”,

save that the substituted words in parenthesis are inserted only the first time there is a substitution in each Act.

Table C:

<i>Torts (Interference with Goods) Act 1981</i>	[Amended Schedule 1, paragraph 8]
<i>Telecommunications Act 1984</i>	[Amended Schedule 1, paragraph 25(4)]
<i>Road Traffic Regulation Act 1985</i>	[Amended Schedule 5A, paragraph 19(6)]
<i>Road Traffic Act 1985</i>	[Amended Schedule 4, paragraph 16]
<i>Oil Pollution Act 1986</i>	[Amended section 9(1)]
<i>Consumer Protection Act 1991</i>	[Amended section 47(5)]
<i>Trade Unions Act 1991</i>	[Amended section 22]
<i>Maritime Security Act 1995</i>	[Amended section 25(4)]
<i>Police Powers and Procedures Act 1998</i>	[Amended Schedule 1, paragraphs 8 and 10]
<i>Online Gambling Regulation Act 2001</i>	[Amended section 10A(6)]
<i>Medicines Act 2003</i>	[Amended Schedule 1, paragraph 12]
<i>Trees and High Hedges Act 2005</i>	[Amended section 14(2)]
<i>Regulation of Care Act 2013</i>	[Amended section 109(2)]

- (4) In each of the provisions in Table D for “*Interpretation Act 1976*”, substitute **Interpretation Act 2015**.

Table D:

<i>Income Tax Act 1970</i>	[Amended section 105O, definition of “document”]
<i>Customs and Excise Act 1993</i>	[Amended section 4(5)]
<i>Animal Health Act 1996</i>	[Amended section 35(10)]
<i>Anti-terrorism and Crime Act 2003</i>	[Amended section 52(6)] <sup>61</sup>
<i>Gambling (Amendment) Act 2006</i>	[Amended section 13(3)]

- (5) In each of the provisions in Table E for “the Imperial Parliament” substitute **█**Parliament**█**.

Table E:

<i>Industrial and Building Societies Act 1892</i>	[Amended section 18(3)]
<i>Seeds Act 1921</i>	[Amended section 3(1)] <sup>62</sup>
<i>Pensions (Penalties) Act 1923</i>	[Amended section 2(i)]
<i>Factories and Workshops Amendment Act 1936</i>	[Amended section 2(2)]
<i>Superannuation Schemes (War Service) Act 1941</i>	[Amended section 2(4)]
<i>Personal Injuries (Emergency Provisions) Act 1943</i>	[Amended section 3(2)]
<i>Law Reform (Contributory Negligence) Act 1946</i>	[Amended section 3(1)]
<i>Firearms Act 1947</i>	[Amended section 21(2)(a)]
<i>Forgery Act 1952</i>	[Amended section 3(3)(k)]
<i>Conveyancing (Leases and Tenancies) Act 1954</i>	[Amended section 3, in the definition of “instrument”, sections 11(6) and 18(1)]
<i>Merchandise Marks Act 1955</i>	[Amended section 6(1)]
<i>Finance Act 1958</i>	[Amended section 6]
<i>Pool Betting (Isle of Man) Act 1961</i>	[Amended section 15(1)(c), in the definition of “qualified auditor”, paragraph (v)]
<i>Agriculture and Horticulture Act 1966</i>	[Amended section 2(1) and Schedule 1, paragraph 1(2)]
<i>Income Tax Act 1970</i>	[Amended sections 15(a), 16(2)(e) <sup>63</sup> and 29(1)]

- (6) In each of the provisions in Table F for “the Fees and Duties Act 1989” substitute **█**Part 5, Division 4 (general fee power) of the *Interpretation Act 2015*”.

Table F:

<i>Companies Act 1931</i>	[Amended section 283A(1)(d)]
<i>Slaughter of Animals Act 1936</i>	[Amended Schedule, paragraph 2(2)(c)]
<i>Firearms Act 1947</i>	[Amended sections 3(1) & 8(2)]

<i>Registration of Deeds Act 1961</i>	[Amended section 46]
<i>Music and Dancing Act 1961</i>	[Amended section 15]
<i>Chapmen's Act 1971</i>	[Amended section 2(3)]
<i>Animal Boarding Establishments (Isle of Man) Act 1973</i>	[Amended section 1(2)]
<i>European Communities (Isle of Man) Act 1973</i>	[Amended section 2A(6)]
<i>Fertilisers and Feeding Stuffs Act 1975</i>	[Amended section 20A(7)]
<i>Breeding of Dogs and Cats Act 1981</i>	[Amended section 1(2)]
<i>Wildlife Act 1990</i>	section 7(2A)
<i>High Court Act 1991</i>	[Amended section 57]
<i>Moneylenders Act 1991</i>	[Amended section 2(1)]
<i>Customs and Excise Act 1993</i>	[Amended section 3(5)]
<i>Water Pollution Act 1993</i>	[Amended section 21]
<i>Shot Guns, Air Weapons and Cross-bows Act 1994</i>	[Amended section 9(1)]
<i>Gas Regulation Act 1995</i>	[Amended section 5(5)]
<i>Licensing Act 1995</i>	[Amended section 6(4)]
<i>Video Recordings Act 1995</i>	[Amended section 11(6)]
<i>Cruelty to Animals Act 1997</i>	[Amended section 18]
<i>Retirement Benefits Schemes Act 2000</i>	[Amended section 36(8)]
<i>Road Transport Act 2001</i>	[Amended sections 56(1) and 63(1), in the definition of "prescribed"]
<i>Children and Young Persons Act 2001</i>	[Amended Schedule 7 paragraph 4(1)(d)] <sup>64</sup>
<i>Matrimonial Proceedings Act 2003</i>	[Amended Schedule 4 paragraph 10]

- (7) In each of the provisions in Table G for "qualified medical practitioner" or "duly qualified medical practitioner" substitute **■** registered medical practitioner **■**

Table G:

<i>Factories and Workshops Act 1909</i>	[Amended sections 5 and 26]
<i>Children and Young Persons Act 1966</i>	[Amended section 5]
<i>Criminal Law Act 1981</i>	[Amended section 20(1) and (2)]
<i>Summary Jurisdiction Act 1989</i>	[Amended section 23(2)(a) and 68(1)(a)]
<i>Criminal Jurisdiction Act 1993</i>	[Amended section 24(3)(a)]

- (8) In this section, a reference to a provision also includes any parenthesised reference describing the effect of the provision after which it is placed.

