

**7. CONSIDERATION OF CLAUSES**

**7.1. Administration of Justice and other Amendments Bill 2021 –  
Clauses considered**

Mr Shimmins to move.

**The Speaker:** Fastyr mie, good afternoon, Hon. Members.

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**Members:** Fastyr mie, Mr Speaker.

**The Speaker:** Please be seated.

2725 We turn now to Item 7 on our Order Paper, Consideration of Clauses, and first we have the Administration of Justice and other Amendments Bill. We will start on this occasion with Mr Peake to move his amendment to the long title, please.

**Mr Peake:** Thank you very much, Mr Speaker.

2730 Mr Speaker, this House approved the Second Reading of the Bill two weeks ago. During the debate, Mr Hooper raised an issue as regards the implications for insolvency proceedings if provisions in law relating to landlords' preference are changed.

2735 Having given the matter further consideration, Treasury has concluded that the provisions removing the landlords' preference should not be removed. Consequently, the reference in the long title of the Bill to repeal the Recovery of Rent Act 1954 will no longer be appropriate or necessary.

Mr Speaker, I beg to move the amendment to the long title of the Bill standing in my name:

*Amendment to Long Title*

*1. Page 7, lines 6 and 7, omit 'to repeal the Recovery of Rent Act 1954;'*

**The Speaker:** Mr Hooper.

**Mr Hooper:** Thank you very much, Mr Speaker.

2740 I am more than happy to second this amendment, although my understanding is, the Member when he moved the amendment there said that this clause would not be necessary. My understanding is it would not be necessary at this time, but it may come forward as part of a wider ranging review of preferential treatment in a later phase of the insolvency programme.

2745 So as long as that is the case, Mr Speaker, I would encourage all Members to support this amendment.

Thank you.

**The Speaker:** No other Member wishes to speak. Mr Peake.

2750 **Mr Peake:** Thank you very much, Mr Speaker, and ... thank you very much. I beg to move.

**The Speaker:** Thank you.

I put to Hon. Members the amendment to the long title in the name of Mr Peake. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

2755 Now, we turn to Mr Shimmins to move clauses 1 and 2.

**Mr Shimmins:** Thank you, Mr Speaker.

2760 Clauses 1 and 2 provide the short title of the Bill and for its commencement by Appointed Day Order at such time and in such manner as the Treasury, after consulting the General Registry, may determine.

I beg to move that clauses 1 and 2 do form part of the Bill.

**The Speaker:** Mr Cannan.

2765 **Mr Cannan:** I beg to second.

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

Clause 3, Mr Shimmins.

2770 **Mr Shimmins:** Thank you, Mr Speaker.

Clause 3 introduces amendments to the Administration of Justice Act 1981, which relate to the register of debts, and makes similar changes in respect of the register of fines.

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

2775 **The Speaker:** Mr Cannan.

**Mr Cannan:** I beg to second.

2780 **The Speaker:** I put the question that clause 3 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Now, clause 4 is not to be moved, so we turn then to clause 5.

Mr Shimmins.

2785 **Mr Shimmins:** Thank you, Mr Speaker.

Clause 5 substitutes section 15, register of judgments, of the 1981 Act and inserts additional sections 15A to 15F. This clause is key to the objective of a clear and more publicly accessible register of debts and debtors. Consequently, I propose to explain its contents in some detail.

2790 Substituted section 15 requires the Chief Registrar to maintain a register of judgments relating to moneys owed on account of a judgment of the High Court or a tribunal, other than under section 1 of the Collection of Fines etc. Act 1985, and warrant debts.

Subsection (2) requires the Registrar to be kept in accordance with regulations made by the Deemsters, which are subject to the negative Tynwald procedure.

2795 Subsection (3) requires the Deemsters to consult such persons as they consider appropriate in respect of proposed regulations.

Subsections (4) and (5) set out what provision may be made by such regulations.

Subsection (6) defines judgment and warrant debt.

Subsection (7) empowers the Treasury to amend subsections (1) and (6) consequentially by order, subject to Tynwald approval.

2800 Subsection (8) requires the Treasury to consult on such an Order with such persons as it considers appropriate.

New subsection 15A sets out requirements to provide data to the Chief Registrar. Subsection (1) imposes duties on the Assessor and the Treasury as appropriate in relation to warrant debts.

