

MANX LAW NEWSLETTER
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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, Part V - Reports and Part VI - Miscellaneous.

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This edition of the Newsletter should be cited as 4 MLN.

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CONTENTS

INDEX OF HEADINGS

PART I	–	Case Notes	5
PART II	–	Bills and Acts	16
		Appointed Day Orders	26
		Tables of Acts of Tynwald	27
		Statutory Documents Amending Acts	32
PART III	–	Subordinate Legislation	33
		Index of Statutory Documents by Number	48
		Government Circulars	51
PART IV	–	UK Legislation Extended to the Island	52
PART V	–	Reports	53
PART VI	–	Rules of Court	54
		Information Sources	55

INDEX OF HEADINGS
[Page references are bracketed]

APPOINTED DAY ORDERS [26]
AUDITORS [35]
BANKING [7]
BUDGET [32, 33]
BURIALS [51]
COLLECTIVE INVESTMENT SCHEMES [36]
COMPANIES [7, 37]
COURTS [8]
CUSTOMS & EXCISE [32, 34, 35, 38]
DRUGS [8, 35]
ECCLESIASTICAL [38, 47]
ELECTRONIC TRANSACTIONS [36]
EMPLOYMENT [9]
EVIDENCE [10]
FAMILY LAW [10]
FINANCIAL SERVICES [11, 39]
GENDER RECOGNITION [39]
GOVERNMENT [36]
IMMIGRATION [51]
INSOLVENCY [12]
LAND LAW [12]
MONEY LAUNDERING [39]
NUCLEAR SAFEGUARDS [52]
PENSIONS [38]
POLICE [39, 52]
ROAD TRAFFIC [13, 47]
RULES OF COURT [54]
SENTENCING [13]
SMALL CLAIMS [14]
SOCIAL SECURITY [34, 39]
SUCCESSION [32]
TAXATION [32, 36, 38, 39]
TAXATION - INTERNATIONAL AGREEMENTS [34]
TRUSTS [14]
VALUE ADDED TAX [32, 35]

PART I

ALPHABETICAL INDEX TO CASES

Full copies of judgments available www.courts.im and on written application to the Chief Registrar, Isle of Man Courts of Justice, Deemsters Walk, Douglas, Isle of Man, IM1 3AR.

Case citation is as found in the original judgment and no check has been made for accuracy.

ATTORNEY GENERAL'S REFERENCE <i>re</i> SINCLAIR & APPEAL OF PEMBERTON [drugs]	8
B -v- K [family law]	10
B -v- W [family law]	11
BATTY -v- R [drugs]	9
CHAMBERS -v- R [drugs]	9
COMHFHORBAIRT [GAILLIMH] (In Examinership) & McATEER (<i>Examiner</i>), <i>re</i> [insolvency]	12
DOBBIE -v- R [courts]	8
DU PREEZ LTD -v- KAUPTHING SINGER & FRIEDLNDER (ISLE OF MAN) and SIMPSON & SPATT [<i>liquidators</i>] [banking]	7
FOXDALE PROPERTIES LTD -v- BOOTH [land law]	12
FSC -v- BRUNSWICK {13.3.09} [companies]	7
GAETANO LTD -v- OBERTOR LTD [courts]	8
HAMBLETT -v- R [sentencing]	13
HAMILTON, R v [road traffic]	13
I -v- C [family law]	11
JOUGHIN -v- R [sentencing]	13
K -v- B [family law]	11
KENNEDY -v- ASIC [evidence]	10
MARLOW CONSTRUCTION LTD -v- MORRIS & RUSHBROOK [land law]	12
MOHAN -v- HSBC BANK PLC [banking]	7
NORDEA TRUST COMPANY (ISLE OF MAN) LTD, <i>re</i> {2.11.09} [trusts]	14

PEARSON & OR -v- SIMPSON [employment]	9
PETERSON -v- CAYMAN NATIONAL BANK & TRUST CO (IOM) LTD [trusts]	14
RPS CONSULTANTS LTD -v- HEXAGON ENTERPRISES LTD [small claims]	14
S -v- S [family law]	11
T -v- B [family law]	11
TEMPLETON INSURANCE LTD -v- BOOTH & VISP LTD [financial services]	11
THOMAS, R v [evidence]	10
WARREN -v- R [sentencing]	13

