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CENTRAL REGISTRY BILL 2017

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Explanatory Memorandum

1. This Bill is promoted by MHK.
2. The principal purpose of the Bill is to provide for the creation of a Central Registry dealing with the registry and public records functions of the General Registry. These functions are formally transferred to the Department of Economic Development, which has been managing them under a delegation from the Chief Registrar for several years. It 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.
3. *Clauses 1 and 2* provide respectively for the short title and commencement of the resulting Act.
4. *Clause 3* provides definitions for some of the key terms used in the Bill and indicates where the meaning of others may be found.
5. *Clause 4* establishes the office of the Registrar General. This officer, who will be a member of the staff of the Department of Economic Development, will be responsible for managing the functions of the Central Registry, an office of the Government separate from the General 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 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).
6. *Clause 5* requires the Public Services Commission to assign staff to the Central Registry.
7. *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.
8. *Clause 7* introduces the *Schedule* which makes consequential amendments connected with the main purpose of the Bill, and also some minor amendments as indicated in paragraph 2 above.
9. The Bill will be cost-neutral and have no impact on Government revenues and expenditure.
10. In the opinion of the member moving the Bill, its provisions are compatible with the Convention rights within the meaning of the *Human Rights Act 2001*.

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Index

Section	Page
1 Short title.....	7
2 Commencement	7
3 Interpretation.....	7
4 The Registrar General and the Central Registry	8
5 Assignment of staff.....	10
6 Delegation of functions – general.....	10
7 Schedule	10
SCHEDULE	11
<i>«Certified extracts in case where entries identified in accordance with this Schedule</i>	<i>14</i>

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CENTRAL REGISTRY BILL 2017

A **BILL** to establish the Central Registry; to create the office of Registrar General; to transfer certain functions of the General Registry to the Central Registry and to the Registrar General; 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 Central Registry Act 2017.

2 Commencement

- (1) This Act comes into operation on such day or days as the Council of Ministers may by order appoint.
- (2) An order under this section may make such consequential, incidental, supplemental and transitional provision as appears to the Council of Ministers necessary or expedient.
- (3) Before making an order under this section, the Council of Ministers must consult the Clerk of the Rolls.

3 Interpretation

- (1) In this Act —
 - (a) “the 2015 Act” means the *Public Services Commission Act 2015*;
 - (b) “**employee of the Commission**” has the meaning given by section 7(1) of the 2015 Act;
 - (c) “**the Registrar General**” means the office constituted by section 4(1) of this Act and, so far as is necessary, includes the person for the time being holding that office under section 4(2);
 - (d) “**stationed employer**” has the meaning given by section 3 of the 2015 Act.
- (2) For the meaning of —

“**assigned employees**” see section 5;

- “**the Central Registry**” see section 4(7);
“**the Principal Registry**” see section 4(5); and
“**relevant functions**” see section 5.

4 The Registrar General and the Central Registry

- (1) There shall be an office of Registrar General with perpetual succession and a common seal.
- (2) The Public Services Commission shall appoint a person who is an employee of the Commission to be the Registrar General.
- (3) The Department of Economic Development shall be the stationed employer (within the meaning of section 3(1) of the *Public Services Commission Act 2015*) of —
 - (a) the Registrar General; and
 - (b) any person serving on the Registrar General’s staff —
 - (i) in any of the registries mentioned in subsection (8)(a) to (d); or
 - (ii) in the Public Record Office.
- (4) Judicial notice shall be taken of the common seal of the Registrar General.
- (5) Information contained in records for which the Registrar General is responsible, other than records deposited under the *Public Records Act 1999*, is to be accessible (whether in physical or electronic form) at premises maintained for that purpose called “**the Principal Registry**”.
- (6) Subsection (5) is subject to any requirement as to confidentiality, whether imposed by statute or otherwise, precluding the disclosure of any particular information or information of a particular class.

Example: the Gender Recognition Register needs to be kept by virtue of paragraph 1(1) of Schedule 1 to the Gender Recognition Act 2009, but paragraph 1(3) of that Schedule provides that it is not to be open to public inspection or search.
- (7) Subject to any directions given by the Department under the *Public Services Commission Act 2015*, the Registrar General is to be responsible for the management of the of the office of the Government called “**the Central Registry**”.
- (8) The Central Registry shall comprise —
 - (a) the Civil Registry,
 - (b) the Companies Registry,
 - (c) the Deeds Registry, and
 - (d) the Land Registry.

(9) The Registrar General is also responsible for oversight of the Public Record Office.

(10) For the sake of clarity —

“the Civil Registry” means that part of the Central Registry which deals with the registration of adoptions, births, civil partnerships, deaths, gender recognition changes and marriages;

“the Companies Registry” means that part of the Central Registry which is responsible for the registration of—

- (a) business names under the Registration of Business Names Acts 1918 and 1954;
- (b) industrial and provident societies, and building societies, under the *Industrial and Building Societies Act 1892*;
- (c) companies within the meaning of the *Companies Act 1931*;
- (d) companies continued in the Island under Part 1 of the *Companies (Transfer of Domicile) Act 1998* or section 162 of the *Companies Act 2006*;
- (e) companies within the meaning of the *Companies Act 2006*;
- (f) companies re-registered in the Island under Part IX of the *Companies Act 2006*;
- (g) foreign companies within the meaning of the *Companies Act 2006*;
- (h) foundations within the meaning of the *Foundations Act 2011*;
- (i) incorporated cell companies and incorporated cells, in each case within the meaning of the *Incorporated Cell Companies Act 2010*;
- (j) limited liability companies to which the *Limited Liability Companies Act 1996* applies;
- (k) limited partnerships registered under section 48 of the *Partnership Act 1909*;
- (l) protected cell companies within the meaning of—
 - (i) the *Protected Cell Companies 2004*; or
 - (ii) the *Companies Act 2006*;

“the Deeds Registry” means that part of the Central Registry in which deeds are registered under the *Registration of Deeds Act 1961*;

“the Land Registry” means that part of the Central Registry maintained under section 1 of the *Land Registration Act 1982* (as substituted by this Act); and

“the Public Record Office” means the office maintained under section 1 of the *Public Records Act 1999* (as substituted by this Act).

5 Assignment of staff

The Public Service Commission must assign employees of the Commission (“**assigned employees**”) to assist the Registrar General in the performance of his or her functions (“**relevant functions**”).

6 Delegation of functions – general

- (1) The Registrar General may delegate any relevant functions, but may delegate them only to—
 - (a) an assigned employee; or
 - (b) a person who is, or is employed by, a body corporate (including, in particular, a local authority) with which the Registrar General has entered into a contract for the provision of services to the Registrar General.
- (2) Before delegating a function under subsection (1)(b) the Registrar General must be satisfied that adequate arrangements exist to prevent the unauthorised disclosure of information for which the Registrar General is responsible.
- (3) For the sake of clarity, the Registrar General remains responsible for the safe keeping of any document or information entrusted to the Registrar General even though a function is delegated under subsection (1)(b).

7 Schedule

The Schedule makes amendments to Acts of Tynwald in connection with the creation of the office of the Registrar General and the Central Registry.

SCHEDULE

ENACTMENTS AMENDED

[Section 7]

1 Acquisition of Land Act 1984

- (1) The *Acquisition of Land Act 1984* is amended as follows.
- (2) In section 30A(9) (advancement payment of compensation)—
 - (a) in paragraph (a) for “General Registry” substitute «Central Registry»; and
 - (b) in paragraph (b) for “request the Chief Registrar” substitute «require the Registrar General».
- (3) In Schedule 2, paragraph 1(2) (absent and untraced owners) for “General Registry” substitute «Central Registry».

