

MANX LAW NEWSLETTER
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SEPTEMBER - DECEMBER 2009

The Manx Law Newsletter is an information and recording service for lawyers and others who may need to be aware of developments in the law of the Island. The material in the Newsletter is not intended to be exhaustive or authoritative but should be regarded as an index and a record of material which may be of use in legal work.

The entries are in parts - Part I - Case Headers, Part II - Bills and Acts (including Tables of Acts of Tynwald and Statutory Documents Amending Acts), Part III - Subordinate Legislation, Part IV - UK Legislation Extended to the Island and Part V - Reports.

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Edited by HM Attorney General

Sub-editor - Jane Turley

Editorial Address -

Attorney General's Chambers

3rd Floor, St Mary's Court

Hill Street

Douglas

Isle of Man

IM1 1EU

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*Road Traffic Regulation

The following Order has recently been issued by the Tynwald Library - SD819/09 - Issuing Authority Department of Transport - Speed Limits at School Entrances Order 2009.

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PART I

CASE NOTES

ALPHABETICAL INDEX TO CASES

Full copies of Manx judgments are obtainable on written application to the Chief Registrar, Isle of Man Courts of Justice, Deemsters Walk, Douglas, Isle of Man IM1 3AR.

[The citation of cases is as found in the original judgment of the court]

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ADVOCATES

Professional responsibility of advocate in the criminal court in particular meaning “acting on instructions” *R v Ulcay and Toygun [2007] EWCA Crim 2379 para 27* - late application to vacate trial dates due to unavailability of expert witness - reviewed case law where Deemsters stated that correspondence should be dealt with promptly and case management directions strictly complied with in a timely manner [transcript]

R -v- McVEY

[Ref: Crim2009/23, General Gaol Delivery, Deemster Doyle
Judgment: 30 October 2009
Counsel - S.R.N. Neale for the Crown: J.C. Travers for the defendant]

CIVIL PROCEDURE

Extension of time - Rules of the High Court of Justice 2009 {r 6.26(1)(b) - 6.27 - 7.2(2)(a)} - discretionary power to permit the filing and serving of a late defence or to give an extension of time for the filing and serving of a defence - see *Coll v Tattum [2001] WL 147 6184* [transcript]

[Applied Central Asian Capital Projects Ltd this Newsletter on the need for parties to deal with proceedings expeditiously]

GUBAY -v- WILLERS & OR

[Ref: ORD09/0024-CLA1998/155, Civil Division Ordinary Procedure, Deemster Doyle
Judgment: 28 October 2009
Counsel - A.L. Gough for the claimant: P.A. Willers in person]
[classification : civil procedure]

Time taken in obtaining expert report - case law reviewed vacation of trial dates in particular see *Aon Risk Services Australia Ltd v Australian National University [2009] HCA 27* - use of precedents from other jurisdictions see *Bitel Chancery 30/11/07* - impact of new Rules of the High Court of Justice 2009 on active and robust time management by trial judge [transcript]
[Applied *Gubay v Willers & Or ORD9/011 Deemster Doyle 28 October 2009*]

HOWELL -v- DEPARTMENT OF HEALTH AND SOCIAL SECURITY

[Ref: ORD09/0024-CLA1998/155, Civil Division Ordinary Procedure, Deemster Doyle
Judgment: 6 October 2009
Counsel - Ms M. Daugherty for the claimant: K.M. Goldie for the defendant]
[classification : civil procedure]

COMPANIES

Company Officers (Disqualification) Act 2009 s.1 disqualification from acting as a company director etc - ss 4 and 8(1) of the 2009 Act applied - local jurisprudence on s 26 Companies Act 1992 relevant when considering new s 4 - case law on s 26 reviewed - principles apparent from various authorities synthesised - deterrent nature of the punishment emphasised - inadequate know your customer checks - misrepresentation of directorship etc - improper

company administration - cavalier attitude towards corporate finance and VAT regime - registered office facilities provided in breach of the law - failure to provide information to FSC - funds appropriated to own use without proper authorisation - see *Vannin Accumulators v Beesley 1981-83 MLR 324* on unauthorised payments from company funds - conduct by person holding legal and accounting qualifications viewed more seriously - 7 years disqualification imposed given lack of probity and aggravating feature of continuing failure to acknowledge serious failings - costs awarded to the FSC [transcript]

FSC -v- GALLACHER

[Ref: CP2008/55, Chancery Procedure, Deemster Doyle

Judgment: 9 December 2009

Counsel - k.J. Murray for the Commission: no appearance by Mr Gallacher]

COURTS

Rules of the High Court of Justice 2009 r 7.21 application to landlord and tenant cases - power to make interim payments - r 15.12 meaning of “having regard to the rules” when proceedings started before new rules in force - presumption against construction of the rules which would effect a substantive backdated change - concepts such as the “overriding objective” will apply in their full rigour but less straightforward where there has been a significant change in the procedural law [transcript]

BUSHY’S LTD -v- WILLIAMS & OR

[Ref: SUM09/23, Civil Division Summary Procedure, Deemster Corlett

Judgment: 8 October 2009

Counsel - C.M.H. Coleman for the claimants: J. Wright for the defendants]

Rules of the High Court of Justice 2009 r 1.2(4) parties and advocates must appreciate their duty to assist the court in the overriding objective - see *Bitel 8 December 2006 paras 166-170* on the duties of those applying for without notice applications

Obiter permission to serve proceedings out of the jurisdiction - when draft orders are filed advised to include a provision for the service of the application notice and supporting evidence on the defendant [transcript]

CENTRAL ASIAN CAPITAL PROJECTS LTD -v- KAZAKHGOLD GROUP LTD

[Ref: ORD09/0014, Civil Division Ordinary Procedure, Deemster Doyle

Judgment: 3 November 2009

Counsel - T.D. Maher for the claimant: C.V.J. Hyde for the defendant]

[classification : courts]

Evidence for use outside the Island application s 21 Criminal Justice Act 1991 - decision DHB that advocate for K but not his Australian lawyers could inspect documents for privileged material quashed so that neither to have access - notwithstanding access granted to Brampton International under Article 8 ECHR evidence of ASIC of investigation being in the early stages meant that non-disclosure was in the public interest - guidance section 21 procedure Manx case law reviewed and see *R (Hafner) v City of Westminster Magistrates’ Court [2008] EWHC 524 Admin* - Crime (International Co-operation) Act 2003 (of

Parliament) see *Calder v Frame* [2006] HCJAC 62 {Scotland} - s 21 procedure part of the investigative process so see *Evans v Inspector of the Serious Fraud Office* [2002] EWHC 2304 against early disclosure - in the context of other statutory legislation *R (Aacha) v Home Secretary* [2001] EWHC 787 Admin established that gathering evidence was not in the nature of a trial - on when a suspect should be notified see cases cited above *Hafner* and *Calder* - no case found for the view that Article 8 ECHR rights could only be safe guarded by potential defendant being a notice party to the s 21 procedure - case law reviewed on how obligation to resist premature disclosure and maintain confidentiality far outweighed rights of potential defendant at the investigative stage

[See *re Hafner* CR332 Deputy High Bailiff's Court DHB Montgomerie 24 December 2009 - acting in administrative capacity when receiving evidence under s 21 Criminal Justice Act 1991 - all parties may make submissions at transmission hearing on whether documents relate or appropriate to the request - case law reviewed on duplication with UK court - petition of dolence {Simcocks} associated confidential judgment of DHB quashed by agreement on the grounds of illegality]