2805 Subsection (2) imposes similar duties on the Clerk to a relevant tribunal.

Subsection (3) ensures there is no question that the duty to provide information in subsections (1) and (2) must be complied with.

New subsection 15B makes provision about the keeping and publication of the register by the Chief Registrar. Subsections (1) to (3) empower the Chief Registrar to keep this register in such

2810 manner as the Chief Registrar thinks fit and to publish the information so as to ensure members of the public may inspect it. The provisions empower publication by electronic means.

Subsection (4) empowers the Chief Registrar to enter into arrangements with a third party for that party to maintain the register.

2815 New subsection 15C makes provision about fees that may be charged in relation to access the register. Subsection (1) provides that fees must be specified by the Treasury in an order, subject to the negative Tynwald procedure.

Subsection (2) provides that such an order may not be made where access to the register or a certified copy of an entry on the register is provided by a third party under arrangements with the Chief Registrar.

2820 Subsection (3) provides that any fees levied must be applied to pay the expenses incurred in keeping the register and publishing the information recorded on it of any surplus being paid into general revenue.

2825 New subsection 15D provides that the Data Protection legislation is not affected by new sections 15 to 15C. New subsection 15E makes transitional provision to ensure that no warrant is entered on the register unless the person has been notified they are liable to pay such a sum of money and a warrant has been issued after the coming into operation of this section.

2830 New subsection 15F restricts the entry of warrants on the register until the 14-day period during which a person may apply to set aside the warrant has passed. A warrant may still not be entered on the register until a further three days have elapsed to allow for an application that may have been posted on the 14th day to be received. A person may, of course, send their application by email.

Subsection (2) provides that for a debt payable by virtue of a warrant to be entered on the register, the amount of the debt owed must be at least £1,000.

2835 Mr Speaker, it is possible an entry on a debt register may finally encourage a debtor to settle their debts and any other associated expenses. It is envisaged the regulations to be made by the Deemsters may provide that if a debt is fully satisfied within a month of the date of a default judgment, execution or warrant, it will be removed from the register within a short timeframe to be specified in the regulations. However, if the person fails to settle their debt or debts and associated costs within that period, then their entry will remain on the register. If the debt is 2840 subsequently settled, then the Registrar will record the relevant debt or debts as settled, but the entry concerning the settled debt or debts will remain on the register.

2845 It is envisaged regulations will provide that entries will remain on the register for six years, and this would provide equivalence with UK practice. Accordingly, a person will have their debts, whether settled or not, removed from the register after six years. Of course, if the person persists in running up fresh debts, then these further debts are eligible to be entered on the register on a rolling basis.

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

**The Speaker:** Mr Cannan.

2850 **Mr Cannan:** I beg to second.

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

Clause 6, Mr Shimmins.

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**Mr Shimmins:** Thank you, Mr Speaker.

Clause 6 amends section 26, Interpretation of the 1981 Act, to insert new definitions in respect of 'data protection legislation', 'register', 'register regulations', 'warrant for payment' and substitutes an extended definition of 'execution'.

2860 I beg to move that clause 6 do stand part of the Bill.

**The Speaker:** Mr Cannan.

**Mr Cannan:** I beg to second.

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**The Speaker:** I put the question that clause 6 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 7 is not to be moved.

Clauses 8 and 9, Mr Shimmins.

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**Mr Shimmins:** Thank you, Mr Speaker.

Clause 8 introduces amendments to the Summary Jurisdiction Act 1989.

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Clause 9 substitutes section 101A, titled 'Register of sums are judged to be paid on conviction' in order to standardise the requirements in the fines register with the provisions being introduced in respect of the judgments register. The substitution introduces new sections 101B and 101C. New section 101B makes provision for fees to be charged in respect of access to the register and new section 101C makes provision to the effect that nothing in sections 101A or 101B affects data protection legislation.

Mr Speaker, I beg to move that clauses 8 and 9 do stand part of the Bill.

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**The Speaker:** Mr Cannan.

**Mr Cannan:** I beg to second.

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**The Speaker:** I put the question that clauses 8 and 9 stand part of the Bill. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Clauses 10 to 15 are not to be moved.