## 107 Other amendments

- (1) [Amended section 91 of the *Highway Act 1927*]<sup>65</sup>
- (2) [Substituted section 144(2) of the *Companies Act 1931*]

- (3) [Substituted section 25A(6) of the *Manx Museum and National Trust Act 1959*]
- (4) [Amended the following —
  - (a) [section 3H of the *Manx Museum and National Trust Act 1959*]
  - (b) [section 12(5)(a) of the *Fertilisers and Feeding Stuffs Act 1975*]
  - (c) [paragraph 15(2)(a) of Schedule 1 to the *Medicines Act 2003*]]
- (5) [Amended section 1(2) of the *Manx Time Act 1968*]
- (6) In the *Income Tax Act 1970* —
  - (a) [Amended section 115A]
  - (b) [Amended section 115A(13) and paragraph 1(6) of Schedule 3]
  - (c) [Amended section 116(1)]
  - (d) [Substituted definition of “United Kingdom income tax” in section 120]]
- (7) In section 2A of the *European Communities (Isle of Man) Act 1973* —
  - (a) [Amended subsection (1)]
  - (b) [Amended subsection (3)]]
- (8) [Inserted subsection 57(4) in the *Land Registration Act 1982*]
- (9) [Amended paragraph 8(2) of Schedule 1 to the *Powers of Attorney Act 1987*]
- (10) [Inserted subparagraphs (7) and (8) and associated note in paragraph 1 of Schedule 1 to the *Interception of Communications Act 1988*]
- (11) [Amended paragraph 8 of Schedule 7 to the *Merchant Shipping Registration Act 1991*]
- (12) [Amended section 40(4) of the *Sexual Offences Act 1992*]
- (13) [Amended section 9B(7) of the *Representation of the People Act 1995*]
- (14) [Amended paragraph 4(3) of Schedule 1 to the *Copyright Act 1991*]
- (15) [Amended paragraph 4(a) of Schedule 2 to the *Drug Trafficking Act 1996* ]
- (16) [Amended Schedule 1 paragraph 1(3) of the *Public Sector Pensions Act 2011*]
- (17) In the *Tynwald Auditor General Act 2011* —
  - (a) [Substituted for paragraph 1(2) of Schedule 1]
  - (b) [Substituted paragraph 10 of Schedule 1]
  - (c) [Inserted paragraph 14<sup>66</sup> in Schedule 2]]
- (18) In the *Tynwald Commissioner for Administration Act 2011* —
  - (a) [Substituted paragraph 1(2) of Schedule 1]
  - (b) [Substituted paragraph 10 of Schedule 1]]
- (19) [Amended section 24(3) of the *Bribery Act 2013*]

- (20) In the *Regulation of Care Act 2013* —
  - (a) [Amended the heading to Part 3, Division 7, Subdivision 1<sup>67</sup>]
  - (b) [Substituted section 162]
- (21) [Substituted section 73 of the *Flood Risk Management Act 2013*]

## SCHEDULE

[Sections 8 and 28]

## DEFINED TERMS

**1 Definitions for all Manx legislation**

In all Manx legislation, except where express provision to the contrary is made —

“**accountant**”, “**a member of an institute of chartered accountants**”, or “**chartered accountant**” means a member of one or more of the —

- (a) Institute of Chartered Accountants in England and Wales;
- (b) Institute of Chartered Accountants of Scotland;
- (c) Institute of Chartered Accountants in Ireland;
- (d) Association of Chartered Certified Accountants;
- (e) Chartered Institute of Public Finance and Accountancy; or
- (f) Chartered Institute of Management Accountants;

“**Act**” see section 10(1) and (2);

“**act**”, for a provision about an offence or civil wrong, includes a series of acts and a series of acts or omissions, and a reference to an act done includes omissions;

“**advocate**” see section 29 of the *Advocates Act 1976*;

“**affidavit**” includes, for someone who may lawfully affirm or declare instead of swearing, an affirmation or declaration;

“**agent**” means someone who acts for a principal and not on his or her own account;

“**amend**” includes cancel, modify, repeal, revoke, rescind or vary;

“**amending legislation**” see section 47 of the Legislation Act;

“**amending provision**” see section 48(1) of the Legislation Act;

“**Appointments Commission**” means the body established under section 1 of the *Tribunals Act 2006*;

“**approval required**”, in relation to a Tynwald procedure, see section 30 of the Legislation Act;

“**Archdeacon**” means the Archdeacon of the Island;

“**Assessor**” means the Assessor of Income Tax for the time being appointed under section 105 of the *Income Tax Act 1970*;

“**Attorney General**” means Her Majesty’s Attorney General for the Island and includes —

