



Government Circular No. 120/86
G.O. Reference No. 100.20

STATUTORY BODIES (TRANSFER OF FUNCTIONS) ACT 1969

DEPARTMENT OF HOME AFFAIRS ORDER 1986

This Order, a copy of which is attached, was made by the Governor in Council on the 7th day of March, 1986, was approved by Tynwald on the 15th day of April, 1986, and will come into operation on the 20th January, 1987.

The Order constitutes a statutory body under the name of the Department of Home Affairs in accordance with the recommendations of the Select Committee of Tynwald on the Responsibilities of Boards of Tynwald Etc. The functions of the Home Affairs Board will vest in the new Department.

Government Secretary

Government Office,
Douglas,
Isle of Man.

April, 1986

Price: £1-00

THE STATUTORY BODIES (TRANSFER OF FUNCTIONS) ACT 1969

THE DEPARTMENT OF HOME AFFAIRS ORDER 1986

In exercise of the powers conferred on the Governor in Council by sections 1, 1A and 3 of the Statutory Bodies (Transfer of Functions) Act 1969(a), and of all other enabling powers, the following Order is hereby made:-

Citation and commencement

1. This Order may be cited as the Department of Home Affairs Order 1986 and, subject to section 3(1) of the Statutory Bodies (Transfer of Functions) Act 1969, shall come into operation on the 20th January 1987.

Interpretation

2. (1) In this Order "the Department" means the Department of Home Affairs established by article 3;

(2) References in this Order to functions under any enactment include references to functions under any public document made under that enactment.

Establishment and constitution of Department

3. (1) There is hereby established a Statutory Body under the name of the Department of Home Affairs.

(2) The Department shall be a Board of Tynwald for all purposes.

(3) The Department shall consist of -

(a) a chairman, who shall be a member of Tynwald, and

(b) 2 other members, who shall be members of Tynwald,

to be elected by Tynwald.

Application of Boards of Tynwald Act 1952

4. The Boards of Tynwald Act 1952(b) shall apply to the Department as it applies to a Board within the meaning of that Act.

(a) XXI p.134 (b) XVIII p.147

Transfer of functions

5. The functions of the Home Affairs Board under the enactments specified in Schedule 1 shall on and after the coming into operation of this Order be exercisable by the Department.

Transfer of property etc.

6. (1) All real and personal property which immediately before the coming into operation of this Order was vested in or held by the Home Affairs Board for the purpose of the functions transferred by article 5 shall on the coming into operation of this Order vest in the Department without any conveyance or other assurance for the purposes of the said functions.

(2) All rights, obligations and liabilities which immediately before the coming into operation of this Order were enforceable by or against the said Board shall on or after such coming into operation be enforceable by or against the Department.

(3) All references to the said Board in any enactment, agreement, deed, instrument, application, notice or other document whatsoever shall, unless the context otherwise requires, be construed as references to the Department.

(4) All persons who immediately before such coming into operation were officers of or employed by or in the service of the said Board shall on and after such coming into operation be deemed to be officers of or employed by or in the service of the Department without further appointment.

Transitional provisions

7. (1) This Order does not affect the validity of anything done by or in relation to the Home Affairs Board before the coming into operation of this Order; and anything which on such date is in process of being done by or in relation to the said Board may be continued by or in relation to the Department.

(2) Anything made or done by the said Board shall, if in force on such coming into operation, have effect as if made or done by the Department so far as that is required for continuing its effect after such date.

(3) Documents or forms printed or otherwise prepared for use in connection with any functions transferred by article 5 may be so used notwithstanding that they contain references to the said Board, and those references shall be construed as references to

the Department; and likewise with references to an officer of that Board.

Dissolution of Home Affairs Board

8. On the coming into operation of this Order the Home Affairs Board shall be dissolved.

Consequential amendments and repeals

9. (1) The enactments specified in Schedule 2 are amended in accordance with that Schedule.

(2) The enactments specified in Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

MADE this 7th day of MARCH 1986



Government Secretary

ENACTMENTS THE FUNCTIONS UNDER WHICH ARE TRANSFERRED TO THE DEPARTMENT

PART I

ENACTMENTS RELATING TO THE POLICE

The Police Acts 1962 to 1982.

PART II

ENACTMENTS RELATING TO PRISONS ETC.

The Criminal Justice Act 1963 (XIX p.975).

The Prison Act 1965 (XIX p.1450).

The Children and Young Persons Act 1966 (XX p.89) Parts IV and V.

PART III

ENACTMENTS RELATING TO CIVIL DEFENCE

The Civil Defence Act 1954 (XVIII p.486).

The Home Affairs Board Act 1981 (c.18) Schedule 2.

PART IV

ENACTMENTS RELATING TO BROADCASTING

The Broadcasting Commission (Isle of Man) Act 1965 (XIX p.1499).

The Transfer of Functions (Home Affairs Board) Order 1983 (G.C. 85/83).

PART V

ENACTMENTS RELATING TO FIRE SERVICES

The Fire Precautions Act 1975 (c.18).

The Fire Services Act 1984 (c.19).

AMENDMENT OF ENACTMENTS

The Civil Defence Act 1954 (XVIII p.486)

1. (1) In sections 3 to 8 and 10, for "Board" (wherever occurring) substitute "Department".

(2) In section 11(1), after the definition of "civil defence shelter" insert -

"the Department" means the Department of Home Affairs;".