2 Administration of Estates Act 1990

In the *Administration of Estates Act 1990* in sections 46(3) and 47(5) (which respectively concern the powers of personal representatives and the effect of an assent or conveyance) for “General Registry” substitute «Central Registry».

3 Adoption Act 1984

- (1) The *Adoption Act 1984* is amended as follows.
- (2) In section 38 (Adopted Children Register)—
 - (a) in subsection (1) for “The Chief Registrar shall maintain at the General Registry” substitute «The Registrar General must maintain»;
 - (b) in subsection (2) for “the Chief Registrar” substitute «the Registrar General».
 - (c) in subsection (3)—
 - (i) for the words preceding “and if satisfied” substitute «The Registrar General must maintain an index of the Adopted Children Register;»;
 - (ii) for “when the General Registry” substitute «when the Principal Registry»;
 - (d) in subsections (4) and (5) for “Chief Registrar shall” substitute «Registrar General must».
- (3) In section 39 (disclosure of birth records of adopted children)—
 - (a) in subsections (1) and (2) —

- (i) for “the Chief Registrar shall” substitute «the Registrar General must»;
 - (ii) for “kept by the Chief Registrar” substitute «kept by the Registrar General»;
 - (b) in subsections (4) and (5) for “Chief Registrar shall” substitute «Registrar General must»;
 - (c) in subsection (6)—
 - (i) after “unless that person” insert «— »
 - (ii) renumber the text following “unless that person—” as paragraph (a) of the subsection;
 - (iii) after the paragraph so created insert —
 - «; or
 - (b) has satisfied a registrar that he is already aware of the identity of his birth parents.».
 - (d) in subsection (6A)—
 - (i) in the opening words, for “Where the Chief Registrar” substitute «If the Registrar General»;
 - (ii) in paragraphs (a)(i) and (b) for “the Chief Registrar” substitute «the Registrar General»;
 - (d) in subsection (7) for “the Clerk of the Rolls” substitute «the Registrar General with the consent of the Department of Economic Development».
- (4) In Schedule 2 (registration of adoptions)—
- (a) in paragraphs 1(1), (3) and (4), 2(1), 4(2), (3) and (5) and 6 for “Chief Registrar” substitute «Registrar General»;
 - (b) in paragraph 1—
 - (i) in subparagraph (1) for “prescribed by regulations made by the Clerk of the Rolls” substitute «specified»;
 - (ii) in subparagraph (3) for “to be marked with the word “Adopted”.” substitute—
 - «to be identified in such a manner as enables the connection between that entry and the entry in the Adopted Children Register to be traceable by the Registrar General and the staff of the Central Registry, but not by others except in specified circumstances.»; and
 - (iii) in subparagraph (4) for “to be marked with the word “Re-adopted”.” substitute—
 - «to be identified in such a manner as enables the connection between that entry and the subsequent entry in the Adopted Children Register to be traceable by the Registrar General and the staff of the Central Registry, but not by others except in specified circumstances.».
 - (c) in paragraph 2—

- (i) in subparagraph (1) for the words following “shall cause the entry to be” substitute—

«identified in such a manner as enables the connection between that entry and the entry relating to the adoption or re-adoption (as the case requires) in the records of the other jurisdiction to be traceable by the Registrar General and the staff of the Central Registry, but not by others except in specified circumstances.»;

- (ii) for subparagraph (2) substitute—

«(2) The Registrar General must cause the identification of an entry under sub-paragraph (1) to be cancelled if, after an entry has been so identified, the Registrar General is informed that —

- (a) the order has been quashed;
 (b) an appeal against the order has been allowed; or
 (c) the order has been revoked.

(2A) An extract of an entry in the Register of Births or the Adopted Children Register must not, except in specified circumstances, disclose any particulars which —

- (a) in a case falling within sub-paragraph (1), identify that the person to whom the entry relates has been adopted or re-adopted; or
 (b) in case falling within both sub-paragraphs (1) and (2) identify—
 (i) that an order has been made for the adoption or re-adoption of a child; or
 (ii) that that order has been quashed, revoked or the subject of a successful appeal.»;

- (iii) in subparagraph (3) for the words following “sub-paragraph” substitute—

«must be such as to enable the Registrar General and the staff of the Central Registry, but not others except in specified circumstances, to trace the details of the proposed foreign adoption or proposed foreign re-adoption (as the case requires).»;

- (d) for paragraph 3(1) substitute—

«(1) If the Registrar General is satisfied, on an application under this paragraph, that sufficient particulars have been furnished to the Registrar General relating to a child adopted under a registrable foreign adoption to enable an entry to be made in the Adopted Children Register for the child—

- (a) the Registrar General must cause the entry to be made accordingly; and

- (b) if the Registrar General is also satisfied that an entry in the Registers of Births relates to the child, the Registrar General must secure that the entry in those Registers is identified in such a manner as enable the connection between that entry and the entry in the Adopted Children Register to be traceable by the Registrar General and the staff of the Central Registry, but not by others except in specified circumstances.».
- (e) in paragraph 3(2) and (3) for “prescribed” (wherever occurring) substitute “specified”
- (f) in paragraph 3(4)—
 - (i) in the definition of “registrable foreign adoption” for “prescribed” substitute «specified»; and
 - (ii) omit the definition of “prescribed”;
- (g) in paragraph 4—
 - (i) in subparagraph (1)(a) for “specified” substitute «supplied»;
 - (ii) in subparagraphs (1)(b) and (2)(b) for “marking” substitute «identification»;
 - (ii) in subparagraph (4) omit “without the reproduction of any note or marking relating to the amendment or of any matter cancelled pursuant thereto;”;
- (h) after paragraph 6 insert—

«Certified extracts in case where entries identified in accordance with this Schedule

6A. (1) Where an entry in a register has been identified in accordance with this Schedule, a person seeking a certified extract of the particulars contained in the entry is to be provided only with those particulars which are specified.

- (2) For the avoidance of doubt, different classes of particulars may be specified for different cases, in particular according to whether the subject of the particulars is still under the age of 18.».
- (i) for paragraph 7 substitute—

«7. In this Schedule—

“**the Registers of Births**” means the registers of births kept under the *Civil Registration Act 1984*; and
 “**specified**” means specified in regulations made by the Registrar General with the approval of the Clerk of the Rolls.».

4 Bail Act 1952

In sections 8 and 9 of the *Bail Act 1952* (prisoners' recognisances) for "Rolls Office" wherever occurring (including the heading to section 9) substitute «General Registry».

5 Charities Act 1986

In section 3(2)(b) and (4) of the *Charities Act 1986* (provisions supplemental to sections 1 and 2) for "Chief Registrar" substitute «Registrar General».

6 Charities Registration Act 1989

- (1) The *Charities Registration Act 1989* is amended as follows.
- (2) In section 2(1) and (2) (filing of statements by charitable institutions) for "General Registry" substitute «Central Registry ».
- (3) In section 3(1) and (2) (refusal of statements furnished under section 2(1)) for "Chief Registrar" substitute «Registrar General».
- (4) In section 4(3) (filing of declarations of status of charities) for "General Registry" substitute «Central Registry».
- (5) In section 5(6) (filing of charity accounts and associated documents) for "General Registry" substitute «Central Registry».
- (6) In section 12(a) and (c) (offences in relation to filed documents) for "General Registry" substitute «Central Registry».
- (7) In section 13 (review by, and reference to a Deemster)—
 - (a) in subsection(1)(a) for "Chief Registrar" substitute «Registrar General»;
 - (b) subsection (6) is repealed; and
 - (c) in consequence of paragraph (b), omit ", and reference to" in the section heading.

7 Children and Young Persons Act 2001

In paragraph 12(2) of Schedule 1 to the *Children and Young Persons Act 2001* (enforcing financial provision) for "subsection (1)" substitute «subparagraph (1)».