- (a) Her Majesty’s Solicitor General for the Island; and

- (b) any person discharging the functions of Her Majesty's Attorney General by virtue of a warrant under Her Majesty's Sign Manual;
- "authorising legislation"**, for a public document, see section 18;
- "Bank of England"** means the court of the directors of the Bank of England appointed under section 2 of the Bank of England Act 1946 of Parliament;
- "Bill"** means a Bill for introduction into the Keys or Council as a proposed Act of Tynwald;
- "Bishop"** means the Lord Bishop of the Isle (the Bishop of Sodor and Man);
- "British Islands"** means the United Kingdom, the Channel Islands and the Island;
- "the Central Registry"** has the meaning given by section 4(7) of the *Central Registry Act 2018*;<sup>68</sup>
- "change"** includes modification;
- "Chief Constable"** means the Chief Constable appointed under section 2 of the *Police Act 1993* and includes the deputy Chief Constable;
- "Chief Executive Officer (Isle of Man Government)"** means the person appointed to that post in accordance with the *Public Services Commission Act 2015*;<sup>69</sup>
- "Chief Financial Officer"** means the principal financial adviser to the Treasury holding office for the time being under section 5 of the *Treasury Act 1985*;
- "Chief Minister"** means the person for the time being appointed to be the Chief Minister under section 2 of the *Council of Ministers Act 1990*;
- "Chief Registrar"** means the officer in the General Registry designated as the "Chief Registrar" and includes an Assistant Chief Registrar;
- "Chief Secretary"** [Repealed]<sup>70</sup>
- "Church Commissioners"** means the Church Commissioners for the Isle of Man;
- "Church Commissioners for the Isle of Man"** means the body of that name continued under section 7 of the *Church Act 1992*.
- "Civil Division"** means the means the Civil Division of the High Court under section 2 of the *High Court Act 1991*;
- "civil partnership"** means a civil partnership existing under the *Civil Partnership Act 2011*;
- "Clerk of the Rolls"** means Her Majesty's First Deemster and Clerk of the Rolls for the time being;
- "coin"** means any coin of any metal or mixed metal or another coin legally current in the United Kingdom or the Island;
- "Collector"** means the Collector of Customs and Excise for the time being appointed under section 1 of the *Customs and Excise Management Act 1986*;



- “**commencement**”, for Manx legislation, see section 39;
- “**committed for trial**”, for a person, means that the person has been —
- (a) committed by a court, judge, coroner, or other authority having power to commit the person to a place of custody with a view to trial; or
  - (b) admitted to bail upon a recognizance to appear and take the person’s trial before a Court of General Gaol Delivery;
- “**common law**” means the common law of the Island;
- “**compulsory school age**” see section 23 of the *Education Act 2001*;
- “**computer**” means any device for storing and processing information;
- “**constable**” means the Chief Constable and a constable appointed under section 5(1) or (2) of the *Police Act 1993*;
- “**consolidation**”, for a provision about Manx legislation, see section 83(1)(a) of the Legislation Act;
- “**consular officer**” means anyone, including the head of a consular post, entrusted in that capacity with the exercise of consular relations;
- “**contravene**” includes a failure to comply with;
- “**costs**” includes fees, charges, disbursements, expenses and remuneration;
- “**Council**” (without a description of the body) means the Legislative Council;
- “**Council of Ministers**” means the Council of Ministers as renamed under section 1(1) of the *Council of Ministers Act 1990*;
- “**court**” means any court in the Island of competent jurisdiction;
- “**Court of General Gaol Delivery**” means a Court of General Gaol Delivery as constituted under section 1 of the *Criminal Jurisdiction Act 1993*;
- “**court of summary jurisdiction**” means a court consisting of —
- (a) the High Bailiff (other than when sitting as a judge);
  - (b) two or more justices of the peace; or
  - (c) a single justice of the peace if the justice has power to exercise any function of a court of summary jurisdiction;
- “**current drafting practice**” means the legislative drafting practices from time to time used in the Attorney General’s Chambers, as set out in policy documents made by those Chambers from time to time;
- “**Deemster**” [Repealed]<sup>71</sup>
- “**Deemsters**” [Repealed]<sup>72</sup>
- “**Deemster**” means the First Deemster, the Second Deemster, the Judge of Appeal or a Deemster appointed under section 3B of the *High Court Act 1991*;<sup>73</sup>
- “**the Deemsters**” means —

- (a) the First and Second Deemsters acting jointly, subject to paragraphs (b) and (c) of this definition;
- (b) if one of those offices is vacant, the holder of the other office; and
- (c) if one of those Deemsters is absent, or is otherwise unable to act on account of illness or for any other cause, the other of those Deemsters acting alone;<sup>74</sup>

**“definition”** means a provision of Manx legislation or UK legislation (however expressed) that —

- (a) gives a meaning to a word or expression; or
- (b) limits or extends the meaning of a word or expression;

*Example of a definition:*

**“Manx legislation”** see section 3(a).

*Note:*

*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. This Schedule lists all emboldened definitions for this Act. Those defined in the body of this Act are signposted in this Schedule.*

**“Department”** means a body established under section 1(1) of the *Government Departments Act 1987*;

**“Diocesan Registrar”** means the Registrar (formerly styled the Episcopal Registrar) of the Diocese of Sodor and Man;

**“document”** means any record of information, and includes —

- (a) anything on or in which information of any description is recorded;
- (b) anything on or in which there are figures, marks, numbers, perforations, symbols or anything else having a meaning for people qualified to interpret them;
- (c) anything from which images, sounds, messages or writings can be produced or reproduced, whether with or without the aid of anything else; and
- (d) a drawing, map, photograph or plan;

**“Douglas Corporation”** means the Mayor, Aldermen and Burgesses of the Borough of Douglas;

**“electronic gazette”** see section 43(1)(b) of the *Legislation Act*;<sup>75</sup>

**“employee of the Public Services Commission”** see section 7(1) of the *Public Services Commission Act 2015*;

**“enacted”** or **“passed”**, for an Act, see section 17(1) of the *Legislation Act*;

**“enactment”** see section 103;<sup>76</sup>

**“enforceable EU right”** [Repealed]<sup>77</sup>

“**estate**” includes an estate, interest, charge, right, title claim, demand, lien or encumbrance, at common law or in equity;

“**the EU**” [Repealed]<sup>78</sup>

“**EU authorising legislation**” means —

- (a) any retained direct EU legislation;
- (b) any EU instrument applied to the Island under section 2A of the *European Communities (Isle of Man) Act 1973* and saved under section 6 of the *European Union and Trade Act 2019*;
- (c) any EU instrument applied to the Island under section 17 or 18 of the *European Union and Trade Act 2019*;<sup>79</sup>