BANKING

Law in issue - what happens when pursuant to a customer's instructions to pay money to a third party a bank debits the account but the money never reaches the account of the third party - neither the routine acceptance by KSFION of instructions to transfer monies from a deposit account to a third party nor the debiting of Habana's deposit account {which was in effect the making of an entry in the accounting records of KSFION} can properly be analysed as a declaration of trust or as KSFION constituting itself as a trustee - Habana's deposit account constituted a debt owed by KSFION to Habana and was not an asset and KSFION could not declare a trust of its own liability - general principles see "Quistclose trust" line of cases - considered on express trusts *re Kayford Ltd (in liquidation)*

DU PREEZ LTD [formerly Habana Ltd] -v- KAUPTHING SINGER & FRIEDLNDER (ISLE OF MAN) and SIMPSON & SPATT [*liquidators*]

[Ref: 2DS 2009/17, Staff of Government Division,
Deemster Doyle/G. F. Tattersall,J.A.

Judgment: 24 March 2010

Counsel - D. Chambers QC/C.M.H. Coleman for the appellant:

M. Pascoe QC/ S.F. Caine for the respondents

Rejection of proof of debt form - Application of Kay - CHP10/66 Deemster Corlett 3.8.10 - S.F. Caine for the liquidators: Mr Kay in person - considered *re Parent Trust & Finance Co Ltd [1936] 1 All ER 641* - interpretation s 23(3) Bankruptcy Code 1892]

Insufficient for financial advisor to rely on written literature as personal explanation of MVA required - *Chrysalis Scotland Ltd v Clydsdale Bank Insurance Brokers Ltd [2008] CSOH 144* - claimant acted reasonably in borrowing money to mitigate his loss and had the venture made a profit the defendant would have sought to reduce the damages awarded - so the loss to the claimant can equally be compensated for

MOHAN -v- HSBC BANK PLC

[Ref: ORD09/05, Civil Division, Deemster L.E. Sullivan

Judgment: 25 March 2010

Counsel - W.H. Wannenburg for the claimant: P. Brennan for the defendant]

[classification : banking]

COMPANIES

Companies Act 1992 s.26 disqualification from acting as a company director etc - civilly liable by judgment of English court - conspiracy to defraud - procuring breaches of contracts and knowingly assisting another party to breach its fiduciary duty - disqualification period imposed 13 years 6 months rather than 14 years taking into account early and continued co-operation

FINANCIAL SUPERVISION COMMISSION -v- BRUNSWICK

[Ref: CP 2009/3, Chancery Division, Deemster Kerruish

Judgment: 13 March 2009

Counsel - D.P.Molyneux for the Commission]

COURTS

Appeal against pre-trial ruling - case law reviewed - award of costs *R v Jennings* [1994] 98 CrAppR 310 case law reviewed [1] disclosure by prosecution [2] high bar for staying a prosecution because of prosecution behaviour [3] admissibility expert medical evidence *Toohy v Metropolitan Police Commissioner* [1965] 2WLR 439

DOBBIE -v- R

[Ref: 2DS2009/27, Staff of Government Division {Criminal},
Deemster Doyle/G.F. Tattersall,J.A.
Judgment: 13 January 2010
Counsel - W.D. Taylor for the appellant: S.R.N. Neale for the Crown]

Enforcement of foreign judgment - interpretation s 6 {registration procedure} Judgments (Reciprocal Enforcement) Act 1968 - should s 1(2) 1968 Act apply proceeding by way of common law action no longer appropriate - s 6 did not prevent further proceedings once the judgment was registered nor other means of pursuing the debt - considered and distinguished in certain elements *re a judgment Debtor (bankruptcy)* [1939] 1 Ch 603 - no requirement to register English judgment prior to the winding-up proceedings being taken - defendant could avail himself of the defences in s 4 1968 Act on the nature of the debt in the winding-up proceedings