The Police (Isle of Man) Act 1962 (XIX p.647)

2. (1) In sections 4, 6, 9, 10, 13, 14, 15, 15A, 15B, 15C, 15E, 15F, 15G and 16 and Schedule 1, for "the Board" (wherever occurring) substitute "the Department".

(2) In section 20, for subsection (3) substitute -

"(3) In this Act "the Department" means the Department of Home Affairs."

The Criminal Justice Act 1963 (XIX p.975)

3. (1) In sections 27, 29 and 31, for "Home Affairs Board" (wherever occurring) substitute "Department".

(2) In section 35(1), after the definition of "court of summary jurisdiction" insert -

"the Department" means the Department of Home Affairs;".

The Prison Act 1965 (XIX p.1450)

4. (1) In sections 1, 2, 5, 7, 9, 11, 12, 13, 17, 19, 20, 21, 22, 23, 25, 31 and 33, for "Board" (wherever occurring) substitute "Department".

(2) In section 36(2), for the definition of "the Board" substitute -

"the Department" means the Department of Home Affairs;".

The Broadcasting Commission (Isle of Man) Act 1965 (XIX p.1499)

5. (1) In sections 3 to 8, for "Board" (wherever occurring) substitute "Department".

(2) In section 9(1), after the definition of "broadcasting" insert -

"the Department" means the Department of Home Affairs;".

The Children and Young Persons Act 1966 (XX p.89)

6. In sections 69, 70, 73 and 81, for "Home Affairs Board" (wherever occurring) substitute "Department of Home Affairs".

The Water Act 1972 (c.3)

7. In section 2, for the definition of "fire authority" substitute -

"fire authority" means the Department of Home Affairs;".

The Mental Health Act 1974 (c.34)

8. (1) In sections 53, 54 and 59 to 65 and Schedules 2 and 2A, for "Home Affairs Board" (wherever occurring) substitute "Home Department".

(2) In section 108(1), after the definition of "direction restricting discharge" insert -

"the Home Department" means the Department of Home Affairs;".

The Payment of Members' Expenses Act 1975 (c.15)

9. In Schedule 3, for entry 11 substitute -

"11. The Department of Home Affairs."

The Fire Precautions Act 1975 (c.18)

10. (1) In section 1(2), for "Home Affairs Board (in this Act referred to as "the fire authority")" substitute "Department of Home Affairs (in this Act referred to as "the fire authority")".

(2) In section 30(1), for the definition of "fire authority" substitute -

""fire authority" means the Department of Home Affairs;".

The Home Affairs Board Act 1981 (c.18)

11. (1) For section 8 substitute -

"8. The Department of Home Affairs (in this Act referred to as "the Department") shall exercise the functions relating to civil aid services planning set out in Schedule 2."

(2) In sections 14 and 15, for "Board" (wherever occurring) substitute "Department".

(3) For section 17 substitute -

"17. In this Act "the Department" means the Department of Home Affairs."

The Criminal Law Act 1981 (c. 20)

12. In paragraph 4 of Schedule 3, for "Home Affairs Board" substitute "Department of Home Affairs".

The Transfer of Functions (Home Affairs Board) Order 1983 (G.C. 85/83)

13. In Article 3, for "Board" substitute "Department of Home Affairs".

The Superannuation Act 1984 (c.8)

14. In section 5 and paragraph 8(1) of Schedule 2, for "Home Affairs Board" substitute "Department of Home Affairs".

The Fire Services Act 1984 (c.19)

15. (1) In section 1(1), for "Home Affairs Board (in this Act called "the Board")" substitute "Department of Home Affairs (in this Act called "the Department")".

(2) In sections 1 to 4, 7 and 8 and Schedule 1, for "the Board" (wherever occurring) substitute "the Department".

(3) In section 10, for the definition of "the Board" substitute -

""the Department" means the Department of Home Affairs;".

The Constitution (Executive Council) Act 1984 (c.26)

16. In section 1(1)(b), for "the Home Affairs Board;" substitute "the Department of Home Affairs;".

The Road Traffic Regulation Act 1985 (c.20)

17. In section 33, for "Home Affairs Board" (wherever occurring) substitute "Department of Home Affairs".

The Road Traffic Act 1985 (c.23)

18. In paragraph 4(2)(b) of Schedule 4, for "Home Affairs Board" substitute "Department of Home Affairs".

ENACTMENTS REPEALED

| Volume/Chapter | Short title | Extent of repeal |
|----------------|--|--|
| XVIII p.486 | The Civil Defence Act 1954. | In section 11(1), the definition of "Board". |
| XIX p.1499 | The Broadcasting Commission (Isle of Man) Act 1965. | In section 9(1), the definition of "Board". |
| 1981 c.18 | The Home Affairs Board Act 1981. | Sections 1 to 7. Sections 9 to 12. Section 18. Section 20. Schedules 1, 3 and 4. Schedule 5, except paragraphs 37(b) and 38. Schedule 6. |
| G.C. 85/83 | The Transfer of Functions (Home Affairs Board) Order 1983. | Article 2. |
| 1984 c.19 | The Fire Services Act 1984. | In Schedule 2, paragraphs 2, 3(1) and 4. |
| 1986 c. | The Mental Health (Amendment) Act 1986. | In section 1, the words "and the Home Affairs Board". In Schedule 1, paragraph 2. |