“**EU customs duty**” [Repealed]<sup>80</sup>

“**EU institution**” [Repealed]<sup>81</sup>

“**EU instrument**” [Repealed]<sup>82</sup>

“**EU obligation**” [Repealed]<sup>83</sup>

“**EU provision**” [Repealed]<sup>84</sup>

“**the EU treaties**” [Repealed]<sup>85</sup>

“**European Communities Act**” [Repealed]<sup>86</sup>

“**the European Court**” [Repealed]<sup>87</sup>

“**expire**” includes lapse or otherwise cease to have effect, including under section 12 of the Legislation Act (Act expires if not promulgated within 18 months);

“**Financial Intelligence Unit**” or “**FIU**” see section 4 of the *Financial Intelligence Unit Act 2016*;<sup>88</sup>

“**First Deemster and Clerk of the Rolls**” means Her Majesty’s First Deemster and Clerk of the Rolls;

“**function**” includes authority, duty, jurisdiction, power and responsibility;

“**general fee power**” see section 81(2);

“**General Registry**” means the General Registry established under section 1 of the *General Registry Act 1965*;

“**General Revenue**” means the Island’s General Revenue received under section 1 of the *Finance Act 1958*;

“**Government**” means the Government of the Island;

“**Governor**” and “**Lieutenant Governor**” include the Governor, Lieutenant-Governor, Deputy Governor, Deputy Lieutenant-Governor and the Acting Governor or Acting Lieutenant-Governor of the Island;

“**Governor in Council**” means the Governor acting on the advice and with the concurrence of the Council of Ministers, but not necessarily in the Council assembled;

“**guardian**”, if used for a child or young person includes anyone who, in the opinion of the court having cognisance of any case relating to the child or young person or in which the child or young person is concerned, has for the time being the charge of, or control over, the child or young person;

“**High Bailiff**” includes a deputy High Bailiff;

“**High Court**” means the High Court of Justice of the Isle of Man;

“**house**” includes a yard, garden or outhouse of a house and any other item relating to, or usually enjoyed with, a house;

“**indictment**” includes information;

“**industrial relations officer**” see section 5 of the *Trade Disputes Act 1985*;<sup>89</sup>

“**Island**” (without reference to the Island or Isle referred to) means the Isle of Man (also spelt Mann) and its territorial sea;

“**Isle**” (without reference to the Island or Isle referred to) means the Isle of Man (also spelt Mann) and its territorial sea;

“**judge**” means a judge of the High Court;

“**Keys**” means the House of Keys;

“**land**” includes —

- (a) houses, buildings and other structures;
- (b) an estate or interest in land; and
- (c) an easement or right in, to or over land;

“**lease**” includes demise, tenancy and sublease, whether for a term, for a period or at will;

“**legal guardian**”, for a child or young person, means anyone lawfully appointed to be the child’s guardian under a deed, will or court order;

“**lessee**” includes tenant;

“**lessor**” includes landlord;

“**liability**” means any liability or obligation (whether liquidated or unliquidated, certain or contingent, or accrued or accruing);

“**local authority**” means —

- (a) within the Borough of Douglas, the Douglas Corporation; or
- (b) elsewhere in the Island, the Commissioners of a Local Government District;

“**make**”, for a public document, includes grant, give or issue the document;

“**Manx enactment**” see section 11(1);

“**Manx legislation**” see section 9(1);

“**maximum penalty**” —

- (a) generally, see section 56; and
- (b) for —
  - (i) “**maximum penalty (on information)**”, see also section 57(2) and (4); or
  - (ii) “**maximum penalty (summary)**”, see also section 57(3) and 57(4);

“**may**”, if used for a function, see section 36;

“**Measure**” see section 10A;<sup>90</sup>

“**member**”, of a Department, means anyone appointed under section 2 of the *Government Departments Act 1987* as a member of the Department;

“**midnight**”, for a particular day, means the point of time at which the day ends;

“**Minister**” means —

- (a) generally, anyone for the time being appointed to be a Minister (including the Chief Minister) under the *Council of Ministers Act 1990* (“**the 1990 Act**”); or
- (b) for a particular Department (or with the addition of words by way of designation of a Department or under an order under section 5(4) of the 1990 Act), the Minister (including the Chief Minister) for the time assigned to that Department under section 5(1) of the 1990 Act;

“**modify**” includes to adapt, add to, amend, make exceptions to and to repeal or omit in whole or part;

“**month**” means a calendar month;

“**negative**”, in relation to a Tynwald procedure, see section 32 of the Legislation Act;

“**non-legislative public document**” see section 17;

“**non-working day**” means any or all of the following —

- (a) a Saturday;
- (b) a Sunday;
- (c) a bank holiday under the *Bank Holidays Act 1989*; or
- (d) a day declared to be a non-business day under a Treasury order under section 1 of the *Banking and Financial Dealings (Isle of Man) Act 1973*;

“**number**” means —

- (a) a number expressed in figures or words;
- (b) a letter; or

(c) a combination of numbers so expressed and a letter;

“**oath**” includes, for someone who may lawfully affirm or declare instead of swearing, an affirmation or declaration;

“**offence triable on information**” means an offence —

(a) the proceeding for which are commenced by an information preferred by the Attorney General in the name of and on behalf of Her Majesty; and

(b) that is triable in the Courts of General Gaol Delivery;

“**omit**”, for a provision of Manx legislation, includes repeal;

“**on information**” means on information under section 2 of the *Criminal Jurisdiction Act 1993*;

“**parent**”, for a child adopted under a Manx enactment, means the person by whom the child has been adopted, to the exclusion of the child’s natural parent;

“**Parliament**” (without identifying any particular legislature) means the Parliament of the United Kingdom;

“**Parliamentary enactment**” see section 13(1);

“**perform**”, for a function, includes the exercise of authority, jurisdiction, power or responsibility;

“**person**” see section 35;

“**personal representative**”, of a deceased individual, means the executor (whether original or by representation) or administrator of the individual’s estate;

“**power**” includes an authority, privilege or discretion;

“**prescribed**”, for a provision in an Act, means prescribed under a statutory document made under the Act;

“**the Principal Registry**” means the premises where the records for which the Registrar General is responsible are accessible (see section 4(5) of the *Central Registry Act 2018*;<sup>91</sup>