GAETANO LTD -v- OBERTOR LTD

[Ref: CHP2010/24, Chancery, Deemster Corlett
Judgment: 17 June 2010
Counsel - Mrs G.C. Christian for the applicant on the winding-up: J. Wright for the defendant]
[classification : courts]

DRUGS

Commercial supply of 1kg cocaine - *Caldwell-Camp* starting point for custody 12 years upwards - aggravating feature 1st defendant acted as a courier in the presence of a child - starting point properly 16 years but sentencing judge entitled to adopt 15 years - quantity of drugs not sole determinative factor as role and culpability of offender had to be assessed - previous good character only modest mitigation in serious cases - excellent response of 1st defendant to prison regime was significant mitigation as it bore the hallmark of one who realised huge mistake made - inability to move to UK prison due to other possible proceedings could be accepted in mitigation - co-defendants disparity in sentence - approved test of public feeling sentences too different in length see *R v Fawcett* [1983] 5 CrAppR(S) 158 - appropriate sentence 1st defendant 9 years so original sentence of 8 years not disturbed - the one-third discount for early guilty plea did not apply where there was little realistic alternative to pleading guilty - lack of sophistication in criminal activity was not a mitigating factor rather sophistication was an aggravating feature potentially increasing the starting point for sentence - appropriate sentence 2nd defendant 9 years so original sentence of 10 years not disturbed - each case must depend on its own facts so it cannot be said that production of drugs was automatically more culpable than supply

ATTORNEY GENERAL'S REFERENCE *re* SINCLAIR and APPEAL OF PEMBERTON

[Ref: 2DS2010/04&06, Staff of Government Division {Criminal},

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

Judgment: 25 June 2010

Counsel - S.J. Wood for the 1st defendant: J.C. Travers for the 2nd defendant:

R. L. Braidwood for the Crown]

Class A drug cocaine - street value £39840 - involved in commercial enterprise of supplying drugs - those facilitating drug deals take the risk that the commodity differs from that disclosed to them - age at trial 58 years - consecutive sentences imposed making a total sentence of 11 years custody - *Lamb v R* [17/4/99] distinguished from and overtaken by *Caldwell-Camp* on the point that a mere courier should receive a concurrent sentence on the second offence of supply - no distinction found between a courier who only transfers drugs and someone electing personally to produce and supply drugs as a retailer or wholesaler in regard to rightness of concurrent sentences - aggregate sentence not manifestly excessive

BATTY -v- R

[Ref: 2DS2010/11, Staff of Government Division {Criminal},

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

Judgment: 30 July 2010

Counsel - Mrs D.H. Jones for the appellant: - M.G. Benson for the Crown]

[classification : drugs]

Class A drug diamorphine - involved in commercial enterprise of supplying drugs - standard directions when evidence of previous bad character put before the jury - inferences jury may draw when questions not answered during police interview - approved Lord Taylor dicta *CJ R v Grant* [1996] 1 CrAppR 78 innocent explanation of money found had to be positively rejected by the jury before it became probative evidence - a judge should be slow to seek clarification on a jury room question lest it produced an undesired dialogue between the court and the jury

CHAMBERS -v- R

[Ref: 2DS2010/9, Staff of Government Division {Criminal},

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

Judgment: 12 August 2010

Counsel - Mrs D.H. Jones for the appellant: Mrs L.D. Watts for the Crown]

[classification : drugs]

EMPLOYMENT

Appeal from a decision of the Employment Tribunal - interpretation of the minimum wage regulations - family member test had to be satisfied for exemption from right to the minimum wage - role of the tribunal dealing with arguments about the *vires* of subordinate legislation - explicit written record in advance required before making a deduction from wages

PEARSON & OR -v- SIMPSON

[Ref: ORD09/025, Civil Division, Deemster Corlett

Judgment: 19 March 2010

Counsel - Miss V. Oates for the appellants: C.N.I. Webb for the respondent: S.M. Harding (Government Advocate) for DTI {noticed party}]