Related UK case: "*Hafner No 2*" - *Hafner v City of Westminster Magistrates Court* [2009] 1 WLR 1005

re [1] KENNEDY [2] AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION [Petitions of Doleance]

[Ref: CHP09/0015, Chancery Procedure, Deemster Doyle
Judgment: 11 November 2009

Counsel - R.A.K. Halsall for the 1st petition "K": C. Davies for the 2nd petition: K.M. Goldie for Brampton International: Mrs E.L.M. Murray for HM Attorney General]

[classification : courts]

Application for costs under s 28 Summary Jurisdiction Act 1989 dismissed as no evidence of bad faith by the chief constable - use of the word dismiss rather than discharge in s 28(3) would not have prevented the making of a costs order - remand in custody but following charge insufficient evidence found for committal to stand trial - given similarity in legal systems adoption of Code for Crown Prosecutors in England and Wales by Attorney General's Chambers reasonable - threshold test in the code correctly applied at first instance - defence costs awarded out of government funds under s 29 of 1989 Act - anomalous if a defendant with no case to answer not entitled to costs - evidence gathered must be regularly assessed against the threshold test to see if the objection to bail still justified

LANGDON -v- MATTHEWS

[Court of Summary Jurisdiction, Deputy High Bailiff Montgomerie
Judgment: 12 November 2009

Counsel - Miss R.L. Braidwood for the Chief Constable: P. Russell for the respondent]

[classification : courts]

Case law including *Gilbertson SL & Ors v Dominator Ltd* 2DS 2008/37 May 1st 2009 showed that the discretionary power to allow service out of the jurisdiction should be exercised with care - parties alerted to *Union International Insurance Co Ltd v Jubilee Insurance Co Ltd* [1991] 1 All ER 740 - r 2.41(f)(ii) Rules of the High Court of Justice 2009 sensible reading was that the reference to agent is to an agent of the entity sought to be

served and not an agent of the claimant - r 2.41(f)(ii) limited to contracts made by an agent trading or residing in the jurisdiction where the defendant to be served is the principal of the agent [transcript]

SIMKER LTD -v- DCN INTERNATIONAL SA & ORS

[Ref: ORD09/0030, Civil Division Ordinary Procedure, Deemster Doyle
Judgment: 28 October 2009
Counsel - Miss H. Pimbley for the claimant]
[classification : courts]

CRIMINAL INJURIES

Criminal Injuries Compensation Scheme - late lodging of appeal before a Deemster - no jurisdiction to grant an extension of time [sanitized transcript]

APPEAL OF Q

[Ref: CICA2009/01, Civil Division Chancery Procedure, Deemster Doyle
Judgment: 21 October 2009
Counsel - S.M. Harding (Government Advocate) for the Treasury: no appearance by Q]

CRIMINAL LAW

Breach of bail condition by consumption of alcohol - case law reviewed - place at bail hostel no longer available due to actions of defendant [transcript]

R -v- FITZSIMMONS

[Ref: CRIM2009/55, Court of General Gaol Delivery, Deemster Doyle
Judgment: 14 December 2009
Counsel - Miss R.L. for the Crown : I. Kermode for the defendant]

DRUGS

Cocaine street value over £78,000 - appeal dismissed against concurrent sentences 15 years custody for production and 8 years for supply - Manx case law reviewed but argument as to disparity in sentences for drug offences compared to serious violence or sexual offences misconceived - deterrent sentences needed because of trafficking in Class A drugs but no underlying culture of violence involving gangs or knives - principle of stare decisis less strictly applied in criminal cases adopted dicta *R v Spencer [1985] 1 QB 771* - individualised sentencing process see Supreme Court of Canada *R v LM [2008] SCC 31/36*

Not as part of the appeal: sentencing guidance in *Caldwell-Camp* amended so that starting point for the band 500-1000 Class drugs in tablet form made 7 to 9 years [same as for 20-50 grams in powder form] - no need to subdivide the lowest band 102-grams and 1-500 tablets

CLINTON -v- R

[Ref: 2DS 2008/32, Staff of Government Division Criminal Jurisdiction,
Deemster Kerruish/G.F. Tattersall, J.A.
Judgment: 29 October 2009
Counsel - P.P. O'Neill for the appellant: S.R.N. Neale for the Crown]

Introducing cocaine into prison - custody for 6½ years severe but not manifestly excessive - small quantity 1.9g meant a starting point of 5 years custody - aggravating features (1) sophisticated pre-planning (2) on bail (3) numerous past convictions meant a starting point of 7 years custody however no criticism for starting point of 8 years

MYERS -v- R

[Ref: 2DS 2009/08, Staff of Government Division Criminal Jurisdiction,
Deemster Kerruish/G.F. Tattersall, J.A.
Judgment: 29 October 2009
Counsel - P.P. O'Neill for the appellant: S.R.N. Neale for the Crown]
[classification : drugs]

EMPLOYMENT

Power of tribunal to find on the terms of a contract of employment - the tribunal had not invented a term in the contract but had adjudicated on conflicting evidence see *Cuthbertson v AML Distributors* (1975) IRLR 222 and *Eagland v British Telecommunications PLC* [1992] IRLR 323 - on tribunal is the final and only judge unless misdirected or perverse *British Telecommunications PLC v Sheridan* [1990] IRLR 35 cited - role of draft judgments *re M (fact-finding hearing: burden of proof)* [2009] 1FLR 1177 approved

PEARSON & OR -v- SIMPSON

[Ref: ORD09/2, Common Law Division Ordinary Procedure, Deemster Corlett
Judgment: 8 October 2009
Counsel - Miss V. Oates for the appellants: C.N.I. Webb for the respondent]

EQUITY

Funds held in asset protection scheme - proprietary claim - declaration of location of funds required judicial determination not default or summary action - tracing of money not a claim or a remedy see *Foskell v McKeown & Ors* [2001] 1 AC 102/127

VICINI -v- IFG FUND ADMINISTRATION (IOM) LTD & ORS

[Ref: CA2007/1, Chancery Division, Deemster Kerruish
Judgment: 26 November 2009
Counsel - C.M.H. Coleman for the plaintiff: R.I. Colquitt for the defendants]

INSOLVENCY

Case law reviewed on winding up of company where a disputed debt existed arising from employment - case law reviewed on failure to have regard to rights under ECHR - winding up of company not incompatible with Article 1 ECHR {peaceful enjoyment of possessions} see *Law Investments Ltd 2005-06 MLR 73* [transcript]

LE BRETON -v- PETRODEL RESOURCES LTD

[Ref: CHP09/0007, Chancery Procedure, Deemster Doyle
Judgment: 29 October 2009
Counsel - P.B. Clucas for the claimant: M. Stratton for the defendant]

Liquidation proceedings instituted after interim charging order made *Roberts Petroleum v Bernard Kenny [1983] 2AC 192* - burden of showing why an order should not be made absolute normally rested on debtors - no creditors should have an advantage because of living in a jurisdiction where more of the assets held or fewer creditors situated *Cambridge Gas Transport Corp. v Official Committee of Unsecured Creditors of Navigator Holdings PLC [2007] 1 AC 208* - formal proceedings not always required *Society of Lloyds v Cook (Commercial Court) [1999]* interim order not to be made final as prejudicial to interests of creditors of company as a whole [transcript]