8 Churchwardens Measure (Isle of Man) 2013

In section 10(6) of the *Churchwardens Measure (Isle of Man) 2013* (records relating to arrangements for the exercise of wardens' functions) for "Chief Registrar" substitute «Diocesan Registrar».

9 Civil Partnership Act 2011

- (1) The *Civil Partnership Act 2011* is amended as follows.
- (2) In section 7 (place of registration)—
- (a) for “Chief Registrar” (wherever occurring) substitute «Registrar General»;
 - (b) in subsections (3) for “Clerk of the Rolls” substitute «Department»;
 - (c) in subsection (4) omit the words following “withheld”;
 - (d) in subsections (6) and (7) for “High Bailiff” substitute «High Court»; and
 - (e) in subsection (9)—
 - (i) for the definition of “aircraft” substitute—
« “aircraft” is to be construed in accordance with Part 1 of Schedule 2 to the Air Navigation (Isle of Man) Order 2015¹;»;
 - (ii) in the definition of “approved” for “Clerk of the Rolls” substitute «Department».
- (3) In section 11(4) (publicising proposed civil partnerships) for “Chief Registrar” substitute «Registrar General».
- (4) In section 13 (power to shorten the waiting period)—
- (a) for “Chief Registrar” (wherever occurring) substitute “«Registrar General»”;
 - (b) in subsection (2) for “Clerk of the Rolls” substitute «High Court».
- (5) In section 23 (reporting application for judge’s licence) for “judge” wherever occurring (including the section heading) substitute «Registrar General».
- (6) In section 24 (objection to the issue of a judge’s licence)—
- (a) for subsection (1) substitute—
«(1) Any person may object to the grant of a licence under section 25 by the Registrar General by delivering notice of his or her objection to the Principal Registry.»;
 - (b) in subsection (3) for “the Chief Registrar” substitute «an officer of the Central Registry»;
 - (c) in the heading for “judge’s” substitute «Registrar General’s».
- (7) In section 25 (issue of judge’s licence) —
- (a) in subsection (2) —
 - (i) for “judge’s licence” substitute «Registrar General’s licence»; and

¹ SI 2015/870, as amended by article 18 of SI 2016/155.

- (ii) for “a judge” substitute «the Registrar General»;
 - (b) in subsections (4) and (6) for “a judge” (wherever occurring) substitute «the Registrar General»; and
 - (c) in subsection (7) for “the judge” substitute «the Registrar General»; and
 - (d) in the heading for “judge’s” substitute «Registrar General’s».
- (8) In section 26 (frivolous objections: liability for costs) for “the judge” (wherever occurring) substitute «the Registrar General».
- (9) In section 27(1) (period during which registration of civil partnership may take place) for “a judge’s licence” substitute «the Registrar General’s licence».
- (10) In section 27A (procedure for conversion of civil partnership into marriage)—
- (a) in subsection (1) for “Clerk of the Rolls” substitute «the Department»;
 - (b) in subsection (2)(e) for the words following “relevant officials” substitute “or other persons”;
 - (c) in subsection (5) for paragraph (a) of the definition of “relevant official” substitute—
 - «(a) the Registrar General».
- (11) In both section 28 (the Chief Registrar and the civil partnership register) and the section heading for “Chief Registrar”, wherever occurring, substitute «Registrar General».
- (12) In section 32 (fees and expenses) for subsection (1)(e) substitute—
- «(e) such other services in connection with the registration of civil partnerships as may be prescribed by the order.».
- (13) In section 34 (regulations for the purposes of Chapter 1 of Part 2)—
- (a) in subsection (2)(d) and (e) for “Chief Registrar” substitute «Registrar General»;
 - (b) in subsection (3) in the definition of “regulations” for “Clerk of the Rolls” substitute «Department of Economic Development».
- (14) After section 79 insert—

«79A Proposed overseas relationships: certificates of no impediment

P 2013/30/Sch. 2, para 7 (adapted)

- (1) The Department of Economic Development may, with the consent of the Treasury, make regulations prescribing—
 - (a) the form of a certificate of no impediment;
 - (b) the procedure to be followed in connection with the issue of such a certificate; and

- (c) the fee to be paid on an application for, and on the issue of, such a certificate.
 - (2) If regulations under subsection (1) so provide, a certificate of no impediment may be issued to a person resident in the Island who wishes to enter into an overseas relationship falling within section 79(1)(b) in a prescribed country or territory outside the British Islands.
 - (3) For the purposes of this section, a certificate of no impediment is a certificate that no legal impediment to the recipient entering into the overseas relationship has been shown to the person issuing the certificate to exist.»
- (15) In paragraph 3(3)(a) of Schedule 2 (which concerns dispensing with the consent of a relevant person to a civil partnership) for “Chief Registrar” substitute «Registrar General».

10 Civil Registration Act 1984

- (1) In the *Civil Registration Act 1984*, in the provisions mentioned in subparagraph (2), for “Chief Registrar” (wherever occurring, including the headings to sections 31 and 32) substitute «Registrar General».
- (2) The provisions are —
- section 2(5) and (6) (directions to registrars and others concerned with registration);
 - section 9(1) (registration after 12 months from date of birth);
 - section 10(5)(a) (giving information to a person other than a registrar);
 - section 13(2) (re-registration of birth of a non-marital child);
 - section 16(1) (registration of name of child, or of alteration of name);
 - section 17(1) to (4) (re-registration of birth of legitimated persons);
 - section 23 (registration of death after 12 months);
 - section 24(3) (furnishing of blank death certificate forms to registered medical practitioners);
 - section 31 (provisions of registers etc.);
 - section 32 (quarterly returns to be made to Chief Registrar);
 - section 36(3) (searches in registers kept by registrars);
 - section 37(1) and (2) (short certificates of birth);
 - section 38(4), (5) and (7) (entries in registers as evidence of birth or death);
 - section 40(d).

(3) In section 3(4) for “Health Services Board” substitute «Department of Health and Social Care».

(4) For section 17A substitute—

«17A Re-registration after declaration of parentage or legitimacy

(1) If a declaration is made under section 10A of the *Legitimacy Act 1985* (declarations by the High Court as to parentage and legitimacy) the Registrar General must ensure that effect is given to the declaration in the relevant registers.».

(5) For section 33 substitute—

«33 Safe custody and delivery of registers

(1) Every person having responsibility for the custody of a register must keep it safely.

(2) When a register is not in use, it must be kept in accordance with regulations under section 43.

(3) When a register of live births, still-births or deaths is filled, the person having custody of it must deliver it to the Registrar General.

(4) The Registrar General must keep, in such place or places and in such manner or order as the Registrar General thinks fit—

(a) certified copies of entries sent to the Registrar General under section 32; and

(b) completed registers delivered under subsection (3).

(5) Subsection (4) is subject to any direction given to the Registrar General by the Department.».

(6) For section 34 substitute—

«34 Correction of errors and amendment of entries in registers

(1) This section applies to registers of live-births, still-births or deaths.

(2) No alteration may be made in a register to which this section applies except as authorised by this Act.

(3) If a clerical error is found in any register to which this section applies, a registrar may, with the authority of Registrar General, correct the error in a manner approved by the Registrar General.

