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## INTERNATIONAL CO-OPERATION (PROTECTION FROM LIABILITY) BILL 2020

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# C

## INTERNATIONAL CO-OPERATION (PROTECTION FROM LIABILITY) BILL 2020

**A BILL** to make provision for protection from liability against claims for damages, costs and consequential loss in cases where a public authority provides assistance pursuant to a request made by a relevant authority of a country or territory outside the Island, and for connected purposes.

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

### 1 Short title

The short title of this Act is the International Co-operation (Protection from Liability) Act 2020.

### 2 Commencement

(1) This Act comes into operation on such day or days as the Council of Ministers may by order appoint.

Tynwald procedure — laying only.

(2) An order under subsection (1) may make such consequential, incidental, supplemental, saving, transitional and transitory provision as appears to the Council of Ministers to be appropriate.

### 3 Interpretation

In this Act—

“**assistance**” includes —

- (a) assistance in respect of obtaining evidence or information, obtaining assets, conducting investigations and conducting searches; and
- (b) assistance in any legal proceedings, including proceedings to establish the lawfulness of a decision to give assistance;

“**damages**” includes loss or damage to property;

“**public authority**” includes —

- (a) any person certain functions of whose are functions of a public nature; and
- (b) a person who is or has been, or is acting or has acted as, an officer or agent of a person referred to in paragraph (a),

but does not include a court or tribunal; and

“**relevant authority**”, in relation to a country or territory outside the Island, means an authority in that country or territory that requests assistance.

#### 4 Protection from liability for damages, costs and consequential loss

(1) Subject to subsections (2) and (3), but despite any other provision in any other enactment to the contrary, a public authority shall not be liable —

- (a) in damages;
- (b) for consequential loss; or
- (c) for costs in legal proceedings,

in respect of any act done in the discharge or purported discharge of the public authority's functions in connection with the giving of assistance to a relevant authority of any country or territory outside the Island under any enactment specified in the Schedule, or subordinate legislation made under such an enactment, unless it is shown that the act was done in bad faith.

(2) Subsection (1) does not prevent an award of damages being made in respect of an act on the ground that the act was unlawful as a result of section 6(1) of the *Human Rights Act 2001*.

(3) A public authority may rely on the good faith of the relevant authority to which it gave the assistance referred to in subsection (1) to prove that the public authority did not act in bad faith.

(4) The Council of Ministers may by order exclude any type of damages, costs or consequential loss in respect of assistance in any legal proceedings from the application of this Act.

Tynwald procedure — approval required.

#### 5 Orders

The Council of Ministers may by order —

- (a) amend the Schedule;
- (b) make such other provision as the Council of Ministers thinks fit for the purposes of carrying this Act into effect;
- (c) make such consequential, incidental, supplementary, saving or transitional provisions as appear to the Council of Ministers to be necessary or expedient, including provisions making amendments to any other enactment as appear to the Council of Ministers to be expedient —
  - (i) for the general purposes, or any particular purpose, of this Act;
  - (ii) in consequence of any provision made by or under this Act; or
  - (iii) for giving full effect to this Act or any provision of it.

Tynwald procedure — approval required.

**SCHEDULE**

## ENACTMENTS UNDER WHICH A PUBLIC AUTHORITY IS PROTECTED FROM LIABILITY

[Section 4(1)]

1. Bankers' Books Evidence Act 1935 (AT 1 of 1935)
2. Income Tax Act 1970 (AT 3 of 1970)
3. Customs and Excise Management Act 1986 (AT 34 of 1986)
4. Criminal Justice Act 1990 (AT 1 of 1990)
5. Criminal Justice Act 1991 (AT 25 of 1991)
6. Value Added Tax Act 1996 (AT 1 of 1996)
7. Anti-Terrorism and Crime Act 2003 (AT 6 of 2003)
8. Income Tax Act 2003 (AT 11 of 2003)
9. International Criminal Court Act 2003 (AT 9 of 2003)
10. Financial Services Act 2008 (AT 8 of 2008)
11. Proceeds of Crime Act 2008 (AT 13 of 2008)
12. Gambling Duty Act 2012 (AT 6 of 2012)