“**printing**” includes printing by typewriting or lithography or by electronic or mechanical production or reproduction;

“**Privy Council**” means the Judicial Committee of the Privy Council under section 1 of the Judicial Committees Act 1833 of Parliament;

“**proceeding**” means a legal or other action or proceeding in a court or tribunal;

“**promulgation**”, for an Act, see section 11 of the Legislation Act;

“**provision**”, for Manx legislation, see section 12;

“**public analyst**” means a public analyst appointed under section 22 of the *Food Act 1996*, and includes —

- (a) another analyst employed to assist, and authorised by, that public analyst;
- (b) a deputy public analyst; and
- (c) an agricultural analyst appointed under section 1(3) of the *Fertilisers and Feeding Stuffs Act 1975*;

“**public document**” see section 15;

“**public holiday**” means a day duly declared to be, or proclaimed as, a public holiday;

“**public officer**” means the holder for the time being of a public office created under, or referred to in, a Manx enactment or Tynwald resolution;

“**purposes**”, for a provision about a Department or Statutory Board, means its statutory functions or purposes under Manx legislation and those authorised under a Tynwald resolution;

“**record**” includes information stored or recorded by way of a computer;

“**registered**”, followed by a reference to a medical practitioner, chiropractor, osteopath, nurse, midwife or other health professional regulated by the *Health Care Professionals Act 2014*, means a person of that description registered in the manner prescribed by that Act;

“**the Registrar General**” has the meaning given by section 3(1) of the *Central Registry Act 2018*;<sup>92</sup>

“**repeal**” includes cancel, delete, expire, rescind and revoke;

“**reprint**”, for a provision about Manx legislation, see section 70(4) of the *Legislation Act*;

“**responsible authority**”, for, or for a provision about, a public document, see section 16(4);

“**rule**” includes a byelaw;

“**rules of court**”, for a provision about a court, means rules made by the authority with power to make rules or orders regulating the court’s practice and procedure;

“**Safeguarding Board**” see section 6 of the *Safeguarding Act 2018*;<sup>93</sup>

“**savings provision**” means a provision —

- (a) made, or expressed to be made for, a saving purpose; or
- (b) that makes provision consequential to a provision so made or expressed;

“**Second Deemster**” means Her Majesty’s Second Deemster for the time being;

“**Secretary of State**” means one of Her Majesty’s Principal Secretaries of State for the time being;

“**see**”, followed by a reference to, or to a provision of, an Act, law or document, when used to define a word, entity, thing or matter, means the word, entity, thing or matter has the same meaning as it has in, or assigned to it under, the provision, Act, law or document.

“**shall**”, if used for a function, see section 37;

“**sign**” includes the attaching of a seal and the making of a mark;

“**Speaker**” means the Speaker of the Keys for the time being and includes an acting Speaker and the Deputy Speaker when deputising in the Speaker’s absence;

“**staff of the Financial Intelligence Unit**” see paragraph 13(5) of Schedule 1 to the *Financial Intelligence Unit Act 2016*;<sup>94</sup>

“**Staff of Government Division**” means the Staff of Government Division of the High Court under section 2 of the *High Court Act 1991*;

“**standard scale**” see section 55;

“**Statutory Board**” means a body under section 1(1) and Schedule 1 to the *Statutory Boards Act 1987*;

“**statutory declaration**”, if made —

- (a) in the Island, means a declaration made under the *Evidence Act 1871*;
- (b) in a place in the United Kingdom or a British possession outside the Island, means a declaration made before a justice of the peace, notary public or other person having lawful authority in that place under a law of the place to take or receive a declaration; or
- (c) in another place, means a declaration made before a British Consul or vice-consul or before anyone authorised under a Parliamentary enactment to take or receive a declaration;

“**statutory document**” see section 16;

“**statutory provision**” see section 9(2);<sup>95</sup>

“**subordinate legislation**” means any order, rule, regulation notice or other instrument having legislative effect under an Act or Measure or made under any EU authorising legislation;<sup>96</sup>

“**summary conviction**” means conviction by a court of summary jurisdiction;

“**summary offence**” means an offence commenced by complaint in a court of summary jurisdiction;

“**swear**” includes, for someone who may lawfully affirm or declare instead of swearing, making an affirmation or declaration;

“**Synod**” (except in the expression “General Synod”) means the Diocesan Synod of the Diocese of Sodor and Man;<sup>97</sup>

“**Taxing Master**” means the Chief Registrar;



“**territorial sea**” means the territorial sea adjacent to the Island under section 1 of the *Territorial Sea (Consequential Provisions) Act 1991*;

“**text**”, of an Act or statutory document, see section 19;

“**transitional provision**” means a provision —

- (a) made, or expressed to be made, for a transitional purpose; or

*Example:*

*A power for a statutory document to make provisions for a transitional purpose.*

- (b) that makes provision consequential to a provision so made or expressed;

*Example of a transitional provision:*

*A provision of a repealing Act stating that an existing licence under an Act to be repealed under the repealing Act is taken to be a licence of a particular kind under another Act and authorising the imposition of conditions under the other Act.*

“**Treasury**” (as a body and without any other description of the body) means the Department whose name consists of, or includes, that word;

“**Tynwald Auditor General**” means the person for the time being exercising the office constituted by section 4(1) of the *Tynwald Auditor General Act 2011*;<sup>98</sup>

“**Tynwald Commissioner for Administration**” means the Commissioner appointed under section 4(1) of the *Tynwald Commissioner for Administration Act 2011*;<sup>99</sup>

“**Tynwald Day**” see section 47(2);

“**Tynwald procedure**” see section 29 of the Legislation Act;

“**UK legislation**” means a Parliamentary enactment or other legislation of any part of the United Kingdom;

“**under**”, for a provision of Manx legislation, includes any of the following —

- (a) by;
- (b) by virtue of;
- (c) for or for the purposes of;
- (d) in accordance with;
- (e) in pursuance of;
- (f) pursuant to; or
- (g) within the meaning of;

“**United Kingdom**” means the United Kingdom of Great Britain and Northern Ireland;