(4) An error of fact or substance in a register to which this applies may be corrected by a registrar, with the authority of the Registrar General if—

(a) any prescribed fee is paid; and

- (b) the evidence specified in subsection (5) is produced by the person seeking the correction.
- (5) The evidence is—
- (a) a statutory declaration by each of 2 qualified informants of the birth or death in connection with which the error has been made setting out the nature of the error giving rise to the correction and the true facts which ought to be recorded; or
- (b) in default of a declaration under paragraph (a) a statutory declaration by each of 2 credible declarants, who know the true facts concerning the birth or death in question, setting out those facts.
- (6) Subsection (7) applies if an error of fact or substance (other than one relating to the cause of death) occurs in the information given in a coroner's certificate relating —
- (a) to a dead body upon which, or
- (b) to a death touching which,
- the coroner has held an inquest.
- (7) If the coroner is satisfied by evidence on oath or by statutory declaration that an error mentioned in subsection (6) exists, the coroner may issue a certificate to the Registrar General specifying—
- (a) the nature of the error;
- (b) the true fact of the case as found by the coroner in the light of that evidence.
- (8) A correction or amendment made under subsection (4) or (7) is to be entered in the margin of the register (without alteration or obliteration of the original entry).
- (9) A registrar may, despite any other provision of this section, make any correction or amendment to an entry in a register to which this section applies if an order of the Court requires the making of such a correction or amendment.
- A correction or amendment under this subsection is to be made in the same manner as that specified in subsection (8) unless the Court otherwise directs.».
- (7) For section 35 (searches of indices maintained by Chief Registrar) substitute—

«35 **Searches of indices**

- (1) The Registrar General must maintain indices of all certified copies of entries recorded in the registers sent to the Registrar General under this Act.
- (2) The indices and the register entries to which they relate must be accessible at the Principal Registry, and may be maintained in such form (including electronic) as the Registrar General thinks fit, subject to subsection (3).
- (3) The form in which the indices and register entries are maintained, whether physical or electronic, must be such as to permit any person (to the extent permitted by this section) to search them and to obtain a certified extract of such an entry on payment of the prescribed fee.
- This is subject to the following qualification.
- (4) Subsection (3) does not permit a search to be made of —
- (a) registers of still-births;
 - (b) adoption registers;
 - (c) the gender recognition register; or
 - (d) any index relating to those registers.
- (5) Despite subsection (4)(a) and (b), the Registrar General may, if satisfied that it is appropriate in any particular case, and on payment of any prescribed fee—
- (a) permit access to the indices to those registers for the purposes of research; and
 - (b) cause a search to be made in those indices for, and permit any person to have a certified copy of, any entry in those registers.
- (6) For the sake of clarity, the Registrar General may only permit a person to inspect an entry in the gender recognition register, or have a copy of such an entry, in accordance with the *Gender Recognition Act 2009* or an order under that Act.».
- (8) In section 38 (entries in registers as evidence of birth or death)—
- (a) for subsections (2) and (3) substitute —
- «(2) An entry or a certified extract of any entry of a birth or death, or in a certified copy of a register is evidence of the birth or death to which it relates only in the cases specified in subsection (3).
- (3) The cases specified in this subsection are those involving—
- (a) an entry in any case which purports to be signed by a person professing —
 - (i) to be the informant; and

- (ii) to be a person who might be required or permitted by law to give information to the registrar at the date of the entry relating to that birth or death
- (b) an entry relating to a birth, if the entry purports to have been made on the authority of Registrar General;
- (c) an entry relating to a death, if the entry purports to have been made in compliance with a certificate from a coroner;
- (d) an entry relating to the re-registration of a birth of a non-marital child at the request of both parents under section 10(5) or in the circumstances specified in section 13(1).»;
- (b) in subsection (7) for “General Registry” substitute «Central Registry».
- (9) In section 43(1) (power to make regulations for the purposes of the Act) for “The Clerk of the Rolls” substitute «The Department»;
- (10) In section 44 (interpretation) after the entry for “coroner” insert—
 - «“the Department” means the Department of Economic Development».

11 Companies Act 1961

In section 2(1) of the *Companies Act 1961* (disposal of valueless documents) for “Chief Registrar” substitute «Registrar General».

12 Companies Act 2006

- (1) The *Companies Act 2006* is amended as follows.
- (2) For section 205(1) (registrar of companies) substitute—
 - «(1) The Registrar General shall be the Registrar of Companies.
 - The Registrar of Companies is referred to in this Act as “the Registrar”.
- (3) In section 218 (interpretation) for the definition of “Registrar” substitute—
 - «“the Registrar” has the meaning given by section 205(1).».

13 Conveyancing Act 1922

In section 3(6) of the *Conveyancing Act 1922* (redemption of ground rents)—

- (a) for “Registry for Deeds” substitute «Deeds Registry»; and
- (b) for “Chief Clerk” substitute «Chief Registrar».

14 Copyright Act 1991

In section 49 of the *Copyright Act 1991* (public records)—

- (a) after “public inspection at” insert «the Principal Registry,»; and
- (b) after “by or with the authority of” insert «the Registrar General,».

15 **Copyright (Amendment) Act 1999**

In paragraph 5 of Schedule 1 to the *Copyright (Amendment) Act 1999* (exceptions to database right for public administration) —

- (a) after “public inspection at” insert «the Principal Registry,»; and
- (b) after “by or with the authority of” insert «the Registrar General,».

16 **Council of Ministers Act 1990**

In sections 2(4) and 3(4) of the *Council of Ministers Act 1990* (which concern the filing of the warrants of the Chief Minister and Ministers respectively) for “General Registry” substitute «Public Record Office».

17 **Criminal Code (Informations) Act 1920**

For rule 13 of the Information Rules set out in Schedule 1 to the *Criminal Code (Informations) Act 1920* substitute —

«13 **Duty to furnish copy of information**

Once an information has been filed at the General Registry, the Chief Registrar must, if requested to do so, supply a copy of the information to the accused free of charge.».

18 **Criminal Justice Act 2001**

In Schedule 5 to the *Criminal Justice Act 2001* (curfew orders), in paragraphs 3(4) and 4(1) of for “the Chief Registrar” substitute «the Court of General Gaol Delivery».

19 **Criminal Law Act 1981**

In Schedule 3 to the *Criminal Law Act 1981*, in paragraphs 15 and 21 (dealing with an offender in breach of a suspended sentence) for “the Chief Registrar” substitute «the Court of General Gaol Delivery».

20 **Custody Act 1995**

In Schedule 1 to the *Custody Act 1995*, in paragraph 4(2)(b) (notification in respect of a suspended sentence imposed by the Court of General Gaol Delivery) for “the Chief Registrar” substitute «the Court of General Gaol Delivery».

21 Flood Risk Management Act 2013

In the following provisions of the *Flood Risk Management Act 2013* for “Chief Registrar” substitute «Registrar General».

The provisions are —

- (a) section 15(4) (deposit of maps or records of designation of flood risk management works);
- (b) section 32(1) (registration of remedial action notices);
- (c) section 50(1) (registration of drainage approval deeds).

22 Gender Recognition Act 2009

(1) The *Gender Recognition Act 2009* is amended as follows.

(2) In section 12(4) (permitted disclosures of protected gender recognition information) —

- (a) in paragraph (g) at the end add “or the Registrar General”;
- (b) in paragraph (h) —
 - (i) after “made by the Chief Registrar” insert «or the Registrar General»;
 - (ii) for “in which the Chief Registrar” substitute «in which the officer making the disclosure»;

(c) for paragraph (i) substitute—

«(i) the disclosure is made by the Chief Registrar or the Registrar General to the relevant UK Registrar General»;

(d) after paragraph (l) insert —

«In paragraph (i) “**the relevant UK Registrar General**” means—

- (i) in relation to England or Wales, the Registrar General for England and Wales;
- (ii) in relation to Scotland, the Keeper of the Registers of Scotland or the Registrar General for Scotland;
- (iii) in relation to Northern Ireland, the Registrar General for Northern Ireland.»

