



Memorandum of Understanding
between
the General Registry
and
the Cabinet Office

Date: 18 October 2019

1 INTRODUCTION

- 1.1 This Memorandum of Understanding (“MOU”) sets out the framework for co-operation between the Cabinet Office and the General Registry collectively known as “the Authorities”. It replaces all previous Memoranda of Understanding between the General Registry and the Treasury.
- 1.2 The General Registry is constituted under the General Registry Act 1965 (“the Act”) and is not subject to direct political control, as are the major Departments and Statutory Boards of Government. Specifically, with particular reference to its work in relation to supporting the Judiciary and Courts, it is acknowledged that it is imperative that the General Registry is not subjected to, or seen to be subjected to, political influence.

The provisions within the Council of Ministers (Amendment) Bill 2019 make explicit the duty of Ministers, both collectively and individually, to uphold and support the rule of law and protect judicial independence on the Island and places the independence of the Judiciary on a statutory footing.

The statutory authorities for the functions for which the General Registry is responsible are given to the Chief Registrar and are spread across multiple pieces of primary legislation.

Consequently, the primary functions that the General Registry is responsible for, which pertain to the wide range of Court, Tribunal and associated/ancillary functions, are:

- to provide administrative and secretarial support to members of the Island’s Judiciary, Magistrates and Tribunals; and
- the administration of Court, Tribunal and associated/ancillary proceedings.

Pursuant to section 28 of the High Court Act 1991, the Chief Registrar is an officer of the Court and as such is under the direction and supervision of the First Deemster. For performance management purposes, the Chief Registrar is accountable to the Chief Secretary.

- 1.3 The Cabinet Office (Creation of New Department and Transfer of Planning Policy Function) Order 2015, which came into effect on 1 January 2016, established the Cabinet Office as a Government Department under Schedule 2 to the Government Departments Act 1987.

The Cabinet Office plays a central role in the Isle of Man Government and is responsible for:

- giving impartial advice and services to the Chief Minister, the Council of Ministers and to His Excellency the Lieutenant Governor;
- leading the development, co-ordination and application of policies that will affect more than one department;
- representing the Island on the international stage and developing our global strategies;
- acting as the corporate central hub – providing government’s human resources, technology and corporate communications services; and
- ensuring that we work better – by promoting reform, striving to improve the way we provide our services, building business plans, and project managing these changes.

- 1.4 The division of responsibilities between the Authorities is based on five guiding principles:
- clear **accountability** - the Authorities must be accountable for their actions, so each must have unambiguous and well-defined responsibilities;
 - **transparency** - Tynwald, and the public must know who is responsible for what;
 - clear **independence** - the public must have assurance that the functions of the Courts and Tribunals etc. and the Judicial and other officers maintain constitutional independence;
 - clearly **defined roles and responsibilities** - each Authority must have clearly defined roles and responsibilities, to avoid second guessing, inefficiency and the unnecessary duplication of effort. This will help ensure proper accountability; and
 - **effective and appropriate information exchange** - this should be seen in the context of the need for independence and helps each of the Authorities to discharge its responsibilities as efficiently and effectively as possible.
- 1.5 The arrangements outlined below are intended to support an effective working relationship, but they are not restrictive nor legally binding.
- 1.6 This MOU, and any amendments to it, will be published.

2. RELATIONSHIP BETWEEN THE GENERAL REGISTRY AND CABINET OFFICE

- 2.1 In 1988 the Independent review of the Isle of Man Civil Service, undertaken by Mr Roger Poole of Her Majesty's Treasury (the Poole Report), suggested that the General Registry should have a formal line of accountability and that such accountability might be established through the Treasury.

Consequently, in September 1988, the Treasury accepted political responsibility for the General Registry which was further affirmed by a Memorandum of Understanding between the Chief Registrar and the Chief Financial Officer in December 2005.

- 2.2 The formal establishment of the Cabinet Office as a Government Department in 2016 provided the opportunity for the relationship between the General Registry and Treasury to be reassessed.

Accordingly, it has been agreed by all parties that it would be more appropriate for the Cabinet Office to have political responsibility for the General Registry, formalised by a Memorandum of Understanding.

- 2.3 Cabinet Office, on behalf of Isle of Man Government, is responsible for:
- providing political guidance subject to the extent outlined at Appendix 1;
 - representing the General Registry in Tynwald in respect of questions and other parliamentary matters;
 - the legal and institutional framework within which the General Registry functions are carried out, including the core corporate governance structure of the General Registry; and
 - acting as the 'authorised signatory', via the Chief Secretary, for the General Registry for contractual purposes.
- 2.4 The General Registry is responsible for:
- carrying out its functions in accordance with its statutory responsibilities, taking account of the factors specified in relation to the manner of discharge of functions;

- making its internal policy decisions independently and proposing policy (where appropriate);
- maintaining the independence of the Judiciary; and
- ensuring the appropriate financial management of its own budgets on the understanding that the General Registry forms a part of Executive Government for any required formal Tynwald approvals.