“**validating provision**” means a provision —

- (a) made, or expressed to be made, to validate something that is or may be invalid; or

- (b) that makes provision consequential on a provision so made or expressed;

“**Vicar-General**” means the Vicar-General and Chancellor of the Diocese of Sodor and Man;

“**will**” includes codicil;

“**word**” includes a drawing, figure, number and symbol;

“**working day**” means a day other than a non-working day;

“**writing**” includes digital information, printing, lithography, typing, photography and other modes of representing or reproducing words in visible form;

“**year**” means a year reckoned according to the British calendar;

“**year of assessment**” means the year commencing on 6 April and ending on 5 April following for or in respect of which income tax is payable.<sup>100</sup>

## 1A Definitions relating to the EU and the United Kingdom’s withdrawal from the EU<sup>101</sup>

In all Manx legislation, except where express provision to the contrary is made —

“**the Communities**” means Euratom, the Economic Community and the Coal and Steel Community, but a reference to any or all of those Communities is to be treated as being or including (as the context requires) a reference to the EU;<sup>102</sup>

“**E.C.S.C. Treaty**” means the Treaty establishing the European Coal and Steel Community, signed at Paris on 18 April 1951;<sup>103</sup>

“**EEA agreement**” means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the protocol adjusting that agreement signed at Brussels on 17 March 1993, as modified or supplemented from time to time, but does not include any retained direct EU legislation;<sup>104</sup>

“**EEA state**”, in relation to a time, means —

- (a) a state which at that time is a member State; or  
(b) any other state which at that time is a party to the EEA agreement;<sup>105</sup>

“**E.E.C. Treaty**” means the Treaty establishing the European Economic Community, signed at Rome on 25 March 1957;<sup>106</sup>

“**entry date**” means the date on which the United Kingdom became a member of the Communities (which neither includes nor is a reference to the EU);<sup>107</sup>

“**the EU**” or “**the European Union**” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7

February 1992 (as amended by any later Treaty); and includes, so far as the context permits or requires, Euratom;<sup>108</sup>

“**EU institution**” means any institution of the EU;<sup>109</sup>

“**EU instrument**” means any instrument issued by an EU institution other than any retained direct EU legislation;<sup>110</sup>

“**EU withdrawal agreement**” means the withdrawal agreement within the meaning of the *European Union and Trade Act 2019* (see Schedule 1 to that Act);<sup>111</sup>

“**Euratom**”, “**Economic Community**” and “**Coal and Steel Community**” mean respectively the European Atomic Energy Community, the European Economic Community and the European Coal and Steel Community (but see the definition of “**the Communities**” for provision as to the construction of references to those Communities);<sup>112</sup>

“**Euratom Treaty**” means the Treaty establishing the European Atomic Energy Community, signed at Rome on 25 March 1957;<sup>113</sup>

“**European Court**” means the Court of Justice of the European Union;<sup>114</sup>

“**exit day**” (and related expressions) have the same meaning as in the *European Union and Trade Act 2019* (see section 4 of, and Schedule 1 to, that Act);<sup>115</sup>

“**IP completion day**” (and related expressions) have the same meaning as in the *European Union and Trade Act 2019* (see section 4A of, and Schedule 1 to, that Act);<sup>116</sup>

“**member**”, in the expression “**member State**”, refers to membership of the EU;<sup>117</sup>

“**Protocol 3**” means Protocol No. 3 to the Act annexed to the Treaty relating to the Accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on 22 January 1972;<sup>118</sup>

“**retained direct EU legislation**” has the same meaning as in the *European Union and Trade Act 2019* (see Schedule 1 to that Act);<sup>119</sup>

“**retained EU law**” has the same meaning as in the *European Union and Trade Act 2019* (see Schedule 1 to that Act);<sup>120</sup>

“**retained EU obligation**” means an obligation that —

- (a) was created or arose by or under the EU Treaties before IP completion day; and<sup>121</sup>
- (b) forms part of retained EU law,  
as modified from time to time;<sup>122</sup>

“**the Treaties**” or “**the EU Treaties**” means the Treaties or EU Treaties as at immediately before IP completion day and within the meaning given by

section 1(1) of the *European Communities (Isle of Man) Act 1973* as that Act had effect immediately before IP completion day;<sup>123</sup>

“**Treaty of Accession**” means the Treaty relating to the accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on 22 January 1972.<sup>124 125</sup>

## 2 Definitions for this Act only

In this Act —

“**appropriately qualified**”, for the performance of a function, includes having the qualifications, experience and competence to perform the function;

“**conditions**” includes exceptions and qualifications;

“**empowering law**”, for Part 4, Division 6, see section 64;

“**general fee power**” [Repealed]<sup>126</sup>

“**government authority**” means —

- (a) a Department or Statutory Board;
- (b) a registry established under a Manx enactment;
- (c) a branch or division of the Island’s Executive Government;
- (d) a commission, committee or body mentioned in section 5(1)(c) of the *Payment of Members’ Expenses Act 1989*; or
- (e) a public officer;

“**incorporation legislation**” means any Manx legislation under which bodies corporate are incorporated;

“**judicial officer**” means a judge, High Bailiff, justice of the peace or a member of a tribunal;

“**Legislation Act**” see section 5(1);

“**made**”, for Part 4, Division 6, see section 64;

“**matter**”, for Part 5, Division 5, see section 86;

“**repealed Act**” means —

- (a) the *Statutory Time, et cetera, Act 1883*;
- (b) the *Interpretation Act 1976*; and
- (c) the *Fees and Duties Act 1989*;

“**repealed Interpretation Act**” means the repealed *Interpretation Act 1976*;

“**statutory form**”, for Part 4, Division 6, see section 64.

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> ADO – Whole Act in operation 01/01/2018 except entries in Table in section 106(2) relating to the Tynwald Auditor General Act 2011 and the Tynwald Commissioner for Administration Act 2011 and definition of “electronic gazette” in Schedule [see SD2017/0382].

Editorial Note- Commencement subject to transitional provision in relation to deputies and acting appointments.