(3) In Schedule 1 (which deals with registration practice) —

- (a) in the following provisions for “Chief Registrar” substitute «registrar»—
 - (i) paragraph 1(1) and (2);
 - (ii) paragraph 2(1)(b) (in both places), (2), (4) (in both places), (5) and, in subparagraph (6), in paragraph (a) of the definition of “Manx birth register entry”;
 - (iii) paragraph 3(1);
 - (iv) paragraph 6(2)(a) and (3) (in both places);

- (v) paragraph 7(3);
- (vi) paragraph 8(1) (in both places) and (3);
- (vii) paragraph 9(2), (3) and (4);
- (b) in paragraph 1(1) and 3(1) for “General Registry” substitute «Central Registry»; and
- (c) in paragraph 2(6) for the definition of “prescribed” substitute —
 «“prescribed” means prescribed by regulations made by the Department of Economic Development;».

23 General Registry Act 1965

- (1) The *General Registry Act 1965* is amended as follows.
- (2) For section 1 substitute —

«1 General Registry to continue in being

- (1) The General Registry (originally constituted by this section as originally enacted) continues to exist.
- (2) The General Registry shall continue to be the repository for deeds and other documents of a public nature, except to the extent that its functions are transferred to the Registrar General or the Central Registry under the *Central Registry Act 2017*.».
- (3) In section 4 (appointment of Chief Registrar and Assistant Chief Registrar), subsections (3) and (4) are repealed.

24 Government Departments Act 1987

In Schedule 2 to the *Government Departments Act 1987* (transfer of rights and liabilities of one Department to another) in paragraph 4(3) for “General Registry” substitute «Central Registry».

25 Highways Act 1986

- (1) In section 92 of the *Highways Act 1986*—
 - (a) in subsection (1) for “General Registry” substitute «Central Registry»;
 - (b) in subsection (7) for “Chief Registrar” substitute «Registrar General».
- (2) Anything certified before the coming into operation of this paragraph under section 92(7) of the *Highways Act 1986* as it stood immediately before that time is receivable in evidence to the same extent as it would have been had this paragraph not been enacted.

26 Housing (Miscellaneous Provisions) Act 2011

- (1) The *Housing (Miscellaneous Provisions) Act 2011* is amended as follows.
- (2) In the following provisions for “Chief Registrar” substitute «Registrar General» —
 - (a) section 20(4) (registration of management orders);
 - (b) section 31(4) (registration of an acquisition order).

27 Industrial and Building Societies Act 1892

In section 24A(1) of the *Industrial and Building Societies Act 1892* (disposal of valueless documents) for “Chief Registrar” substitute «Registrar General».

28 International Criminal Court 2003

In Schedule 6 to the *International Criminal Court Act 2003* (registered land and freezing orders) in paragraph 7(2) for “Chief Registrar” substitute «Registrar General».

29 Interpretation Act 1976

In section 3(1) of the *Interpretation Act 1976* (interpretation of certain terms) at the appropriate points in the alphabetical list insert—

- « **“the Central Registry”** has the meaning given by section 4(7) of the *Central Registry Act 2017*;»;
- «**“the Principal Registry”** means the premises where the records for which the Registrar General is responsible, other than those deposited at the Public Record Office, are accessible (see section 4(5) of the *Central Registry Act 2017*);»; and
- «**“the Registrar General”** has the meaning given by section 3(1) of the *Central Registry Act 2017*;».

30 Interpretation Act 2015

In the Schedule to the *Interpretation Act 2015* (defined terms for Manx legislation) —

- (a) at the appropriate points in the alphabetical list insert—
 - «**“the Central Registry”** has the meaning given by section 4(7) of the *Central Registry Act 2017*;»;
 - «**“the Principal Registry”** means the premises where the records for which the Registrar General is responsible are accessible (see section 4(5) of the *Central Registry Act 2017*);»;
 - «**“the Registrar General”** has the meaning given by section 3 of the *Central Registry Act 2017*;». and

- (b) omit the note to the definition of “**General Registry**”.

31 Land Registration Act 1982

- (1) The *Land Registration Act 1982* is amended as follows.
 (2) For section 1 substitute—

«1 The Land Registry

- (1) The Registrar General shall maintain, the land registry (referred to in this Act as “**the Land Registry**”) formerly maintained by the Chief Registrar under this section as originally enacted.
- (2) The Land Registry forms part of the Central Registry.
- (3) The Public Services Commission, the Department of Economic Development and the Registrar General must secure that the employees of the Commission assigned to the Land Registry include at least one person qualified to act as an advocate, barrister or solicitor in one of the jurisdictions of the Commonwealth.».
- (3) In section 2(1) (Land Commissioner) for “is, or has been, a Deemster” substitute «is or has been, or appears to the Council of Ministers to be qualified to be, a judge of the High Court».
- (4) In section 3(1) (power of Registrar to summon witnesses) for “the seal of the Land Registry” substitute «the Registrar’s seal».
- (5) In section 68(1) (exception from registration of documents relating to burdens) and in the heading to section 68 for “General Registry” substitute «Central Registry».
- (6) For section 73(1) (searches) substitute—
- «(1) The title register must, so far as practicable, be available for public inspection —
- (a) online at any time;
- (b) at the Principal Registry, at any time when that office is open for the transaction of public business.
- (1A) Any document referred to in section 72(1)(b) —
- (a) may be made available online; and
- (b) must be available for public inspection at the Principal Registry, at any time when that office is open for the transaction of public business.
- (1B) Any person is entitled, on making application to the Registrar in the prescribed form, to receive copies of, or extracts from so much of the register or any relevant document as relates to the land specified in the application.

- (1D) Subsections (1A) and (1B) are subject to any provision made by Land Registry Rules.».
- (7) For section 77A(6) (documents and records) substitute—
- «(6) If a document to which this Act relates —
- (a) is sealed with the Registrar’s seal; and
- (b) is a copy of another document, or a copy in legible form of a record kept in non-legible form;
- the copy shall be admissible in the same way and to the same extent as the original document or record.».
- (8) In section 79(1) (interpretation) for the definition of “**the Registrar**” substitute —
- «“**the Registrar**” means the Registrar General;».
- (9) In Schedule 5 (burdens which affect registered land without registration) for paragraph 4 substitute —
- «4. (1) Easements and profits à prendre unless they are —
- (a) created by express grant or reservation after 31st December 1911; or
- (b) are referred to in any document of title recorded after that date in the office for the time being responsible for the recording of such documents.
- (2) In sub-paragraph (1)(b) the reference to the office for the time being responsible for the recording of such documents is a reference to the Rolls Office, the Deeds Registry, the General Registry or the Central Registry as the case requires.».

32 Legal Practitioners Registration Act 1986

- (1) The *Legal Practitioners Registration Act 1986* is amended as follows.
- (2) For “Chief Registrar” substitute «Registrar General» in—
- section 2(1), (2) and (3) (establishment of register of legal practitioners);
- section 3(3) (duration and renewal of registration);
- section 5(1)(b)(regulations).
- (3) In section 5(1) for “The Deemsters” substitute «The Department of Economic Development».

33 Legislation Act 2015

- In section 42(4) of the *Legislation Act 2015* (filing of original Acts of Tynwald) for “Chief Registrar” substitute «Registrar General».

34 Limited Liability Companies Act 1996

In section 52A(1) of the *Limited Liability Companies Act 1996* (disposal of valueless documents) for “Chief Registrar” substitute «Registrar General».

35 Marriage Act 1984

(1) The *Marriage Act 1984* is amended as follows.

