

**1. Central Registry Bill 2018 –
Second Reading approved**

Mr Crookall to move:

That the Central Registry Bill 2018 be read a second time.

The President: Please be seated.

Hon. Members, the business before us today is the Central Registry Bill 2018 and it is down for Second Reading and clauses. I call on the mover, the Hon. Member Mr Crookall.

Mr Crookall: Thank you, Mr President.

During the First Reading I set out the context and background and outlined the details of the Bill. As you will recall, this Bill arises from a proposal from the General Registry in 2014, supported by the Government's Business Change Steering Group, to restructure the General Registry by splitting its courts and tribunal services from its registry functions. The intention was to enable a strategic approach to registry functions, which are clearly separate from the administration of justice functions, which rest with the judiciary. It was agreed that the registry functions be transferred to the then Department of Economic Development, now the Department for Enterprise, where they could be combined with the Companies Registry.

The transfer of functions from one Government Department to another is normally achieved through secondary legislation. However, as the General Registry is not established by the Government Departments Act 1987, its functions can only be transferred via primary legislation. While legislation was prepared, the Business Change Steering Group recommended that the Department assume responsibility for the functions from April 2015 by delegation from the Chief Registrar. Since then, the Department has had operational responsibility for the Land Registry, Deeds Registry, Civil Registry, the Public Record Office and a number of other functions previously carried out by the General Registry.

The principal purpose of the Central Registry Bill 2018 is to put the Department for Enterprise's responsibility for these functions on a statutory footing. It provides for the creation of a Central Registry as part of the Department for Enterprise, comprising the Civil Registry, Companies Registry, Deeds Registry, Land Registry and the Public Record Office. In addition, it transfers a number of other functions, such as responsibility for the Charities Register and the Register of Political Parties.

The Bill also includes a number of minor amendments to legislation to ensure that it reflects changes in practice which have occurred as a result of other governmental restructuring and changes in working practices, especially those driven by technological change.

The Bill establishes the office of the Registrar General. This officer, who will be a member of the staff of the Department for Enterprise, will be responsible for managing the functions of the Central Registry, an office of the Government separate from the General Registry.

When the Bill was drafted, both chambers and the Department were mindful of Sir John Elvidge's report on the Isle of Man Government as a single legal entity. The General Registry stands outside of the current ministerial Department structure. It was recognised that incorporating registry functions and the significant amount of personal information associated with them within a political Department, and potentially a larger single legal entity, could give rise to concerns regarding the amount of personal data being held by the potential new structure.

Section 4 of the Bill seeks to address this. Section 4.1 creates the role of the Registrar General and section 4.3 assigns the role to the Department for Enterprise. Section 4.7 makes the Registrar General explicitly responsible for the management of the Central Registry and thereby the records it creates and maintains. It also makes the Registrar General accountable to the Department under the provisions of the Public Services Commission Act 2015. The Public

Services Commission Act 2015 determines policy in relation to employment and performance. It does not override the responsibility invested in the Registrar General to manage the Central Registry. The outcome of this is that the Registrar General is responsible for the Central Registry, free from unnecessary and inappropriate political direction, but remains accountable to the Department for his or her actions.

I am confident that the Central Registry structure stands up to scrutiny. Also, the Central Registry has recently been included within in-depth external inspections by Moneyval, Global Forums and the UK Cabinet Office; none of the inspections have raised concerns regarding the structure of the Central Registry.

The General Registry retains its functions in respect of the courts and tribunals. It is understood that on completion of the transfer the General Registry will look to bring forward further legislation to address issues within the General Registry Act 1965 and its remaining functions associated with the courts and tribunals.

Mr President and Hon. Members, I beg to move that the Central Registry Bill 2018 be read for a second time.

The President: Hon. Member, Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

I beg to second. I wanted to thank the mover for his explanation about the Central Registry structure and in particular that the holder of the office of Registrar General will be responsible for the data in the Central Registry, and although it is situated within the Department for Enterprise it operates independently and free of any, as you say, unnecessary or inappropriate political interference.

I just wondered whether he might be able to talk a little bit more about how this will happen in practice and also the rationale for keeping the office of Registrar General independent of direction from the Department for Enterprise, please.

The President: Mr Crookall.

Mr Crookall: Thank you, Mr President.

Yes, and further to a conversation I had with the Hon. Member earlier this morning, it is written here in statute now that no political Members will be able to interfere with the Registrar General or officers in that Department at all, and obviously there is a back-up there if anybody does try to do so.