<sup>2</sup> Subs (2) amended by European Union and Trade Act 2019 Sch 7.

<sup>3</sup> Subs (3) amended by European Union and Trade Act 2019 Sch 7.

<sup>4</sup> S 5A inserted by European Union and Trade Act 2019 Sch 7.

<sup>5</sup> Para (aa) inserted by Statute Law Revision Act 2017 s 4.

<sup>6</sup> Para (ab) inserted by European Union and Trade Act 2019 Sch 7.

<sup>7</sup> Para (c) amended by Statute Law Revision Act 2017 s 4.

<sup>8</sup> S 10A inserted by Statute Law Revision Act 2017 s 5.

<sup>9</sup> Subs (1) substituted by European Union and Trade Act 2019 Sch 7.

<sup>10</sup> Para (a) amended by Statute Law Revision Act 2017 s 6.

<sup>11</sup> Subpara (i) amended by Statute Law Revision Act 2017 s 6.

<sup>12</sup> Para (b) amended by Statute Law Revision Act 2017 s 6.

<sup>13</sup> Para (c) amended by Statute Law Revision Act 2017 s 6.

<sup>14</sup> Subs (3) amended by Statute Law Revision Act 2017 s 6.

<sup>15</sup> Subs (5) inserted by European Union and Trade Act 2019 Sch 7 and amended by SD2020/0058.

<sup>16</sup> Subpara (ii) amended by SD2020/0058.

<sup>17</sup> Subs (2) amended by SD2020/0058.

<sup>18</sup> Subs (3) amended by SD2020/0058.

<sup>19</sup> Subs (3A) inserted by SD2020/0058.

<sup>20</sup> Subs (4) amended by SD2020/0058.

<sup>21</sup> S 14 substituted by European Union and Trade Act 2019 Sch 7 (as amended by SD2020/0058) with effect from 15/01/2021 at 17:57.

<sup>22</sup> Subs (1) amended by European Union and Trade Act 2019 Sch 7.

<sup>23</sup> Para (a) amended by European Union and Trade Act 2019 Sch 7.

<sup>24</sup> Subs (2) amended by European Union and Trade Act 2019 Sch 7.

<sup>25</sup> S 15 substituted by Statute Law Revision Act 2017 s 7.

<sup>26</sup> S 15A inserted by Statute Law Revision Act 2017 s 8.

<sup>27</sup> Para (a) substituted by Statute Law Revision Act 2017 s 9.

<sup>28</sup> Subs (1) amended by European Union and Trade Act 2019 Sch 7.

<sup>29</sup> Para (za) and note inserted by Statute Law Revision Act 2017 s 9.

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- <sup>30</sup> Para (ba) and example inserted by Statute Law Revision Act 2017 s 9 and amended by European Union and Trade Act 2019 Sch 7.
- <sup>31</sup> Subs (4) substituted by Statute Law Revision Act 2017 s 9.
- <sup>32</sup> Subs (5) and table inserted by Statute Law Revision Act 2017 s 9.
- <sup>33</sup> Entry substituted by SD2022/0345.
- <sup>34</sup> Subs (6) and note inserted by Statute Law Revision Act 2017 s 9.
- <sup>35</sup> Para (c) inserted by European Union and Trade Act 2019 Sch 7.
- <sup>36</sup> S 28 amended by SD2019/0096.
- <sup>37</sup> Subs (1) amended by Statute Law Revision Act 2017 s 10.
- <sup>38</sup> Amounts amended by Statute Law Revision Act 2017 s 11.
- <sup>39</sup> Entry inserted by Statute Law Revision Act 2017 s 11.
- <sup>40</sup> Entry inserted by Statute Law Revision Act 2017 s 11.
- <sup>41</sup> Entry inserted by Statute Law Revision Act 2017 s 11.
- <sup>42</sup> Definition of “electronic communication” amended by Communications Act 2021 Sch 9.
- <sup>43</sup> Subs (5) repealed by Statute Law Revision Act 2017 s 10.
- <sup>44</sup> Subs (1) amended by SD2022/0345.
- <sup>45</sup> Subs (1) amended by SD2022/0345.
- <sup>46</sup> Subs (1) amended by Statute Law Revision Act 2017 s 12.
- <sup>47</sup> Subs (6A) inserted by Statute Law Revision Act 2017 s 13.
- <sup>48</sup> Subs (7) repealed by Statute Law Revision Act 2017 s 13.
- <sup>49</sup> Para (c) substituted by European Union and Trade Act 2019 Sch 7.
- <sup>50</sup> Subs (1) amended by Statute Law Revision Act 2017 s 14.
- <sup>51</sup> S 91 substituted by Statute Law Revision Act 2017 s 14.
- <sup>52</sup> Heading substituted by Statute Law Revision Act 2021 s 22.
- <sup>53</sup> Example 1 repealed by Statute Law Revision Act 2021 s 22.
- <sup>54</sup> Example number repealed by Statute Law Revision Act 2021 s 22.
- <sup>55</sup> Editorial Note – S 4 of Peel Town Commissioners (Acquisition and Disposal of Land) Act 1975 previously repealed.
- <sup>56</sup> Entry relating to Insurance Act 2008 repealed by Statute Law Revision Act 2017 s 15.
- <sup>57</sup> Editorial Note – S 5 of the Tynwald Proceedings Act 1984 already repealed by Interpretation Act 2015 s 105.
- <sup>58</sup> Editorial Note – Words already repealed by Interpretation Act 2015 s 105.
- <sup>59</sup> Amendment not in operation [see SD2017/0382].
- <sup>60</sup> Amendment not in operation [see SD2017/0382].
- <sup>61</sup> Editorial Note – S 52 of the Anti-Terrorism and Crime Act 2003 previously repealed.
- <sup>62</sup> Editorial Note – Act previously repealed.
- <sup>63</sup> Editorial Note – Originally printed as 16(1)(e).
- <sup>64</sup> Editorial Note – Schedule 7 to the Children and Young Persons Act 1966 previously repealed.
- <sup>65</sup> Editorial Note – Highway Act 1927 previously repealed.
- <sup>66</sup> Editorial Note – Originally numbered paragraph 13.
- <sup>67</sup> Editorial Note – Originally printed as “heading to Part 3, Division 7”.