SIBIR ENERGY PLC & ORS -v- GRADISON CONSULTANTS INC

[Ref: SJ2009/56, Civil Division, Deemster Corlett
Judgment: 23 November 2009
Counsel - A.L. Gough for the claimants: C.D.B. Cope for JSC VTB Bank: K.M. Goldie the defendant]
[classification : insolvency]

PLANNING

New barn - ministerial decision quashed as commercial viability of venture and sub-division of farm should not have influenced the planning inspector - core question was if building essential for agriculture - the court wondered whether the question of over-riding national need applied to agricultural land use
[Previous case *Willers, Petition of Doleance 05/12/08 reported 1 MLN 29*]

WILLERS -v- MINISTER OF LOCAL GOVERNMENT AND THE ENVIRONMENT

[Ref: 2DS 2009/01, Staff of Government Division,
Deemster Kerruish/G.F. Tattersall, J.A.
Judgment: 23 November 2009
Counsel - P.A. Willers in person: O.H. Helfrich for the Minister]

ROAD TRANSPORT

Refusal of Road Transport Licensing Committee to issue a public passenger vehicle driver's licence upheld - discretion not exercised unreasonably - Road Transport Act 2001 s 40(4) meaning of "shall" imperative - policy and procedure document essential to carry out

functions under the 2001 Act - proper regard for established policy that a new taxi driver not be convicted of dishonesty in the 3 preceding years [transcript]

PEACOCK -v- ROAD TRANSPORT LICENSING COMMITTEE

[Deputy High Bailiff's Court, Deputy High Bailiff Montgomerie

Judgment: 13 October 2009

Counsel - appellant in person: S.F. Caine for the Committee]

SENTENCING

Criminal Code 1872 ss 20/ 347 - appeal against sentence of 8 years custody for manslaughter plus 1 year consecutive for doing an act against public justice dismissed - death by stabbing in the chest with ceremonial dagger that was razor sharp pointed double-edged bladed knife - false statement leading to arrest of innocent man - not accepted that "stabbing game" was an accident - where there is more than one possible interpretation of a jury's verdict a judge should form own view on the evidence and sentence on that basis see *R v Hopton [2005] EWCA Crim 794* and *R v Griffin [2008] EWCA Crim 119* - approach of trial judge endorsed being unwilling to speculate as to precise intent beyond jury satisfied that harm was intended - sentencing judge entitled to consider victim impact statement and appellate court should be slow to interfere with how the sentencing judge dealt with such matters - no criticism of allowing relatives of the victim to occupy jury box during sentencing - reviewed case law on manslaughter but found they offered no general principles rather appropriate sentence must flow from careful analysis of the facts causing the death - *Attorney General's Reference re Patterson 2001-3 MLR N26* distinguished as there the harm could not be reasonably foreseen - 8 years custody at the top of the sentencing range but not manifestly excessive - 18 months appropriate sentence for act against public justice

{Extension of 8 years custody to 10 years for the purpose of licence not subject to appeal see s 38 Criminal Justice Act 2001 }

WATTERSON -v- R

[Ref: 2DS 2009/15, Staff of Government Criminal Division,

Deemster Kerruish/G.F. Tattersall,J.A.

Judgment: 4 December 2009

Counsel - A. Berry QC/P.P. O'Neill for the appellant: S.R.N. Neale for the Crown]

SOCIAL CARE

Disciplinary proceedings - transmission of independent investigators report to the General Social Care Council - considered *Chohan and Khan v DHSS [8.10.08]* - not satisfied that Manx court had jurisdiction to prevent a disciplinary hearing taking place in England and being conducted by an English legal entity - costs awarded against the claimant

WHEELER -v- SELICK AND THE GENERAL SOCIAL CARE COUNCIL

[Ref: ORDO9/50 Civil Division Ordinary Procedure, Deemster Doyle

Judgment: 30 November 2009

Counsel - Mr Wheeler in person: Ms M Daugherty for the 1st defendant]

PART II

BILLS AND ACTS

HARBOURS

INCOME TAX (No.2)

INCORPORATED CELL COMPANIES

LLOYDS TSB OFFSHORE LIMITED BANKING BUSINESS ACT 2010 [c.4]

MARRIAGE AND CIVIL REGISTRATION (AMENDMENT)

HARBOURS BILL 2009

This Bill, which was promoted by the Department of Transport, repeals and replaces with modifications the Harbours (Isle of Man) Act 1961 and the Registration of Pleasure Craft Act 1974. It also enables the Department to make regulations which require vessels which are in Manx waters to be insured (or subject to other security). It also makes new provision to deal with the presence of alcohol and drugs on board vessels in Manx waters.

Part 1 (clauses 1 to 37 and Schedule 1) deals with harbours and their operation. Clause 1 sets out harbour limits. Clauses 2 to 4 deal with the functions of the Department under the Bill.

Clauses 5 to 7 are concerned with the appointment and functions of the harbour master. Clauses 8 to 11 relate to the use of harbours. Clauses 12 to 15 deal with the loading and unloading of goods. Clauses 16 to 20 are concerned with the control of dangerous goods and articles. Clauses 21 and 22 are concerned with dangerous and unfit vessels. Clauses 23 and 24 deal with obstructions and abandoned property. Clause 25 relates to disposals under clauses 22 to 24.

Clauses 26 to 29 are concerned with the restriction of works. Clauses 30 to 37 make further provisions relating to harbour safety.

Part 2 (clauses 38 to 52) sets out the Department's charging powers.

Clauses 38 to 40 confer power to charge dues in respect of vessels, passengers and goods and to make other charges in respect of facilities provided by the Department. Under clause 41 the Department must make berths available upon payment of such dues and charges. Clause 42 requires the Department to maintain lists of dues and charges.

Clauses 43 to 52 provide for the payment, ascertainment and recovery of dues and other charges, including the remedies available in the event of non-payment.

Part 3 (clauses 53 to 55) enables the Department to make regulations concerning the registration, operation and safety of certain pleasure craft and other specified types of vessels. It also prohibits the use of those vessels in harbours as permanent homes without permission of the Department (and subject to planning laws).

Part 4 (clause 56) enables the Department to make regulations concerning the compulsory insurance of certain vessels in Manx waters.

Part 5 (clauses 57 to 67 and Schedule 2) contains new measures to combat the impairment through drink or drugs of persons on board vessels in Manx waters. Specific provision is made in respect of professional staff on duty, professional staff off-duty and non-professionals. New criminal offences are created. Related matters (including the provision of specimens, detention pending the arrival of the police, arrest without warrant, rights of entry and application) are also covered.

Part 6 (clauses 68 to 85 and Schedules 3 to 5) contains miscellaneous and supplemental provisions. These clauses cover matters such as legal proceedings, offences by bodies corporate, lighthouses, pilots, compulsory purchase of property, running dry and lowering of water levels, navigational aids, facilities for aircraft, restrictions on the disposal of land, the right to enter and leave a harbour and the production of evidence. Power is given to the Department to apply EC instruments which have effect in the UK or UK legislation. Part 6 also includes interpretative provisions, amendments, repeals, savings and transitional matters and provides a short title and for commencement by appointed day order. [Amended in the Keys and Legislative Council clauses 8(1), 34(1), 55(1), 62(2) and 66(1) - Keys agreement to Legislative Council amendments 23rd March 2010 - Royal Assent awaited]

INCOME TAX (No.2) BILL 2009

[On passing will be Income Tax Act 2010]

This Bill was promoted by the Treasury. It confirms temporary taxation orders [1] Income Tax (Australia) (Double Taxation) (Temporary Taxation) Order 2009 (SD 150/09) and [2] Income Tax (Individuals) (Temporary Taxation) Order 2009 (SD 708/09). Clause 1 provides the short title. Clause 2 enables the orders to have permanent effect and contains provisions enabling the Treasury to amend, revoke or replace the orders. [Royal Assent awaited]

INCORPORATED CELL COMPANIES BILL 2009

This Bill, which is promoted by the Treasury on behalf of the Insurance and Pensions Authority, provides for the formation of incorporated cell companies.