Yes, it is a part of the Department but it does stand alone from the point of view that the Registrar General is in charge of that and all the data that is looked after there, and the right legislation and audit are in place to protect them from anybody interfering with the work that they do.

Mrs Poole-Wilson: Thank you.

The President: I put the motion that the Central Registry Bill be read for a second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**Central Registry Bill 2018 –
Clauses considered**

The President: We turn to the clauses. Clause 1, Mr Crookall.

Mr Crookall: Thank you, Mr President.

If you do not mind, I will take clauses 1, 2 and 3 together, sir, if that is okay.

The President: Is that agreed? (**Members:** Agreed.) Thank you.

Mr Crookall: Thank you.

Clause 1 gives the Act its short title.

Clause 2 provides for the Act to be brought into force by order.

Clause 3 provides definitions for some of the key terms used in the Bill and indicates where the meaning of others may be found.

Mr President, I beg to move that clauses 1, 2 and 3 stand part of the Bill.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: I beg to second and reserve my remarks.

The President: I put the question that clauses 1, 2 and 3 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4, sir.

Mr Crookall: Thank you.

Clause 4 establishes the office of the Registrar General. This officer will be responsible for managing the functions of the Central Registry.

The Central Registry's main premises in Deemsters Walk is referred to in the Bill as the Principal Registry. Information for which the Registrar General is responsible will be accessible at this location, albeit I anticipate increasingly the Registry will deliver its services online and digitally.

The Central Registry will comprise the Civil Registry, Companies Registry, Deeds Registry, Land Registry and the Public Record Office. The Central Registry is also responsible for a number of registers, including the Charities Register and the Register of Political Parties.

Mr President, I beg to move that clause 4 stand part of the Bill.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: I beg to second and reserve my remarks.

The President: I just have one query, if I may, Hon. Member: how does the post of Chief Registrar fit into this situation, the existing post of Chief Registrar?

Mr Crookall: At the moment, we do not have a Chief ... Sorry, the Chief Registrar will stay with the courts –

The Attorney General: That is correct, yes.

Mr Crookall: – and there will be a new position made within the Department. The senior officer we have at the moment, that job will be probably elevated up to or the equivalent of the Registrar General.

The Attorney General: Yes, Mr President, that is correct. There will not be a duplication, so the role of the Chief Registrar will change as a consequence of this.

Mr Crookall: So there will be no new positions, additional positions.

The President: Thank you very much.

I put the question that clause 4 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 5.

Mr Crookall: Mr President, clause 5 relates to the assignment of staff and requires that the Public Services Commission allocate staff to the Registrar General to assist in the performance of his or her functions.

Mr President, I beg to move that clause 5 stand part of the Bill.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: I beg to second.

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

Clause 6.

Mr Crookall: Clause 6 makes provision for the Registrar General to delegate functions and establishes controls and safeguards when this happens.

Most importantly, where functions are delegated, the Registrar General remains responsible for the good governance of the records.

Mr President, I beg to move that clause 6 stand part of the Bill.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: I beg to second and reserve my remarks.

The President: I put clause 6. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 7 and the Schedule, Mr Crookall.

Mr Crookall: Thank you, Mr President.

Clause 7 and the Schedule it introduces make amendments to over 50 Acts, transferring responsibility from the General Registry to the Central Registry.

The Bill substitutes references to the Chief Registrar, the General Registry, First Deemster and Clerk of the Rolls to the Registrar General, Central Registry or the Department for Enterprise as appropriate.

The Schedule also includes a number of minor amendments to legislation to ensure that it reflects changes in practice which have occurred as a result of other Government restructuring and changes in working practices.

In addition, the Schedule also amends the Churchwardens Measure (Isle of Man) 2013 to transfer responsibility for certain records from the Chief Registrar to the Diocesan Registrar, amends the Civil Partnership Act 2011 and Marriage Act 1984 so that the Registrar General can issue a licence for a death-bed marriage rather than a Deemster, amends the Financial Provisions and Currency Act 2011 to provide that the Treasury must make a scheme for payment of compensation in relation to criminal injuries, repeals the Newspapers Act 1846 – the Act is redundant and no longer enforced – and amends the Land Registration Act 1982 to clarify the status of a right of pre-emption in relation to land ownership (whether the land is registered or not).

Mr President, I beg to move that clause 7 and the Schedule stand part of the Bill.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.
I beg to second and reserve my remarks.

The President: I put the question that clause 7 and the Schedule do stand part of the Bill.
Those in favour, say aye; against, no. The ayes have it. The ayes have it.