

**4. Administration of Justice and Other Amendments Bill 2021 –  
First Reading approved**

Mr Henderson to move:

*That the Administration of Justice and Other Amendments Bill 2021 be read a first time.*

**The President:** We turn now to the Administration of Justice and Other Amendments Bill. Mr Henderson to move, please.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I am pleased to present to Council the Administration of Justice and Other Amendments Bill 2021 for its First Reading. The background to the Bill is that the current framework and general systems for debt recovery need to be updated. Lots of reports and reviews have identified this need; and indeed, in 2012 a Private Member's Bill was passed in the House of Keys which had much of the intent of this Bill, but Treasury found that there were underlying administrative problems with its implementation and as a result were unable to find solutions at that time to these underlying issues. Accordingly, in 2017 a comprehensive review of relevant legislation and procedures relating to the collection of civil debt was undertaken to try and find a way forward. This Bill is a consequence of that review.

In setting out the context to this Bill, Treasury were conscious of the size of the task involved, which determined, in order to manage this, that it should be broken down into three distinct legislative phases which would address particular aspects of debt recovery.

Phase 1 of the review looked at the underlying framework for debt recovery and a consultation on policy proposals was undertaken between November 2017 and January 2018 on this phase. The policy consultation indicated that phase 2 would cover coroner reform and phase 3 would focus on modernising the Island's insolvency law so it meets the needs of our community today. Current thinking is phases 2 and 3 will be undertaken in tandem, though it is likely the review of insolvency law will take slight priority as a significant amount of work has been undertaken in that regard already. This Bill covers phase 1, underlying framework for debt recovery, and was prepared having taken into account the views expressed during the policy consultation.

Turning to the principle of this Bill, phase 1: it is concerned with improving how civil debts are recorded and how the information is made available. It is hoped that by having accurate information that is easily available will lead to a reduction in debts arising over time. This is because an improved register of debts and debtors will provide people with an opportunity to review the creditworthiness of a person before entering into a business relationship with them.

The public consultation on the draft Bill took place in November last year and the response document was published in April, the responses in the main being positive. The Landlords Association raised an issue about the then-proposed revised legislation in relation to the abolition of landlords' preference in respect of rent. The Bill was amended to take into account their concerns, and I will refer again to landlords' preferential rent later in my speech.

Eaghtyrane, Part 1 of the Bill is introductory and provides that the Bill may be brought into operation by an Appointed Day Order, or Orders. The Bill provides for regulations to be made by the Deemsters in respect of the debt register, and so it will be important to ensure the Bill is brought in in a timely manner once those regulations have been consulted on and approved in due course.

Part 2 of the Bill amends the Administration of Justice Act and extends the range of matters which are recorded in the Judgments Register. It is proposed that judgments of the High Court and tribunals, along with details of warrants for payment, will be entered into the Register, which will be a public register accessible online.

Part 3 of the Bill amends the Summary Jurisdiction Act insofar that the Chief Registrar must keep and publish the Island's register of fines. The amendments will provide consistency between

the arrangements for the keeping and publication of the Fines Register and the equivalent arrangements that are to apply to the Judgments Register under Part 2 of this Bill. It is envisaged these registers will be open to public inspection by electronic means. Although these amendments were not in the original brief of the Bill, it became apparent that it would be lacking in foresight to leave the arrangements for the Fines Register behind whilst we improve the arrangements for the Judgments Register.

Part 4 of the Bill amends the Income Tax Act 1970, the Customs and Excise Management Act 1986 and the Social Security Administration Act 1992 (Application) Order 1994 in order to provide information gateways for the disclosure of information to the Chief Registrar, the Judgments Officer, a Coroner or a Lockman, a Coroner's assistant, for the purposes of debt recovery, or matters to do with the entry or the removal of an entry from the register.

Section 130 of the Equality Act 2017 is amended 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 of the Equality Act with respect to the powers the Tribunal currently holds to grant execution under section 159 of the Employment Act 2006.

Finally, Eaghtyrane, I should explain that when the Bill was introduced into the Branches it contained a number of other clauses referring to landlords, which concern the priority of debt collection. However, during the progression of this Bill in the House of Keys, an issue was raised in respect of insolvency proceedings as they affect commercial landlords. Treasury gave the issue consideration and concluded that the pertinent clauses of the Bill concerning landlords should not be moved at this time. Consequently, the long title of the Bill was amended in the House of Keys to move reference to the repeal of the Recovery of Rent Act 1954 and a number of clauses that dealt with landlords' preference were not moved. As a result, the Bill that is before Council is somewhat smaller than that introduced into the Keys.

I will mention here, as was stated in the Keys, that it is proposed to examine the whole issue of priorities when it comes to the collection of debts during phases 2 and 3 of the debt project.

Eaghtyrane, I believe this Bill makes important initial improvements in respect of debts. Ta mee shirrey kied dy chur roish y treealtys ta scruit fo aym. I beg to move, sir.

**The President:** Mrs Lord-Brennan.

**Mrs Lord-Brennan:** Thank you, Mr President. I beg to second and reserve my remarks.

**The President:** I put the question that the Administration of Justice and Other Amendments Bill be read for the first time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.