(2) For “Chief Registrar” substitute «Registrar General» in—

section 3 (marriages of persons under 18) in both places in subsection (3) and subsection (6);

section 4C(4) (marriages according to religious rites – no compulsion to solemnize) in paragraph (b) of the definition of “person”;

section 13(1) (common licences) in both places;

section 20(4) (notice of marriage);

section 21A(3) (powers to require evidence);

section 23(2) (forbidding the issue of certificate);

section 28 (forms of certificate to be furnished and the heading to the section);

section 29(1), (2) and (3) (registration of buildings: marriage between a man and a woman);

section 29A(1), (2)(b) and (4) and in both places in subsection (5) (registration of buildings: marriage of same-sex couples);

section 29B(2)(b) and (4) (cancellation of registration);

section 29D(8) (shared building registration);

section 30 (cancellation of registration and substitution of another building) wherever the expression appears;

section 31(3B) and (5) (solemnization of marriage in a registered building);

section 32(2) (solemnization other than in registered building);

section 37(6) (notice of marriage, evidence and *caveat*);

section 41(1) and the heading to the section (marriage register books);

section 45(1) and (2) (filled register books);

section 47(2) (disposal of books for disused buildings) in both places ;

section 52(4)(c) (offences);

section 54(4) (offences relating to the recording of marriages) in both places;

Schedule 3, (transitional provisions) paragraph 1(2).

- (3) In section 3(8) (marriages of persons under 18)—
- (a) for “a Deemster” substitute «the Registrar General»;
 - (b) for “the Deemster” substitute «the Registrar General».
- (4) In section 19 (marriage)—
- (a) for “Chief Registrar” (wherever occurring) substitute «Registrar General»;
 - (b) in subsection (3) for “Clerk of the Rolls” substitute «Department»;
 - (c) in subsection (4) omit the words following “withheld”.
- (5) In section 20(3)(c) (notice of marriage) at the end add «(whether in the Island or elsewhere)».
- (6) In section 22 (*caveat* against issue of certificate) —
- (a) in subsection (2) for “Chief Registrar has examined into” substitute «Registrar General has investigated»;
 - (b) in subsections (3) and (4) for “Chief Registrar” wherever occurring substitute «Registrar General».
- (7) In section 29(3) for “General Registry” substitute «Central Registry».
- (8) In the following provisions for “Clerk of the Rolls” substitute «Department» —
- section 29C(1) and (2) (regulations);
 - section 29D(10)(which concerns the registration of shared buildings) (in both places); and
 - section 29E(7) (cancellation of registrations) (in both places).
- (9) For section 35 substitute—

«35 **Fees for the attendance of registrars at weddings**

- (1) Persons who are married before a registrar under this Part must pay the prescribed fee to the Registrar General.
- (2) If a registrar solemnizes a marriage otherwise than at a registrar’s office, the parties to the marriage must pay to the Registrar General—
 - (a) a fee of such amount as may be prescribed; and
 - (b) such travelling, subsistence and other expenses (if any) as may be prescribed.
- (3) Any fee under this section and any expenses payable under subsection (2)(b)—
 - (a) may be recovered by the Registrar General from the parties to the marriage concerned as a simple contract debt; and
 - (b) when received by the Registrar General are to form part of the General Revenue of the Island.».

- (10) In section 36 (marriage by licence of Deemster)—
- (a) in subsections (1) and (2) for “a Deemster” substitute «the Registrar General»;
 - (b) in the heading for “Deemster” substitute «Registrar General»
- (11) In section 37—
- (a) in subsection (3) for “the Deemsters generally, or as a Deemster in a particular case” substitute «the Registrar General»;
 - (b) in subsection (5) for “a Deemster” substitute «the Registrar General»;
 - (c) for subsection (7) substitute—
 - «(7) The applicant for a licence under this Part must pay to the Registrar General, for the credit of the General Revenue of the Island, the prescribed fee for every entry made in the marriage notice book under this section.».
- (12) In section 38 (marriage by licence)—
- (a) in subsection (1) for “a Deemster” substitute «the Registrar General»;
 - (b) in subsection (2) for “marriage book” substitute «marriage notice book».
 - (b) for subsections (5) and (6) substitute—
 - «(5) The applicant for a licence under this Part must pay to the Registrar General, for the credit of the General Revenue of the Island —
 - (a) the fee prescribed for the issue of the Registrar General’s licence; and
 - (b) the fee prescribed for the solemnization under this Part of a marriage by a registrar.».
 The heading to the section accordingly becomes «Marriage by licence of the Registrar General.».
- (13) In consequence of the amendments made by subparagraphs (10) to (12) the heading to Part IV of the Act becomes «Marriage under licence of the Registrar General».
- (14) In section 41 (marriage register books) for subsection (2) substitute—
- «(2) The form of register books shall be determined by the Registrar General.
 - In determining the form of such books, the Registrar General must have regard to the need for the records contained in them to be preserved permanently.».
- (15) In section 43 (quarterly returns to be made) —

- (a) for “Chief Registrar” (wherever occurring, including the section heading) substitute «Registrar General»;
 - (b) in subsection (3) omit “subject to any directions of the Clerk of the Rolls,”.
- (16) In section 46 (correction of errors in register book)—
- (a) in subsection (1) for “of the Chief Registrar and 2 other credible witnesses” substitute «of two witnesses»;
 - (b) in subsection (4) for “Chief Registrar” (in both places) substitute «Registrar General».

- (17) For section 49 substitute —

«49 **Searches of indices**

- (1) The Registrar General must maintain indices of all certified copies of entries recorded in the registers sent to the Central Registry under this Act.
 - (2) The indices and the registers to which they relate must be accessible at the Central Registry, and may be maintained in such form (including electronic) as the Registrar General thinks fit, subject to subsection (3).
 - (3) The form in which the indices and registers are maintained, whether physical or electronic, must be such as to permit any person (to the extent permitted by this section) to search them and to obtain a certified copy of an entry in the indices or registers on payment of the fee prescribed.
 - (4) Any person may —
 - (a) search the indices at the Central Registry at any time when it is open to the public for that purpose; and
 - (b) obtain a certified copy of an entry in the certified copies of entries recorded in the registers.
 - (5) Any certified copy of an entry provided under subsection (4)(b) must be signed by or on behalf of the Registrar General, and any certified copy which purports to be so signed is to be received as evidence of the facts stated in it without any further proof of the entry.».
- (18) In section 51(Tynwald control of orders and regulations) —
- (a) in subsection (1) for “Clerk of the Rolls” substitute «Department»;
 - (b) after that subsection insert—
- «(1A) Regulations under subsection (1) may, in particular, prescribe the form of, and procedure to be followed in connection with the issue of, a certificate of no impediment, to persons resident in the

- Island who wish to marry in prescribed countries or territories outside the British Islands.
- (1B) For the purposes of subsection (1A) a certificate of no impediment is a certificate that no legal impediment to the recipient entering into the marriage has been shown to the person issuing the certificate to exist.».
- (19) In section 52(2)(e) (offences) for “Deemster’s licence” substitute «Registrar General’s licence»;
- (20) In section 55(1) (interpretation)—
- (a) for the definition of “**approved**” substitute—
- «“**approved**” in relation to an aircraft, place, vehicle or vessel means approved by the Registrar General;»;
- (b) omit the definition of “Deemster’s licence”;
- (c) at the appropriate alphabetical point insert—
- «“**the Department**” means the Department of Economic Development;»;
and
- (d) at the appropriate alphabetical point insert—
- «“**Registrar General’s licence**” means a licence under Part IV;».
- (21) In Schedule 3 (transitional provisions), in paragraph 1(3) for “indexes”, where it occurs for the second time, substitute «indices».