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- <sup>68</sup> Definition of “the Central Registry” inserted by Central Registry Act 2018 Sch.
- <sup>69</sup> Definition of “Chief Executive Officer (Isle of Man Government)” inserted by SD2022/0345.
- <sup>70</sup> Definition of “Chief Secretary” repealed by SD2022/0345.
- <sup>71</sup> Original definition of “Deemster” repealed by Justice Reform Act 2021 s 111.
- <sup>72</sup> Definition of “Deemster” repealed by Justice Reform Act 2021 s 111.
- <sup>73</sup> Definition of “Deemster” inserted by Justice Reform Act 2021 s 111.
- <sup>74</sup> Definition of “the Deemsters” inserted by Justice Reform Act 2021 s 111.
- <sup>75</sup> Definition of “electronic gazette” not in operation [see SD2017/0382].
- <sup>76</sup> Definition of “enactment” inserted by Statute Law Revision Act 2017 s 16.
- <sup>77</sup> Definition of “enforceable EU right” repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>78</sup> Definition of “the EU” repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>79</sup> Definition of “EU authorising legislation” inserted by European Union and Trade Act 2019 Sch 7.
- <sup>80</sup> Definition of “EU customs duty” repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>81</sup> Definition of “EU institution” repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>82</sup> Definition of “EU instrument” repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>83</sup> Definition of “EU obligation” repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>84</sup> Definition of “EU provision” repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>85</sup> Definition of “the EU treaties” repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>86</sup> Definition of “European Communities Act” repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>87</sup> Definition of “the European Court” repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>88</sup> Definition of “Financial Intelligence Unit” or “FIU” inserted by Financial Intelligence Unit Act 2016 Sch 3.
- <sup>89</sup> Definition of “industrial relations officer” inserted by Statute Law Revision Act 2021 s 22.
- <sup>90</sup> Definition of “Measure” inserted by Statute Law Revision Act 2017 s 16.
- <sup>91</sup> Definition of “the Principal Registry” inserted by Central Registry Act 2018 Sch.
- <sup>92</sup> Definition of “the Registrar General” inserted by Central Registry Act 2018 Sch.
- <sup>93</sup> Definition of “Safeguarding Board” inserted by Safeguarding Act 2018 s 20.
- <sup>94</sup> Definition of “staff of the Financial Intelligence Unit” inserted by Financial Intelligence Unit Act 2016 Sch 3.
- <sup>95</sup> Definition of “statutory provision” inserted by Statute Law Revision Act 2017 s 16.

- <sup>96</sup> Definition of “subordinate legislation” inserted by Statute Law Revision Act 2017 s 16 and amended by European Union and Trade Act 2019 Sch 7.
- <sup>97</sup> Definition of “Synod” inserted by Statute Law Revision Act 2017 s 16.
- <sup>98</sup> Definition of “Tynwald Auditor General” inserted by Tynwald Auditor General Act 2011 Sch 2 (as amended by Interpretation Act 2015 s 107).
- <sup>99</sup> Definition of “Tynwald Commissioner for Administration” inserted by Freedom of Information (Amendment) Act 2018 s 17.
- <sup>100</sup> Definitions in para 1 re-ordered by Statute Law Revision Act 2021 s 22.
- <sup>101</sup> Para 1A inserted by European Union and Trade Act 2019 Sch 7.
- <sup>102</sup> Definition of “the Communities” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>103</sup> Definition of “E.C.S.C. Treaty” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>104</sup> Definition of “EEA agreement” inserted by European Union and Trade Act 2019 Sch 7 and substituted by Statute Law Revision Act 2021 s 22.
- <sup>105</sup> Definition of “EEA state” inserted by European Union and Trade Act 2019 Sch 7.
- <sup>106</sup> Definition of “E.E.C. Treaty” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>107</sup> Definition of “entry date” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>108</sup> Definition of ““the EU” or the “European Union”” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>109</sup> Definition of “EU institution” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>110</sup> Definition of “EU instrument” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>111</sup> Definition of “EU withdrawal agreement” inserted by SD2020/0058.
- <sup>112</sup> Definition of ““Euratom”, “Economic Community” and “Coal and Steel Community”” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>113</sup> Definition of “Euratom Treaty” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>114</sup> Definition of “European Court” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.
- <sup>115</sup> Definition of “exit day” inserted by European Union and Trade Act 2019 Sch 7.
- <sup>116</sup> Definition of “IP completion day” inserted by SD2020/0058.
- <sup>117</sup> Definition of “member” inserted by European Union and Trade Act 2019 Sch 7 and substituted by SD2020/0058, for the period beginning on exit day and ending on IP completion day. Substitution reversed on IP completion day. Editorial Note: In relation to times and circumstances to which the concept of the implementation period is relevant, “member” in the expression “member state”, is to be read as including the UK.
- <sup>118</sup> Definition of “Protocol 3” inserted by European Union and Trade Act 2019 Sch 7.



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<sup>119</sup> Definition of “retained direct EU legislation” inserted by European Union and Trade Act 2019 Sch 7.

<sup>120</sup> Definition of “retained EU law” inserted by European Union and Trade Act 2019 Sch 7.

<sup>121</sup> Para (a) amended by SD2020/0058.

<sup>122</sup> Definition of “retained EU obligation” inserted by European Union and Trade Act 2019 Sch 7.

<sup>123</sup> Definition of “the Treaties” or “the EU Treaties” inserted by European Union and Trade Act 2019 Sch 7 (as amended by SD2020/0058) with effect from 15/01/2021 at 17:57.

<sup>124</sup> Definition of “Treaty of Accession” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>125</sup> Definitions in para 1A re-ordered by Statute Law Revision Act 2021 s 22.

<sup>126</sup> Definition of “general fee power” repealed and relocated to subs (1) by Statute Law Revision Act 2017 s 14.