3. MECHANISMS OF ACCOUNTABILITY

3.1 Communication channels

To support the above relationship, there is regular dialogue between the General Registry and the Cabinet Office on an 'as arising basis', in particular:

- the Chief Registrar and Director to meet as required with the Member of the Cabinet Office nominated to be responsible for the General Registry to report on the General Registry's activities and to discuss any areas of concern; and
- the Chief Registrar to meet with Cabinet Office Political Group annually to discuss the General Registry's activities and any areas of concern;
- periodic meetings between the Judiciary and Ministers.

In addition:

- the Chief Secretary has line management responsibility for the Chief Registrar;
- the Chief Registrar and the Chief Secretary meet as determined; and
- ad-hoc meetings are held at officer and Cabinet Office Political Group level as required.

The key points of contact at officer level are the Chief Registrar and the Chief Secretary.

4. PROVISIONS FOR THE CONTROL OF SENSITIVE INFORMATION

- 4.1 Through the exercise of its statutory responsibilities, the General Registry gathers a wide range of information and data. Confidential information obtained by the General Registry, excluding case specific information, may only be passed to Cabinet Office in compliance with an appropriate data sharing agreement, as required.
- 4.2 Where correspondence and discussions require disclosure of confidential information under a data sharing agreement, appropriate safeguards should be followed by the Authorities to protect the information from inappropriate disclosure.
- 4.3 Unless agreed otherwise, the Authorities will, to the full extent permitted by law, keep confidential:
- any request for assistance or information pursuant to this MOU;
 - any information received pursuant to this MOU; and
 - any matter arising during the operation of this MOU, including consultations and unsolicited assistance
- 4.4 Where the Cabinet Office believes that sharing confidential information provided by the General Registry with a third party is necessary, it will not do so without the Chief Registrar's agreement to the release of such information.

- 4.5 Notwithstanding the above, the confidentiality provisions of this MOU will not prevent either Authority from informing the local law enforcement bodies when disclosure is required pursuant to a legally enforceable demand.
- 4.6 The General Registry is a separate public authority for the purposes of the Freedom of Information Act 2015 and the Data Protection Act 2018.

5. CONSULTATION

- 5.1 The General Registry and the Cabinet Office will consult with each other on an on-going basis to enhance co-operation and to facilitate the operation of the MOU.
- 5.2 The General Registry and the Cabinet Office may, by joint written agreement, amend, relax or waive any of the terms of the MOU.

6. TERMINATION OF THE MEMORANDUM OF UNDERSTANDING

This MOU will continue in effect for an indefinite period unless terminated by either Authority giving the other thirty (30) days written notice of its intention to terminate the MOU.

7. REVIEW OF THE MOU

The Authorities will instigate a review of the MOU at least annually.

8. EFFECTIVE DATE

This MOU will be effective from the date of its signing by the Authorities.

SIGNED on this 18th day of October. 2019

**GENERAL REGISTRY
CHIEF REGISTRAR**


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Dr S Quayle – Chief Registrar

**CABINET OFFICE
CHIEF SECRETARY**


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Mr W Greenhow – Chief Secretary

APPENDIX 1: Extent of Guidance

General Registry Function (Per main Memorandum of Understanding)	Extent of Cabinet Office Guidance
<ul style="list-style-type: none"> • To provide administrative and secretarial support to members of the Island’s Judiciary, Magistrates and Tribunals; and • The administration of Court, Tribunal and associated/ancillary proceedings etc. 	<p>None. The independence of the judiciary and administration of justice mean that any political influence in this area is particularly sensitive.</p> <p>Pursuant to Section 83 of the Interpretation Act 2015, Treasury concurrence is required before the Cabinet Office can make a Fees Order on behalf of the General Registry. Notwithstanding paragraph 2.2 above, the General Registry will continue to liaise with Treasury prior to making fees orders.</p> <p>Agreement between Treasury and the General Registry is in place that where necessary the General Registry may obtain drawdowns from reserve funds when it is necessary for the courts to incur expenditure in excess of the approved budgets for matters which are not considered within the business as usual area.</p> <p>The Chief Registrar currently facilitates the payment of amounts that have been ordered by the court to be paid from central funds due to failed prosecutions. These amounts are clearly identified and assessed by the Courts Costs Officer or by the Court with amounts refunded to General Registry prior to financial year end.</p>