Part 1 of the Bill contains the opening provisions. Clause 1 states the short title. Clause 2 deals with commencement by appointed day order. Clause 3 concerns the interpretation of words and expressions.

Part 2 is concerned with the formation and nature of incorporated cell companies ("ICCs"). Clause 4 enables the formation of ICCs. Clause 5 imposes requirements as regards the name of an ICC. Clause 6 makes provision concerning the memorandum of association of an ICC. Clause 7 sets out the procedure for incorporating an ICC. Clause 8 gives an ICC separate legal personality.

Part 3 deals with the formation and nature of incorporated cells ("ICs"). Clause 9 enables the formation of ICs and provides for Schedules 1 and 2 to modify the application of certain legislation concerning companies where the company is an IC. Clause 10 imposes requirements as regards the name of an IC. Clause 11 makes provision concerning the memorandum of association of an IC. Clause 12 sets out the procedure for incorporating an IC. Clause 13 gives an IC separate legal personality and makes provision regarding the relationship between an IC and its ICC.

Part 4 establishes the separate nature of an ICC and its ICs. Clause 14 requires the assets and liabilities of an ICC to be kept separately from those of its ICs and also requires the keeping of separate assets and liabilities for each IC. Clause 15 provides that an ICC does not have power to enter into transactions on behalf of an IC (or vice versa). The directors of an ICC and its ICs must state if a transaction is being entered into by an ICC or an IC (and, if so, by which IC).

Part 5 provides for the winding up of ICCs and ICs. Clause 16 provides that the winding up of an ICC must not prejudice the affairs of an IC. Clause 17 states that the appointment of a liquidator for an ICC does not affect the position of the directors of an IC. Clause 18 precludes the dissolution of an ICC until each IC has been appropriately converted,

transferred, expelled, continued or wound up (in each case, in accordance with the provisions of the Bill). Clause 19 makes similar preclusion in circumstances where an ICC applies for a declaration of dissolution (without being formally wound up).

Part 6 deals with certain modifications. Clause 20 provides for the amendment of the articles of association of an IC. Clause 21 sets out the procedure for converting a company into an ICC. Clause 22 allows for the conversion of a protected cell company (“PCC”) into an ICC. Clause 23 deals with the conversion of an IC into a company. Clause 24 provides for the transfer of ICs between ICCs. Clause 25 enables the conversion of a company into an IC and for the transfer of the IC to an ICC. Clause 26 deals with the expulsion of an IC from its ICC. Clause 27 enables the Financial Supervision Commission to rely on documents provided to it without making further enquiry as to compliance with the Bill’s provisions. Clause 28 provides that the modifications under this Part are not to be regarded as breaching contract or as an event of default or otherwise as a civil wrong.

Part 7 contains general provisions. Clause 29 allows directors of ICCs and ICs to apply to Court for directions. Clause 30 creates an offence in respect of false or misleading statements. Clause 31 deals with offences by bodies corporate. Clause 32 gives the Treasury power to make subordinate legislation. Clause 33 deals with the Tynwald procedure for implementing subordinate legislation. Clause 34 gives the Commission power to set fees and specify forms and to publish such fees and forms. Clause 35 makes certain financial provisions. Clause 36 amends the Financial Services Act 2008. [Legislative Council 3rd Reading 2 February 2010 - Royal Assent awaited]

LLOYDS TSB OFFSHORE LIMITED BANKING BUSINESS ACT 2010 [c.4]

This private Act was promoted by Lloyds Banking Group plc, a company incorporated in Scotland (“Lloyds”). The Act allows for the reorganisation of the Isle of Man branch of Bank of Scotland plc, a Lloyds’ subsidiary incorporated in Scotland (the “Transferor Company”) and the Isle of Man branch of Lloyds TSB Offshore Limited, a Lloyds’ subsidiary incorporated in Jersey (the “Company”). It makes provision for the transfer to, and vesting in, the Isle of Man branch of the Company, of the undertaking or part or parts of the undertaking of the Isle of Man branch of the Transferor Company. Section 1 provides the short title. Section 2 provides for the interpretation of terms.

Section 3 allows the directors of the Transferor Company to appoint the undertaking or part or parts of the undertaking of the Isle of Man branch of the Transferor Company which are to be transferred to the Company (the “appointed undertaking”). It also allows the directors of the Transferor Company to appoint a day for the transfer to, and vesting in, the Company of the appointed undertaking. Different days may be appointed for different parts of the undertaking of the Isle of Man branch of the Transferor Company. Notice of an appointed day is to be displayed in the branch of the Transferor Company in the Isle of Man and in the branch of the Company in the Isle of Man. It also makes provision for a notice to that effect to be published in a newspaper published in, and circulating throughout, the Isle of Man on or not more than seven days before an appointed day and for a copy of the minute effecting the appointment to be filed at the Rolls Office.

Section 4 provides for the appointed undertaking to transfer to, and vest in, the Company on the relevant appointed day. Section 5 contains provision as to trust property transferred to the Company and also makes provision with regard to wills referring to the Transferor Company.

Section 6 contains provisions supplemental to section 4 and, in particular, makes provision about the continuation in effect of contracts, bank accounts and other documents and matters after an appointed undertaking is transferred.

Section 7 contains provisions concerning contracts of employment and certain office-holders. Section 8 relates to retirement benefits schemes. Section 9 contains provisions relating to evidence of the transfer to, and vesting, in the Company of the appointed undertaking. Section 10 makes provision for books and other documents of the Transferor Company to be admissible in evidence. Section 11 relates to the application of The Bankers' Books Evidence Act, 1935 to the books of the Transferor Company. Section 12 prevents certain unintended consequences occurring as a result of the transfer to, and vesting in, the Company of any property or of a liability of the Transferor Company. Section 13 saves the operation of other enactments relating to the regulation of banking etc. business. Section 14 provides for the costs of the Act to be paid by the Company.

[Petition for leave to be heard 27th October 2009] [Operative on passing 16 March 2010 but ADO required to be published in a local newspaper as a public notice regarding the date for the purpose of the transfer of the undertakings.]

MARRIAGE AND CIVIL REGISTRATION (AMENDMENT) BILL 2009

[Reprinted incorporating Amendments made by the Keys 2 March 2010 and by Legislative Council 30 March 2010]

This Bill is promoted by the Treasury. It makes amendments to the Marriage Act 1984 and the Civil Registration Act 1984 with consequential amendments made to the Matrimonial Proceedings Act 2003 and the Adoption Act 1984.