36 Matrimonial Proceedings Act 2003

- (1) The *Matrimonial Proceedings Act 2003* is amended as follows.
- (2) In Schedule 2, for “Chief Registrar” substitute «Registrar General» in the following provisions—
- (a) paragraph 3(2) (cancellation of the registration of home right in respect of a second or subsequent dwelling);
- (b) paragraph 5(1) and (2) (cancellation of registration after termination of marriage or civil partnership).
- (3) In that Schedule for the words in paragraph 6(1) preceding paragraph (a) substitute—
- «(1) If the Registrar General cancels the registration of a charge under paragraph 3 or 5, the Registrar General must —».

37 Mineral Workings (Offshore Installations) (Isle of Man) Act 1974

- In paragraph 12 of the Schedule to the *Mineral Workings (Offshore Installations) (Isle of Man) Act 1974* (regulations)—
- (a) for “General Registry” substitute «Central Registry»;

(b) for “Chief Registrar” substitute «Registrar General».

38 NatWest International Trust Corporation (Isle of Man) Act 1990

- (1) Section 7 of the *NatWest International Trust Corporation (Isle of Man) Act 1990* (cancellation of registration of existing companies in Companies Registry) is repealed.
- (2) For the sake of clarity, the repeal does not revive of either of the existing companies (within the meaning of section 9 of that Act).

39 Newspapers Act 1846

The *Newspapers Act 1846* is repealed.

40 Partnership Act 1909

In section 60(1) of the *Partnership Act 1909* (disposal of valueless documents) for “Chief Registrar” substitute «Registrar General».

41 Performers’ Protection Act 1996

In paragraph 10 of Schedule 1 to the *Performers’ Protection Act 1996* (copying of public records)—

- (a) after “public inspection at” insert «the principal Registry,»;
- (b) after “with the authority of” insert «the Registrar General,».

42 Perjury Act 1952

In section 3(4) of the *Perjury Act 1952* (false statements in connection with marriage) for “Chief Registrar” substitute «Registrar General».

43 Personal Liability (Ministers, Members and Officers) Act 2007

In section 3(2) of the *Personal Liability (Ministers, Members and Officers) Act 2007* (liability of designated persons) after paragraph (j) insert—

- «(ja) the person holding the office of Registrar General and any other person insofar as that person is discharging any of the duties of that office;».

44 Proceeds of Crime Act 2008

In section 15(2) and (3) of the *Proceeds of Crime Act 2008* (orders in respect of registered land) for “Chief Registrar” substitute «Registrar General».

45 Public Records Act 1999

- (1) The *Public Records Act 1999* is amended as follows.

(2) For section 1 substitute—

«1 **The Public Record Office**

(1) The public record office maintained by the Chief Registrar under this section as originally enacted continues to exist.

In this Act “**the Record Office**” means the public record office.

(2) Responsibility for maintaining the Record Office transfers from the Chief Registrar to the Registrar General upon the coming into operation of paragraph 45 of the Schedule to the *Central Registry Act 2017* (being the provision which substitutes this section for that originally enacted).

(3) The Registrar General must take all reasonable steps to preserve records under his or her charge under this Act.

For the sake of clarity, the duty under this subsection extends to records which are transferred or held elsewhere by virtue of subsection (8) or section 3(6).

(4) The Registrar General may do anything that appears to the Registrar General to be necessary or expedient to maintain the utility of the Record Office.

(5) The Registrar General may, in particular, do any of the following —

- (a) compile and make available indices, guides and other finding aids to, and calendars and texts of, the records in the Record Office;
- (b) prepare publications concerning the activities of and facilities provided by the Record Office;
- (c) regulate the conditions under which members of the public may inspect public and other records or use the other facilities of the Record Office;
- (d) provide for the making and authentication of copies of and extracts from records required as evidence in legal proceedings or for other purposes;
- (e) accept responsibility for the safe keeping of records other than public records;
- (f) provide for the copying of records by microfilming or otherwise or into an electronic form, and for access to such copies by the use of electronic or other devices;
- (g) make arrangements for the separate housing of films and other records which have to be kept under special conditions;

- (h) lend records, for display at commemorative exhibitions or for other special purposes;
 - (i) acquire records and accept gifts and loans of records;
 - (j) provide, or arrange for the provision of, facilities for the repair and conservation of records;
 - (k) provide works of reference to facilitate the inspection or use of public records.
- (6) The Public Services Commission, the Department and the Registrar General must secure that the staff of the Records Office includes suitably qualified persons.
- (7) Sections 6 to 10 apply, in the same way as they apply to the Record Office, to—
- (a) the Manx Museum, in relation to public records deposited there; and
 - (b) any repository specified in a direction under subsection (9), in relation to any public records of a class or description specified in the direction.
- (8) The Registrar General may direct that public records or public records of a specified class or description, may be deposited in any record office, library or other repository which the Registrar General is satisfied is a suitable place for the deposit of public records, subject to such terms and conditions as may be contained in the direction.
- (9) Before giving a direction which would result in the deposit of records outside the Island, the Registrar General must be satisfied that reasonable facilities will be afforded to the public in the Island to enable them to access the information contained within those records.
- (10) The Registrar General and the person or body maintaining any repository mentioned in subsection (7)(a) or (b) may make arrangements for the transfer of any public records held in the Record Office to that repository, or the transfer of any public records held in that repository to the Record Office, subject to such terms and conditions as may be agreed.
- This subsection does not limit the power to include terms and conditions in a direction under subsection (8).».
- (3) In the following provisions for “the Chief Registrar” substitute «the Registrar General» —
- section 3(1)(b), (2), (3), (6), (7)(a), (8) and (10) (selection and preservation of public records);
 - section 4(1), (3), (7) (in both places) and (8) (in both places) (access to such records);

section 5(2)(a) (legal validity of such records;
section 7(1) (destruction of public records).

- (4) In section 4—
- (a) for subsection (2) substitute—
- «(2) Public records in the Record Office shall not be available for public inspection until the expiry of the prescribed period, subject to subsection (2A).
- (2A) Subsection (2) does not apply to —
- (a) records to which members of the public had access before the commencement of this Act;
- (b) records to which members of the public had access before their transfer to the Record Office; or
- (c) records transferred to the Record Office under section 6(1).
- (b) in subsection (5)—
- (i) for “Chief Registrar” substitute «Registrar General»;
- (ii) for “section 1(5)(a) or (b)” substitute «1(8)(a) or (b)».
- (5) In section 6—
- (a) for subsections (1) and (2) substitute—
- «(1) The Registrar General may transfer to the Record Office any records held, filed or deposited in the Central Registry; on transfer the records become public records for the purpose of this Act.».
- (2) The Registrar General must secure that the same facilities are afforded for inspecting and taking copies of any records transferred under subsection (1) as would have been afforded had they not been transferred to Record Office.»;
- (b) omit subsection (5).
- In consequence of the amendment made by paragraph (a) the heading to the section becomes “Deposit of records of Central Registry in the Record Office”.
- (6) Section 9(3), which is spent, is repealed.

46 Registration of Deeds Act 1961

- (1) The *Registration of Deeds Act 1961* is amended as follows.
- (2) For section 5 substitute—
- «5 **Deeds Registry**
- (1) The Registrar shall maintain the Deeds Register.
- (2) The Deeds Register shall be kept at the Principal Registry.

- (3) The Central Registry, so far as it performs functions in relation to the Deeds Register is referred to in this Act as “**the Deeds Registry**”).».
- (3) Section 6 (days and hours of attending at Deeds Registry) is repealed.
- (4) In section 9 (deeds not affecting land may be registered) in the section heading omit «, etc.».
- (5) in section 10 (Deeds Register)—
- (a) for “Chief Registrar” (in both places) substitute «Registrar»; and
 - (b) for “General Registry” substitute «Deeds Registry».
- (6) In section 13 (which concerns the correction and alteration of entries in the Deeds Register)—
- (a) in subsection (1) for “no Registrar shall make” substitute «neither the Registrar nor any other person employed in the Deeds Registry may make»;
 - (b) in subsection (3) for “the last foregoing subsection” substitute «subsection (2)»;
 - (c) in subsection (5) for the words following “personally” substitute «and produce such a copy.» ;
 - (e) in subsection (7) —
 - (i) for the words preceding “make the necessary” substitute—
«The Chief Registrar must forward to the Registrar a certified copy of the order, and the Registrar must»; and
 - (ii) for “shall also make” substitute «must also make».
- (7) For section 14 substitute —

«**14 Debts due to the Crown**

Debts, forfeitures and other dues belonging to the Crown are exempt from registration as charges under this Act.».

