



CENTRAL REGISTRY BILL 2018

EXPLANATORY NOTES

These notes are circulated for the information of Members with the approval of the Member in charge of the Bill.

1. INTRODUCTION

These explanatory notes relate to the Central Registry Bill 2018. They have been prepared by the Department for Enterprise in order to assist readers of the Bill. They do not form part of the Bill.

The notes need to be read in conjunction with the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

2. BACKGROUND

The principal purpose of the Bill is to provide for the creation of a Central Registry under the auspices of the Department for Enterprise that will combine the registry and public records functions of the General Registry with the Department for Enterprise's existing Companies Registry functions. It should be noted however that the functions transferred to the Department for Enterprise through this Bill have been performed by the Department for Enterprise (and its predecessor, the Department of Economic Development) since 2015, under delegation from the Chief Registrar.

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 new working practices, especially those driven by technological change.

Finally it provides a legislative basis for the Island's Criminal Injuries Compensation Scheme.

3. CLAUSE BY CLAUSE NOTES

Clauses 1 and 2 provide respectively for the short title and commencement of the resulting Act.

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

Clause 4 establishes the office of the Registrar General. This officer, who will be an employee of the Public Services Commission and a member of the staff of the Department for Enterprise, will be responsible for managing the functions of the Central Registry.

The Central Registry's main premises are referred to in the Bill as the Principal Registry. Information for which the Registrar General is responsible is to be accessible there, either in physical or electronic format. However, this does not override any particular requirement that some information held by the Registrar General is only to be accessible to particular people or in particular circumstances (for example information about gender recognition changes or adoptions).

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

Clause 5 requires the Public Services Commission to assign staff to the Central Registry.

Clause 6 imposes limits and conditions on the extent to which and manner in which the functions of the Registrar General may be delegated to others.

Clause 7 introduces the Schedule which makes consequential amendments connected with the main purpose of the Bill.

The Schedule substitutes references to the Chief Registrar, General Registry and, First Deemster and Clerk of the Rolls to 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 governmental restructuring and changes in working practices, especially those driven by technological change as referred to in paragraph 2 above.

In addition the Schedule also:

- amends the Churchwardens Measure (Isle of Man) 2013 to transfer the responsibility for keeping certain documents made under it from the Chief Registrar to the Diocesan Registrar;
- amends the Marriage Act 1984 and Civil Partnership Act 2011 so that the Registrar General may issue a licence for a civil death-bed marriage rather than a Deemster;
- amends the Financial Provisions and Currency Act 2011 to provide that Treasury must make a scheme for payment of compensation relation to criminal injuries;
- Repels 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 (whether the land is registered or not).