Clause 1 introduces Schedule 1, which amends the Marriage Act 1984. The amendments will permit marriage in any place on the Island, in its territorial waters, aboard vehicles on the Island, vessels within its territorial waters, or aboard an aircraft in Manx air-space. It also permits a marriage to take place in the territorial waters of the Island or in Manx air-space where the parties are not aboard a vessel or an aircraft. But marriages in all these new classes of venue will be at the Chief Registrar's discretion, which will be exercisable in accordance with guidance issued by the Clerk of the Rolls. One of the amendments modernises the prohibited degrees for marriage, reflecting changes in England and Wales and also in the jurisprudence of the European Court of Human Rights. It also inserts new sections 20A to 20C into that Act permitting, subject to certain exceptions, the marriage of house-bound and detained persons to take place where they are. A new section A51 of that Act empowers the Governor to validate marriages which would otherwise be void for want of compliance with the formalities. This mirrors a provision in the Civil Partnership Act 2004 (of Parliament) empowering the Lord Chancellor to validate civil partnerships under that Act which would otherwise be void. Sections 51 to 54 of the Marriage Act 1984 have been rewritten to clarify their effect.

Clause 2 introduces Schedule 2, which amends the Civil Registration Act 1984. The main effect of the amendments is to create a single registration district for the Island and to make consequential amendments to the Civil Registration Act. It also makes minor amendments in respect of the registration of foundlings and still-births.

Clause 3 introduces Schedule 3, which contains consequential amendments. The Schedule amends the Matrimonial Proceedings Act 2003 and the Adoption Act 1984. The amendments to the 2003 Act make provision corresponding to that proposed in relation to the jurisdiction

of the High Court in respect of civil partnerships. The adoption amendments deal with the manner in which adoption register entries are to be linked to the original birth entries, and the circumstances in which and conditions subject to which access to the original entries may be granted.

Clause 4 introduces Schedule 4, which contains transitional provisions in consequence of the creation of a single registration district for the Island. Clause 5 introduces Schedule 5, which contains repeals. Clause 6 gives the Act its short title and provides that the Act, other than section 6, come into operation by appointed day order. [Legislative Council 3rd Reading (with a further amendment) 27th April 2010. Keys agreement to Legislative Council amendment 25th May 2010.]

APPOINTED DAY ORDERS

COMPANIES (AMENDMENT) ACT 2009 (APPOINTED DAY) ORDER 2009
[SD 572/09 : Issuing Authority - Treasury]

Whole Act operative 1 September 2009.

COMPANY OFFICERS (DISQUALIFICATION) ACT 2009 (APPOINTED DAY) ORDER 2009
[SD 325/09 : Issuing Authority - FSC]

Whole Act operative 18 June 2009 with savings. Sections 23 (orders and regulations) and 24 (short title) operative on passing 21 April 2009.

CRIMINAL JUSTICE ACT 2001 (APPOINTED DAY) (No.9) ORDER 2009
[SD 450/09 : Issuing Authority - DHA]

The Order brought section 63 and Schedule 8 into operation on 22 June 2009 to allow the Attorney General to have conduct of criminal proceedings.

DISABILITY DISCRIMINATION ACT 2006 (APPOINTED DAY) ORDER 2009
[SD 116/09 : Issuing Authority - DHSS]

Schedule 5, para. 2 (amendment Chronically Sick and Disabled Persons Act 1981- name change “Tynwald Advisory Council for Disabilities”) operative 1 July 2009.

EDUCATION (MISCELLANEOUS PROVISIONS) ACT 2009 (APPOINTED DAY) ORDER 2009
[SD 297/09 : Issuing Authority - DoE]

The Order brought sections 2, 6 and Schedule 2 for making secondary legislation only, section 13 on 1 May 2009 and sections 2 and Schedule 2 fully operative 1 June 2009. Section 1 and Schedule 1 operative 1 June 2009. Act fully operative 1 September 2009.

ENTERPRISE ACT 2008 (APPOINTED DAY) ORDER 2009
[SD 211/09 : Issuing Authority - DTI]

The Order brought the Act into operation 6 March 2009 for making statutory documents and 1 May 2009 for all other purposes.

ACTS OF TYNWALD

TABLE I

Acts or parts of Acts which came into force October to December 2009

Social Security (Amendment) Act 2009 (c.10)
Operative on passing 17 November 2009

TABLE II

Acts passed October - December 2009 but not wholly in force

Animal Health (Amendment) Act 2009 (c.9)
Whole Act not operative

Gender Recognition Act 2009 (c.11)
Whole Act operative except section 3[civil registration] and Schedule 1 - 6 April 2010.
[See S.D.139/10]

TABLE III

Acts passed before October 2009 but not wholly in force on 31 December 2009

Agricultural Marketing (Amendment) Act 2006 (c.14)
The repeal of section 10 of the Agricultural Marketing Act 1934 found in Schedule 1 paragraph 6.
[See S.D.720/07]

Agriculture (Safety, Health and Welfare Provisions) Act 1974 (c.29)
Sections 2, 3 and 5 not operative.
[See Orders dtd. 5/2/75 and 4/2/76 & S.D.155/98]

Chronically Sick and Disabled Persons (Amendment) Act 1992 (c.8)
Sections 1 to 3 not operative.

Civil Jurisdiction Act 2001 (c.28)
Section 9 not operative.
Section 4 operative 1 May 2010.
[See S.D.836/01 and 225/10]

Civil Service (Amendment) Act 2007 (c.2)
Section 4 not operative.

Companies, etc. (Amendment) Act 2003 (c.16)
Sections 7, 8 and 14 and Schedules 1 and 2 in part not operative.
[See S.D.883/03, 177/04, 688/04, 171/07 and 725/08]

Companies Act 2006 (c.13)
Sections 13 and 17 not operative.
[See S.D.745/06 and 713/07]

Contracts (Applicable Law) Act 1992 (c.2)
Sections 1, 2, 3 and 5 not operative.
[See S.D.181/93]

Criminal Justice Act 2001 (c.4)
Sections 14, 15 and 31.
[See S.D.317/01, 367/01, 595/01, 596/01,
734/01, 27/04, 155/05, 92/05 and 450/09]

Criminal Justice, Police and Courts Act 2007 (c.3)
Section 24 [confiscation of uninsured vehicles] not operative.
[See S.D.723/07, S.D.974/07 & S.D.609/08]

Data Protection Act 2002 (c.2)
Section 51 not operative.
[See ss.64 & 67 Act, S.D.15/03 and 701/03]

Disability Discrimination Act 2006 (c.17)
Whole Act not operative except Schedule 5 para. 2
[Name Tynwald Advisory Council for Disabilities].
[See S.D.116/09]

Estate Agents Act 1999 (c.7)
Whole Act not operative.

Fair Trading (Amendment) Act 2001 (c.26)
Sections 4 to 7 and Sch. 1 not operative
[See S.D.505/01]

Fees and Duties Act 1989 (c.12)
Schedules 2 and 3 in part.
[See S.D.35/93]

Fire Precautions Act 1975 (c.18)
Not operative - sections 3, 4, 12(1)(b),(2)(b) and 25, s.33 (ext to Govt.) in relation. to sections
3 and 4, Schs. 5, 6 & 8. Sch. 5 paras. 1(b), 2(c) and 3(c). Sch. 6 Part I. Sch. 8. para 8. Sch.
10 in rel. to Factories & Workshops Act 1909 s.35(b); Fire Escapes Act 1950.
[See GC38/76, GC248/82 & SD47/97 operative 1/3/76, 15/12/82 & 12/05/97]

Fire Precautions (Amendment) Act 1992 (c.7)
Improvement notices provisions not in force.
[See S.D.491/93]

Gambling (Amendment) Act 2006 (c.22)
Sections 4 (in part) and 6 to 11 not operative.
[See S.D.555/07 and S.D. 604/08]

Gaming, Betting and Lotteries (Amendment) Act 2001 (c.22)
Section 10 not operative.
[See S.D.382/01]

Housing (Multi-Occupancy) Act 2005 (c.4)
Whole Act not operative.