Clause 16, Mr Shimmins.

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**Mr Shimmins:** Thank you, Mr Speaker.

Clause 16 amends the Income Tax Act 1970. Subsection (2) amends section 106 concerning the confidentiality of information by clarifying, in subsection (4)(f), that documents or information may be disclosed to the Judgments Officer or a Coroner or a Lockman for the purpose of enforcing the collection of Income Tax or National Insurance contributions.

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After subsection (5B) in the Act, a new subsection (5C) is inserted to provide further assurance that the disclosure of information under clarified subsection (4)(f) does not contravene subsection (5A), which makes the disclosure of information or documents for purposes other than those for which the information was provided an offence.

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If the use or disclosure is for the purpose of the performance or discharge of any of the Judgments Officer's, Coroner's or Lockman's functions under the Administration of Justice Act 1981.

Subsection (3) inserts a new section 106G into the Income Tax Act 1970 to empower the disclosure by the Assessor of Income Tax of information to the Chief Registrar for the purposes of the new sections 15 to 15F, as substituted by clause 5, or enabling the Chief Registrar to perform or discharge any of the functions ascribed to the Chief Registrar under the 1981 Act.

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Subsections (2), (3) and (4) of inserted new section 106G are incidental to the information gateway, thus provided.

Mr Speaker, I beg to move that clause 16 do stand part of the Bill.

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**The Speaker:** Mr Cannan.

**Mr Cannan:** I beg to second.

**The Speaker:** Thank you.

2915 I put the question that clause 16 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 17 is not to be moved.

Clause 18, Mr Shimmins.

2920 **Mr Shimmins:** Thank you, Mr Speaker.

Clause 18 amends the Customs and Excise Act 1986.

Subsection (2) inserts new sections 174DA and 174DB.

2925 Section 174DA(1) enables information to be disclosed to the Chief Registrar by the Treasury, the Collector or an officer authorised in writing by the Treasury to be an officer of Customs and Excise for any purposes set out in sections 15 to 15F of the Administration of Justice Act 1981 concerning the register, or for the purpose of enabling and assisting the Chief Registrar in performing and discharging his or her functions under the Administration of Justice Act 1981.

2925 Section 174DA(2) prohibits the Chief Registrar from using the information obtained under this information disclosure gateway for any purposes other than those specified in section 174DA(1).

2930 This is the same as is provided for in clause 16 in respect of the Income Tax Act 1970.

New section 174DB makes like provision in respect of a Judgments Officer, a Coroner or a Lockman.

Mr Speaker, I beg to move that clause 18 do stand part of the Bill.

2935 **The Speaker:** Mr Cannan.

**Mr Cannan:** I beg to second.

2940 **The Speaker:** I put the question that clause 18 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 19 and 20 are not to be moved.

Clause 21, Mr Shimmins.

**Mr Shimmins:** Thank you, Mr Speaker.

2945 Clause 21 amends section 130 of the Equality Act 2017 to enable the Employment and Equality Tribunal to grant executions with respect to decisions involving the award of a sum of money under that section. The amendment is to rectify a discrepancy in section 130 with respect to the powers the Tribunal currently holds to grant execution under section 159 of the Employment Act 2006.

2950 I beg to move that clause 21 do stand part of the Bill.

**The Speaker:** Mr Cannan.

**Mr Cannan:** I beg to second.

2955 **The Speaker:** I put the question that clause 21 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 22, Mr Shimmins.

**Mr Shimmins:** Thank you, Mr Speaker.

2960 Clause 22 amends the Schedule to the Social Security Administration Act 1992 (Application) Order 1994, to insert two new sections, 122DI and 122DJ to the Social Security Administration Act 1992, as it applies in the Island. The new sections inserted do not alter existing information-sharing arrangements. They are intended to enable the Treasury to provide information to the Chief

2965 Registrar, a Judgments Officer, a Coroner or a Lockman in specified circumstances and are similar to the information-sharing provisions in clauses 16 and 18 of the Bill.

Mr Speaker, I beg to move that clause 22 do stand part of the Bill.

**The Speaker:** Mr Cannan.

2970 **Mr Cannan:** I beg to second.

**The Speaker:** I put the question that clause 22 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.