

1. Cabinet Office (Legislative Amendments) Bill 2014 – Second Reading approved

The Acting Attorney General to move:

That the Cabinet Office (Legislative Amendments) Bill 2014 be read a second time.

The President: The first business on our Order Paper this morning is the Second Reading and the clauses of the Cabinet Office (Legislative Amendments) Bill 2014.

I call on the Acting Attorney General.

The Acting Attorney General: Thank you, Madam President.

The Cabinet Office (Legislative Amendments) Bill 2014 is a short technical Bill resulting from the Modernising Ministerial Government proposals approved at the January sitting of Tynwald. The Bill is the result of one of the Report's recommendations relating to the recently created Cabinet Office consisting of the current Chief Secretary's Office, the Economic Affairs Division of Treasury, the Information Systems Division of the Department of Economic Development and the Office of Human Resources.

The Bill is only concerned with references to the Chief Secretary's Office in Manx enactments which require primary legislation to amend. The Bill therefore amends other enactments that substitute references to 'the Chief Secretary's Office' for references to 'the Cabinet Office'.

The Bill also deals with references where applicable to the Chief Secretary's Office in other legislation, for example, secondary legislation and UK legislation applied to the Island. Any such references are to be read as a reference to the Cabinet Office.

Should the branches of Tynwald support this Bill, it will come into operation on the day that Royal Assent is announced to Tynwald.

Madam President, I beg to move the Second Reading of the Cabinet Office (Legislative Amendments) Bill 2014.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The Hon. Member, Mr Downie.

Mr Downie: Thank you, Madam President.

I wonder if it is possible at this juncture for the Attorney to explain to us what is going to happen with the Representation of the People Act? Under the old system the Chief Secretary's Office dealt with elections. One of the concerns I have is that under the new system, it is envisaged that there will be a fixed ceiling on the amount that candidates are allowed to expend during elections, and there is a system to be put in place to audit that, but I understand that is possibly being looked at to go to the courts.

The courts cannot deal with that matter and be arbiters in cases and disputes as well and it seems to me to be strange that where, in the past, the Chief Secretary's Office were the ones who actually called the elections and dealt with that – outsourced it to the legal profession, the returning officers, and so on. There has been no reference in this Bill as to what is going to happen at election time for the House of Keys.

The President: The Hon. Member, Mr Turner.

Mr Turner: Thank you, Madam President.
Just with reference to clause 6, it says:

‘Without limiting section 2 to 5, a reference in any enactment to the Chief Secretary’s Office is to be taken as a reference to the Cabinet Office.’

I am just wondering: would there not normally be a list of those enactments because presumably somebody has to then go through the official books, find every reference and amend them, and put the cross-reference that that particular enactment was amended by this one.

I just find it... I have not seen one before where it is just a blanket statement that says, ‘If there is any other reference anywhere else, somewhere, then it means this.’

I wondered whether that is a new thing, or whether it is something we have just not seen in recent times before in Council. I wonder if there was a list of Acts that contain the reference ‘Chief Secretary’s Office’ and, if not, why has it not been included as a schedule or something with this amendment?

The President: The Acting Attorney General to reply.

The Acting Attorney General: Yes, thank you, Madam President, and I am grateful for the Hon. Members for the queries which they have kindly raised.

With reference to the Hon. Mr Downie’s concerns: I cannot answer why that has not been addressed or why perhaps it is something that he is not aware, of how the Cabinet Office intends to deal with elections going forward. I have carefully noted his concerns, however, and I will take those to the Chief Secretary and hopefully come back to the next sitting with some comments on that, if I may.

With reference to Mr Turner’s comments: I think in the world that we now live in of everything being dealt with on the computer system and technology as it is developed, what you will find, Mr Turner and Hon. Members, in future legislation will not – and if I use the expression glibly, ‘bother’ – to list the full list of statutes that are affected by a provision. It will be dealt with in the electronic version of the Acts as they are printed.

What I can advise, Hon. Members, is that I will be bringing forward in the very near future a Legislations Bill and an Interpretation Bill which will be designed to tidy up the way in which we present the legislation in the Isle of Man, and certainly a lot more will be taken as read on the basis that technology and e-mail systems, and everything else, will enable people to access the legislation online, and they will be able to track all of the amendments which have been made and track therefore any cross-referencing, as in this case, to existing legislation. So that will be the way that Bills in future will be presented.

I hope that is helpful for Mr Turner and Hon. Members.

The President: The Lord Bishop, just by way of comment.

The Lord Bishop: Just by way of comment, Madam President: Mr Turner’s question.

Some years ago we changed by the same method the word ‘clergyman’ in all legislation – because it was a male title – to ‘cleric’, and we did it by the same method.

The President: The motion is, Hon. Members, that the Bill be read a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Cabinet Office (Legislative Amendments) Bill 2014 –
Clauses considered**

The President: We now move to clauses.

Clause 1.

The Acting Attorney General: Yes, thank you, Madam President.

Turning to this seven-clause Bill, clause 1 gives the Act resulting from the Bill its short title.

I beg to move that clause 1 do stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2.

The Acting Attorney General: Thank you, Madam President.

Clause 2 amends part I of schedule 1 to the Jury Act 1980 which deals with persons ineligible for jury service, in Group C, others concerned with the administration of justice.

I beg to move that clause 2 do stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

The Acting Attorney General: Thank you, Madam President.

Clause 3 amends paragraph 8 in the schedule to the Regulation of Surveillance etc Act 2006.

I beg to move that clause 3 do stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 3 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

The Acting Attorney General: Clause 4 amends section 3(2)(g) of the Personal Liability (Ministers, Members and Officers) Act 2007.

I beg to move that clause 4 do stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 5.

The Acting Attorney General: Yes, thank you, Madam President.

Clause 5 amends paragraph 1(j) of schedule 2 to the Tynwald Commissioner for Administration Act 2011.

I beg to move that clause 5 do stand part of the Bill.

Mr Braidwood: I beg to second, Madam President.

The President: The motion is that clause 5 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Consequential amendments, clause 6.

The Acting Attorney General: Yes, thank you, Madam President.

Clause 6 deals with references, where applicable, to the Chief Secretary's Office in other legislation, for example secondary legislation and UK legislation applied to the Island. Any such references are to be read as reference to the Cabinet Office.

I beg to move that clause 6 do stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 6 –

Mr Crowe: Madam President, can I –

The President: The Hon Member, Mr Crowe.

Mr Crowe: – just ask a question.

Is there any effect on European Union legislation in this Bill, or is it covered through the UK amendments?

The President: Mr Acting Attorney.

The Acting Attorney General: I thank the Hon. Member for his question. I would have to check.

I believe that the definition of 'public document' will actually include that because it refers certainly... because I was looking at it yesterday actually to regulations that are issued. So I would imagine, and I am quite sure, that that will encapsulate any orders or regulations that are applied to us out of the European Union.

I will certainly check on that and if there is anything different to that I will advise at the next sitting.

Thank you.

The President: The motion is that clause 6 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

And finally, clause 7.

The Acting Attorney General: Thank you, Madam President.

Clause 7 provides for the automatic repeal of sections 2 to 5 of the Act following the promulgation of the Act. This will not affect the amendments made by those sections.

I beg to move that clause 7 do stand part of the Bill.

Mr Braidwood: I beg to second, Madam President.

The President: The motion is that clause 7 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.