Income Tax (Amendment) Act 1986 (c.25)
Not operative section 4(2) to the extent that section 29 (reliefs for certain capital expenditure) of the 1970 Act has not been repealed.
[See G.C.123/90]

Income Tax Act 1989 (c.10)
s.55 (tax year) not operative.

Income Tax Act 1991 (c.17)
Sections 11 (subcontractors deductions: distraint) and 12 (exempt companies) not operative.

Income Tax (Corporate Taxpayers) Act 2006 (c.8)
Section 10(2) not operative.
[See S.D.523/06]

Insurance Act 2008 (c.16)
Whole Act operative 1 December 2008, except for the following provisions –
Schedule 10 and s.58 operative 31 October 2008 see S.D. 870/08.
Section 25(3)(d)(i) operative 01/12/08 subject to Art 5(1) S.D.922/08.
Not operative by SD922/08 - s.42(1) & (2) and Schedule 4: Schedule 8 paras 20 and 21
[companies transfer of domicile]: Schedule 9 repeal of s.25A and Schedule 3A Insurance Act 1986 and Insurance (Amendment) Act 1995.
[S.D.922/08]

Licensing (Amendment) Act 2001 (c.17)
For the limited operation of section 4 (2) and (3) see S.D. 761/06
[See S.D.366/01 and 761/06]

Local Government Act 2006 (c.18)
Section 12(d) repeal of s.4 Onchan District Act 1986 operative 1 April 2010. Not operative sections 17 and 18 and Schedules 1 and 2 / Schedule 3 para.2 & Schedule 4 in part.
[See S.D.886/06]

Medicines Act 2003 (c.4)
Parts 3 and 5 not operative.
[See S.D.761/04]

Merchant Shipping (Amendment) Act 2007 (c.4)
Whole Act not operative.

Moneylenders Act 1991 (c.6)
Sections 8 and 9 not operative.
[See G.C.2/92]

National Health Service Act 2001 (c.14)
Sections 3 to 5 only in force for the purpose of making regulations and schemes.
[See S.D.153/02, 818/02 and 26/04]

Performers' Protection Act 1996 (c.12)
Section 20 and Schedule 2 para 1.
[See S.D.354/96]

Public Health Act 1990 (c.10)
Sections 88 to 91 not operative.

Race Relations Act 2004 (c.6)
Whole Act not operative.

Residence Act 2001 (c.7)
Whole Act not operative.

Retirement Benefits Schemes Act 2000 (c.14)
Sections 7 to 10, 13, 14 and 39 not operative.
[See S.D.588/04]

Road Traffic Act 1985 (c.23)
Section 9 and associated entry in Schedule 6.
[See G.C.341/85 281/90, 60/92 & S.D. 104/93 & 401/93]

Road Traffic (Amendment) Act 2001 (c.32)
Not operative sections 16, 19, 26, 28, 30. Sch. 3 Highways Act 1986 am. of ss.55(1).
[See S.D.683/01, 359/02, 834/02, 205/05 and 137/10]

Road Traffic (Amendment) Act 2006 (c.24)
Not operative sections 5, 9 and 10.
[See S.D.241/07, 242/07, 244/07, 533/07,708/08 and 156/10]

Sewerage Act 1999 (c.2)
Section 11 [sewerage rates] not operative.
[See S.D.182/01]

Statute Law Revision Act 1997 (c.4)
Schedule 1, para. 2(1), (2) & (4) (amendments to Evidence Act 1871)
not operative.

Tourism (Registration and Grading) Act 1996 (c.21)
Whole Act not operative.

Wildlife Act 1990 (c.2)
As of 9/12/03 whole Act in force ex. ss.1 to 8 in regard to bird sanctuaries controlled by Wild
Birds Protection Acts 1932 to 1975.
[See G.C.9/91 and S.D.824/03]

Wildlife Etc. (Amendment) Act 1994 (c.11)
Section 2 not operative.
[See S.D.825/03]

Wills Act 1985 (c.11)
Sections 25 to 27 and Schedule 2 not operative.
[See s.32(3) operative 1/1/86]

STATUTORY DOCUMENTS AMENDING ACTS

October 2009

CUSTOMS & EXCISE

S.D. 648/09 - Hydrocarbon Oil Duties Act 1986 (Amendment) (No.2) Order 2009

FINANCIAL CRIME

S.D. 687/09 - Proceeds of Crime (External Requests and Orders) Order 2009

FIREWORKS

S.D. 714/09 - Fireworks (Variation of Time Restrictions on Firework Displays) Order 2009

SOCIAL SECURITY

S.D. 592/09 - Social Security Act 2000 (Amendment) Order 2009

TAXATION

S.D. 708/09 - Income Tax (Individuals) (Temporary Taxation) Order 2009

VALUE ADDED TAX

S.D. 577/09 - Value Added Tax (Buildings and Land) Order 2009

S.D. 583/09 - Value Added Tax (Change of Rate) Order 2009

[see S.D. 895/09 Value Added Tax (Supplementary Charge) Order 2009 re Schedule 1A]

S.D. 585/09 - Value Added Tax (Emissions Allowances) Order 2009

S.D. 596/09 - Value Added Tax Act 1996 (Amendment) (No.5) Order 2009

[Operative 1 January 2010 except for art. 5 operative 1 January 2011 and art. 6 operative 1 January 2013 with savings]

November 2009

AGRICULTURE

S.D. 706/09 - Game Order 2009

PART III

SUBORDINATE LEGISLATION

[Individual items appear once only in either list A or B]

LIST A

SUBORDINATE LEGISLATION WITH EXPLANATORY TEXT

[Listed alphabetically by name under subject headings]

[Statutory documents etc for which it has not been found necessary to provide explanatory text in the newsletter are in list B]

OCTOBER 2009

CUSTOMS & EXCISE

CUSTOMS AND EXCISE ACTS (APPLICATION) (No.2) ORDER 2009

[SD 595/09 : Deemed Commencement : 01/09/09 : Issuing Authority -Treasury]

The Order concerned penalties for errors and wrongdoing. In particular a requirement was placed on designated senior accounting officers of large companies to see that the tax and duty affairs are maintained appropriately. The information and inspection powers of the Treasury are replaced and the Treasury can issue notices to third parties requiring contact details to be provided.

DEPOSITORS COMPENSATION

COMPENSATION OF DEPOSITORS (AMENDMENT) (No.3) REGULATIONS 2009

[SD 671/09 : Commencement 22/10/09 : Issuing Authority - Treasury]

The Regulations extended by 6 months the period during which higher levels of funding of compensation apply.

FINANCIAL CRIME

PROCEEDS OF CRIME (EXTERNAL REQUESTS AND ORDERS) ORDER 2009

[SD 687/09 : Commencement : 01/11/09 : Issuing Authority - CoM]

The Order allowed the Island to provide appropriate legal assistance to other countries and territories in relation to criminal matters and the civil recovery of the proceeds of unlawful conduct.

PROCEEDS OF CRIME (PRESCRIBED DISCLOSURE FORM) ORDER 2009

[SD 715/09 : Commencement : 01/11/09 : Issuing Authority - DHA]

The Order set out the prescribed form for the document otherwise known as a suspicious transaction report.