- (8) In section 15 —
- (a) renumber the existing text as subsection (1);
 - (b) within the subsection so created —
 - (i) for “hereinafter” substitute «in this section»;
 - (ii) for “Deeds Registry number thereof” substitute «number of the entry in the Deeds Register»;
 - (iii) for “shall forthwith record upon the original deed a minute in writing containing the date of the deed of assignment, or release and of the registration thereof:” substitute—
«the Registrar must, upon receipt of a request accompanied by the prescribed fee, as soon as reasonably practicable create a

- permanent link in the records of the Deeds Registry between the original deed and the recordal number of deed of assignment, transfer, charge or release (“the subsequent deed”).»;
- (iv) omit the words from “Provided always” to the end of the section; and
- (c) at the end of the section add—
- «(2) A permanent link created under subsection (1) between the original and subsequent deeds—
- (a) may take such form as the Registrar thinks appropriate; but
- (b) does not constitute evidence that the original deed, or any charge under the original deed, has been validly or legally assigned, transferred, charged, affected or released by the subsequent deed.»; and
- (d) the heading to the section accordingly becomes “**Permanent links between deeds**”.
- (9) In section 16 (preserving evidence of the devolution of trust estates)—
- (a) in subsection (1) for the words following “is or are appointed” substitute—
- «the Registrar must create a permanent link in the records of the Deeds Registry between —
- (a) the deed by which such real or personal estate is conveyed; and
- (b) the instrument appointing the new trustee or trustees.»;
- (b) in subsection (4) for the words following “shall register and record in the Deeds Registry” substitute—
- «an official copy of the grant by virtue of which the personal representative is appointed, and, if a request is made and accompanied by the prescribed fee, the Registrar must, as soon as reasonably practicable, create a permanent link in the records of the Deeds Registry between that grant of representation and the original grant of representation of the estate of the deceased.».
- (10) In section 17 (cancellation of encumbrance) for subsection (1) substitute the following—
- «(1) The Registrar may cancel, in whole or in part, any encumbrance created by any deed, judgment, will or testamentary writing if the condition in subsection (1A) is satisfied.
- (1A) The condition is that, before cancellation, a proper receipt must be produced to the Registrar setting out details —
- (a) of how the encumbrance was created;

- (b) of any assignment of the encumbrance or of any other means by which it was transferred to, or vested in, any other person.

The receipt must be executed by the person entitled to the benefit of the encumbrance.

- (1B) If the Registrar acts under subsection (1), he or she must amend the records of the Deeds Registry to indicate that the encumbrance has been cancelled, in whole or in part, as the case requires, and cause the fact of cancellation to be recorded in such a way that any person dealing with the original record of the encumbrance, or the entry relating to it in the Grantor's Index, is aware of its cancellation or partial cancellation.».

- (11) In section 27(2) (indices) omit "Chief".

- (12) For section 43 substitute—

«43 **Certified copies of deeds to be admitted as evidence without further proof**

A copy of a deed which is registered in the Deeds Registry is to be admitted as evidence in any proceedings before a Court, without further proof and without production of the original, if it is certified to be a true copy of the original by —

- (a) the Registrar General; or
- (b) any person whom the Registrar General has authorised for that purpose.».

- (13) For section 44 substitute—

«44 **Filing of documents in the Probate Registry**

A person who files a document in the Probate Registry is entitled to receive from the Registrar, on request, a certificate of the filing.».

- (14) In section 48 (forms and procedures for the Registry) for "Clerk of the Rolls" substitute «Registrar with the consent of the Department».

- (15) In section 49 (definition of terms)—

- (a) for everything preceding the definition of "**deed**" substitute «In this Act—»;
- (b) in the definition of "**Deeds Register**" for "section ten of this Act" substitute «section 10»;
- (c) for the definition of "**Deeds Registry**" substitute —

«"**Deeds Registry**" means that part of the Central Registry in which deeds to which this Act applies are kept, subject to the *Public Records Act 1999*;»;

- (d) for the definition of “**enrolled**” substitute —
 «“**enrolled**” in relation to a document means that—
 (a) it has been registered in the Deeds Register; and
 (b) a copy of it has been deposited in the Deeds Registry;»;
- (e) after that definition insert—
 «“**Grantee’s Index**” see section 27(1);
 “**Grantor’s Index**” see section 27(1) (as read with section 28 for the meaning of “grantor”);»;
- (f) for the definition of “**judgment**” substitute—
 «“**judgment**” includes an execution;»;
- (g) omit the definition of “**land**”;
- (h) at the appropriate point in the alphabetical list insert—
 «“**Probate Registry**” means that part of the Central Registry in which wills and other testamentary documents are deposited;»;
- (i) for the definitions of “recorded”, “registered” and “Registrar” substitute the following—
 «“**recorded**” means registered and deposited as a deed in the Central Registry;
 “**registered**” means registered in the Central Registry in accordance with this Act;
 “**Registrar**” means the Registrar General.».

47 Representation of the People Act 1995

- (1) The *Representation of the People Act 1995* is amended as follows.
- (2) For “General Registry” substitute «Central Registry» in the following provisions—
 (a) section 10D(3) (application for registration of political party);
 (b) section 10L(1) and (2) (inspection of register of political parties);
 (c) section 11A(2) and (3) (deposit of maps of constituencies);
 (d) section 14(1)(e) (disqualification as returning officer etc);
 (e) section 20D(4)(b) and (5) (requirements in respect of declarations)
- (3) For “Chief Registrar” substitute «Registrar General» in the following provisions—
 (a) section 11A(3);
 (b) section 14(1)(e);

48 Residence Act 2001

In section 7(1) of the *Residence Act 2001* (access to official records) for “Chief Registrar” substitute «Registrar General».

49 Trade Unions Act 1991

In the *Trade Unions Act 1991* for “Chief Registrar” substitute «Registrar General» in the following provisions (wherever occurring) —

section 2 (registration of trade unions and employers’ association) in subsections (1), (3), (6), (7) and (8);

section 2A (organisations ineligible for registration) in subsections (1), (2) and (4);

section 3(1) (which concerns application for registration by a body which is not registrable);

section 4 (cancellation of registration) in subsections (1) (in both places) and (2);

section 5 (appeals) in subsections (1), (2A) and (3);

section 6(2) (requirement to deliver accounts and returns);

section 7(1)(b) (which concerns regulations about inspection of information delivered to the Chief Registrar);

Schedule 2 paragraph 2 (transitional provisions).

50 Wills Act 1985

(1) The *Wills Act 1985* is amended as follows.

(2) In section 26 (registration of wills)—

(a) in subsection (1)—

(i) for “Chief Registrar shall” substitute «Registrar General must»;

(ii) for “General Registry” substitute «Central Registry»;

(b) in subsection (3) for “Chief Registrar shall” substitute «Registrar General must».

(3) In section 27 (regulations and fees)—

(a) in subsection (1) for “The Clerk of the Rolls” substitute «The Department of Economic Development, after consulting the Clerk of the Rolls»;

(b) for “Chief Registrar” substitute «Registrar General» in subsections (1)(d) and (2).