IMMIGRATION

IMMIGRATION (EUROPEAN ECONOMIC AREA) REGULATIONS 2009

[SD 635/09 : Commencement : 01/11/09 : Issuing Authority - CoM/Chief Secretary]

STATEMENT OF CHANGES IN IMMIGRATION RULES

[GC 35/09 : Commencement : 23/07/09 : Issuing Authority - CoM]

The documents make various changes to the law on immigration.

LEGAL PRIVILEGE

INFORMATION NOTICE: RESOLUTION OF DISPUTES AS TO PRIVILEGED COMMUNICATIONS REGULATIONS 2009

[SD 576/09 : Commencement : 01/11/09 : Issuing Authority - Treasury]

The Regulations allow the Treasury to refer the question of legal privilege to the VAT and Duties Tribunal when the status of documents is disputed.

TAXATION

INCOME TAX (INDIVIDUALS) (TEMPORARY TAXATION) ORDER 2009

[SD 708/09 : Commencement : 23/10/09 : Issuing Authority - Treasury]

The Order enabled one spouse of a jointly assessed married couple to submit a joint electronic tax return on behalf of both parties to the marriage.

TAXATION INTERNATIONAL AGREEMENTS

INCOME TAX (BELGIUM) (DOUBLE TAXATION) ORDER 2009

[SD 665/09 : Commencement : 23/10/09 : Issuing Authority - CoM/Chief Secretary]

INCOME TAX (NEW ZEALAND) ORDER 2009

[SD 666/09 : Commencement : 23/10/09 : Issuing Authority - CoM/Chief Secretary]

INCOME TAX (NEW ZEALAND) (DOUBLE TAXATION) ORDER 2009

[SD 667/09 : Commencement : 23/10/09 : Issuing Authority - CoM/Chief Secretary]

The Orders concern double taxation agreements and the mutual exchange of information, allocation of taxing rights and transfer pricing adjustments.

NOVEMBER 2009

CIVIL SERVICE

SUPERANNUATION (MISCELLANEOUS AMENDMENTS) SCHEME 2009

[SD 807/09 : Deemed Commencement : 01/10/09 : Issuing Authority - Civil Service Commission]

The Scheme concerned the establishment of a governance group.

FINANCIAL SERVICES

FINANCIAL SERVICES RULE BOOK 2009

[SD 737/09 : Commencement : 01/01/10 : Issuing Authority - FSC]

The Rule Book contains detailed rules to be complied with by holders of licences under the Financial Services Act 2008. For consequential revocation of Regulations and Orders see SD 743/09, SD 744/09 and SD 745/09 and for amendment to fees SD 741/09.

FINANCIAL SERVICES (CIVIL PENALTIES) (AMENDMENT) REGULATIONS 2009
[SD 740/09 : Commencement : 01/01/10 : Issuing Authority - FSC]

The Regulations impose a penalty for late submission of auditors management letters and audit reports on banking returns.

FINANCIAL SERVICES (EXEMPTIONS) REGULATIONS 2009
[SD 739/09 : Commencement : 01/01/10 : Issuing Authority - FSC]

The Regulations set out exemptions from section 4 of the Act (prohibition on carrying out regulated activities except in accord with a licence). The main changes are to Class 4 - corporate services.

FINANCIAL SERVICES (“NOT FIT AND PROPER”) (AMENDMENT) REGULATIONS 2009
[SD 742/09 : Commencement : 01/01/10 : Issuing Authority - FSC]

The Regulations amend the existing Regulations reflecting the fact that the register held by the FSC shows current directions only.

REGULATED ACTIVITIES ORDER 2009
[SD 738/09 : Commencement : 01/01/10 : Issuing Authority - Treasury]

The Order amended Class 3 in regard to acting as a representative for a governing body, issuing money separated from money transmission services and Class 7 reworded and exclusion made for a company providing management or administration services to another group company.

DECEMBER 2009

CHARITIES

Audit Act 2006 (Exemption) Order 2009
[SD 560/09 : Commencement : 01/01/10 : Issuing Authority - Treasury]

By the Order the accounts of District Endowment Committees, if a charity, are to be audited in accord with the Charities Registration Act 1989.

WORK PERMITS

Control of Employment (Exemptions) Order 2009
[SD 872/09 : Commencement : 01/01/10 : Issuing Authority - Dept. Trade and Industry]

The Order exempted certain employments from the Control of Employment Act 1975 and thus from the work permit regime. The exemption from needing a work permit extended to ten days and a longer exemption given to certain employees of international companies.

LIST B

SUBORDINATE LEGISLATION WITHOUT EXPLANATORY TEXT

[Listed alphabetically by name]

OCTOBER 2009

Air Passenger Duty (Interest Rate) (Amendment) Regulations 2009

[SD 597/09 : Commencement : 01/09/09 : Issuing Authority -Treasury]

Aquatic Animal Health Regulations 2009

[SD 736/09 : Commencement : 01/10/09 : Issuing Authority - CoM/Chief Secretary]

Compensation of Depositors (Amendment) (No.4) Regulations 2009

[SD 645/09 : Commencement 06/08/09 : Issuing Authority -Treasury]

[Kaupthing Singer and Friedlander (Isle of Man) liquidation]

Controlled Machines (Prescribed Amounts) (No.2) Regulations 2009

[SD 718/09 : Commencement : 01/11/09 : Issuing Authority - Isle of Man Gambling Supervision Commission]

Customs and Excise Acts (Application) Order 2009

[SD 584/09 : Commencement : 01/11/09 : Issuing Authority -Treasury]

[air passenger duty]

Customs and Excise Duties (Interest Rate) Regulations 2009

[SD 598/09 : Commencement : 01/09/09 : Issuing Authority - Treasury]

Export Control (Amendment) (No.2) Order 2009 (Application) Order 2009

[SD 575/09 : Deemed Commencement : 01/08/09 : Issuing Authority -Treasury]

[enforcement under Customs and Excise Management Act 1986]

Export Control (Amendment) (No.3) Order 2009 (Application) Order 2009

[SD 630/09 : Deemed Commencement : 27/08/09 : Issuing Authority -Treasury]

[dual-use items]

Export of Objects of Cultural Interest (Control) (Amendment) Order 2009 (Application) Order 2009

[SD 649/09 : Commencement : 28/08/09 : Issuing Authority -Treasury]

Fireworks (Variation of Time Restrictions on Firework Displays) Order 2009

[SD 714/09 : Commencement : 23/10/09 : Issuing Authority - DHA]

Hydrocarbon Oil Duties Act 1986 (Amendment) (No.2) Order 2009

[SD 648/09 : Deemed Commencement : 01/09/09 : Issuing Authority -Treasury]

Income Tax (Disclosure of Information) (Enforcing Authority) Order 2009

[SD 707/09 : Commencement : 23/10/09 : Issuing Authority -Treasury]

[information gateway - senior health and safety inspector DLGE]

Litter Control Notices (Amendment) Regulations 2009
[SD 717/09 : Commencement : 01/11/09 : Issuing Authority - DLGE]
[extension to offices, factories and shops]

Passport Fees Order 2009
[SD 713/09 : Commencement : 26/10/09 : Issuing Authority -Treasury]

Pension Schemes Order 2009
[SD 593/09 : Commencement : 21/10/09 : Issuing Authority - DHSS]
[occupational and personal pensions]

Social Security Act 2000 (Amendment) Order 2009
[SD 592/09 : Commencement : 21/10/09 : Issuing Authority - DHSS]
[UK Pensions Act 2008 applied]

Social Security Legislation (Benefits) (Application) (No.4) Order 2009
[SD 594/09 : Effective : As UK : Issuing Authority - DHSS]
[industrial injuries]

Value Added Tax Act 1996 (Amendment) (No.5) Order 2009
[SD 596/09 : Commencement : See Order : Issuing Authority -Treasury]
[Operative 1 January 2010 except for art. 5 operative 1 January 2011 and art. 6 operative 1 January 2013 with savings]

Value Added Tax (Amendment) (No.3) Regulations 2009
[SD 600/09 : Commencement : 01/09/09 : Issuing Authority -Treasury]

Value Added Tax (Buildings and Land) Order 2009
[SD 577/09 : Deemed Commencement : 01/08/09 : Issuing Authority -Treasury]

Value Added Tax (Change of Rate) Order 2009
[SD 583/09 : Deemed Commencement : 01/09/09 & 01/01/10 : Issuing Authority -Treasury]

Value Added Tax (Emissions Allowances) Order 2009
[SD 585/09 : Commencement : 31/07/09 : Issuing Authority -Treasury]

Value Added Tax (Interest Rate) (Amendment) Order 2009
[SD 599/09 : Commencement : 01/09/09 : Issuing Authority - Treasury]

Value Added Tax (Tour Operators) (Amendment) Order 2009
[SD 629/09 : Commencement : 01/01/10 : Issuing Authority -Treasury]

NOVEMBER 2009

Building Control (Peel) (No.2) Order 2009
[SD 685/09 : Commencement : 01/01/10 : Issuing Authority - Treasury]

Financial Restrictions (Iran) Order 2009
[SD 781/09 : Commencement : 12/10/09 : Issuing Authority - Treasury]

Fireworks (Variation of Restrictions on Fireworks Displays) Order 2009
[SD 801/09 : Commencement : 01/12/09 : Issuing Authority - DHA]
Game Order 2009
[SD 706/09 : Commencement : 01/12/09 : Issuing Authority - DAFF]

National Insurance Contributions Act 2002 (Application) Order 2009
[SD 802/09 : Commencement : 06/04/10 : Issuing Authority - DHSS]
[application of UK Act for the 2010-2011 tax year and subsequent years]

DECEMBER 2009

Disability Working Allowance (General) (Amendment) Regulations 2009
[SD 748/09 : Commencement : 01/01/10 : Issuing Authority - DHSS]

Family Income Supplement (General) (Amendment) Regulations 2009
[SD 747/09 : Commencement : 01/01/10 : Issuing Authority - DHSS]

Immigration and Nationality (Fees) (Amendment No.2) Regulations 2009
[SD 871/09 : Commencement : 01/12/09 : Issuing Authority - Chief Secretary]

Income Support (General) (Isle of Man) (Amendment) Regulations 2009
[SD 746/09 : Commencement : 01/01/10 : Issuing Authority - DHSS]

Licensing (Evidence of Age) Regulations 2009
[SD 869/09 : Commencement : 01/01/10 : Issuing Authority - DHA]

Pension Schemes (Application) (No.3) Order 2009
[SD 750/09 : Commencement : 06/04/09 : Issuing Authority - DHSS]
[conversion guaranteed minimum pension]

Removal and Disposal of Vehicles (Amendment) Regulations 2009
[SD 870/09 : Commencement : 01/01/10 : Issuing Authority - DLGE]
[prescribed charges]

Sea-Fisheries (Experimental Area) Bye-Laws 2006 (Amendment) Bye-Laws 2009
[SD 788/09 : Commencement : 01/11/09 : Issuing Authority - DAFF]

Sea-Fisheries (Scallop Ranching) (Restricted Area) Bye-Laws 2009
[SD 787/09 : Commencement : 01/11/09 : Issuing Authority - DAFF]

Social Security Legislation (Contributions) (Application) (No.3) Order 2009
[SD 749/09 : Commencement : 27/12/08 : Issuing Authority - DHSS]
[late payment]

STATUTORY DOCUMENTS NOT LAID BEFORE TYNWALD

ECCLESIASTICAL

CHURCH (MISCELLANEOUS PROVISIONS) MEASURE (ISLE OF MAN) 2009

[SD 809/09 : Commencement : 01/01/10 ex s 3 : Issuing Authority - Lord Bishop]

The Measure amended various other Measures. In particular certain rule-making functions transferred to the Legislative Committee of the Sodor and Man Diocesan Synod. For appointed day order see SD 810/09.

CHURCH REPRESENTATION RULES (AMENDMENT) (ISLE OF MAN) RESOLUTION 2009

[SD 403/09 : Commencement : 01/06/09 : Issuing Authority - Sodor and Man Diocesan Synod]

The Resolution concerned the term of office of Synod representatives.

PAROCHIAL FEES (ISLE OF MAN) ORDER 2009

[SD 846/09 : Commencement : 01/06/09 : Issuing Authority - Sodor and Man Diocesan Board of Finance]

SEQUESTRATION FEES ORDER 2009

[SD 847/09 : Commencement : 01/01/10 : Issuing Authority - Lord Bishop]

The Orders specified various fees.

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GOVERNMENT CIRCULARS

IMMIGRATION

Statement of Changes in Immigration Rules

[GC 32/09 : Commencement : See Rules : Issuing Authority - CoM]

The Rules introduced the point based system.

TAXATION

Extra Statutory Concession : Approved Personal Pensions, Pensions to Members under the Age of 50

[GC 72/08 : Commencement 06/04/08 : Issuing Authority - Treasury - January Tynwald]

The Concession allowed trustees on death an alternative option to an annuity - to settle the crystallised fund in another personal pension scheme and pay dependants through the new scheme.

PART IV

UK LEGISLATION EXTENDED TO THE ISLAND

{List contains only Statutory Instruments that have appeared on the Tynwald Order Paper}

COMPANIES

COMPANIES ACT 2006 (EXTENSION OF TAKEOVER PANEL PROVISIONS) (ISLE OF MAN) ORDER 2008

SI 2008/3122 - Effective 01/03/09

COMPANIES ACT 2006 (EXTENSION OF TAKEOVER PANEL PROVISIONS) (ISLE OF MAN) ORDER 2009

SI 2009/1378 - Effective 01/07/09

The Orders extended with modifications Chapter 1 of Part 28 Companies Act 2006 [supervision by Panel on Takeovers and Mergers] and so putting the role of the Panel in takeovers involving Manx companies on a statutory footing. The 2009 Order amended the 2008 Order.

PART V

REPORTS

Independent Review of the Whitley Council 2009 - Council of Ministers Report [GR53/09]

Isle of Man Government Annual Report 2009 on the Government Strategic Plan 2007-2011

Report on Fines Collection - Standing Committee on Public Accounts [PP118/09]

Isle of Man Financial Supervision Commission - Annual Report 2008/2009

Petition for Redress of Grievance of Donald Whittaker - Report of the Select Committee of Tynwald [PP139/09]

Tynwald Policy Decisions Report 2009 - Council of Ministers [GR43/09/£6.30]

Tynwald Membership Pension Scheme 1995 as Amended [PP119/09]

Tynwald Membership Pension Scheme Management Committee - Report 2009-2010 [PP120/09]

Ending of the Reciprocal Health Agreement between the United and the Isle of Man - DHSS Report to Tynwald [GD44/09/£2]

INFORMATION SOURCES

Manx Law Newsletter

The Newsletter is free when accessed via the home page of the Isle of Man Government. www.gov.im On the ribbon click “infocentre” followed by “Manx Law”. From there search, download or print the Newsletter as you prefer.