EVIDENCE

No entitlement for lawyer or client involved in potential criminal or quasi criminal proceedings abroad to inspect documents requested by a foreign prosecuting agency - no distinction between advocate or client for even if inspection by the advocate had been allowed the undertaking prevented the taking of instructions from the client or foreign lawyers on such documents and could professionally embarrass the advocate - application s 21 CJA 1991 lower court not expected to allow inspection of documents which might infringe ECHR Art 8.1 privacy rights save in extremely rare case - ECHR Art 8.2 (disclosure to prevent crime) took precedence over Art 8.1 *Hafner v City of Westminster Magistrates Court* [2008] EWHC 524 - Harare Scheme (mutual assistance) no general obligation to disclose (*Abacha*) v *Home Secy* [2001] EWHC 787(Admin) - s 21(2) function of the High Bailiff was to receive evidence - context in which a statute exists highly material *re Graley* [2007] MLR 157 - s 21(5) should be defined narrowly approved *Calder v Procurator Fiscal* [2006] SLT 862 - no disclosure before decision to commence criminal proceedings *R v Director Serious Fraud Office ex p Evans* [2003] 1 WLR 299 - earlier case *re Hafner* [2005-06] MLR 326

KENNEDY -v- AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

[Ref: 2DS2009/26, Staff of Government Division,

G.F. Tattersall,J.A. /Deemster L.A. Sullivan

Judgment: 19 July 2010

Counsel - R.A.K. Halsall for the appellant: C.D.B. Cope for the ASIC]

Expert evidence - applied *Halligan* admissibility of expert opinion - cited *R v Bonython* [1984] 38 South Australia Supreme Court - advocates had important duties in respect of instructing experts - specific issues and questions upon which expert evidence is admissible must be precisely identified [transcript]

R -v- THOMAS

[Ref: CRIM09/78, General Gaol Delivery, Deemster Doyle

Judgment: 9 July 2010

Counsel - M.G. Benson for the Crown: Mr I. Kermode for the defendant]

[classification : evidence]

FAMILY LAW

B v K March 2010 Deemster Corlett - permanent relocation of young child to UK - authoritative guidance *Payne* [2001] 1 FLR 1052 as endorsed *re G (Leave to Remove)* [2008] 1 FLR 1587 - important consideration likely effect of refusal on emotional and psychological well-being of primary carer

B v W May 2010 Deemster Corlett - recent cases - *Jones v Kernott* [2009] EWHC 1713 and *Walsh v Singh* [2009] EWHC 3219 property in joint names presumed to have equal interest - *Henry v Henry* [2010] UKPC 3 proprietary estoppels

I v C May 2009 Deemster Corlett - parent resident in Italy sought return of abducted child under Manx and international law - right of custody not merely access of unmarried father *Kennedy v Kennedy* [2010] 1 FLR 782 - nature of clear and unequivocal consent to removal of child *JPC v SLW & SMW (Abduction)* [2007] EWHC 1349 (Fam) and *re P-J* [2009] EWCA Civ 588 - consent inferred from course of conduct *re M* [1991] 1 FLR 171 - distinction between unlawful removal and unlawful retention *re H* [1991] 2 AC 499 - law on acquiescence to retention *re H* [1998] AC 72 and *P v P* [1998] 2 FLR 835 followed - no case found where discretion exercised to order return if consent to removal proved *M v M* [2007] 2 FLR 1010 - on the nature of the exceptional discretion of the court Art 13 Hague Convention *re M (Abduction: Rights of Custody)* [2007] UK HL 55 - factors court should consider *H v H (Abduction: Acquiescence)* [1996] 2 FLR 574

K v B October 2009 Deemster Corlett - costs in Children Act cases - adverse costs order made given misconduct during the period of litigation notably in correspondence and behaviour in court - disclosure to children of documents attached to court welfare reports totally unacceptable [transcript]

S v S June 2010 High Bailiff Needham - division of pension fund - discretionary power under s 128 Matrimonial Proceedings Act 2003 not exercised - wider powers under Part 2 of the 2003 Act more appropriate - case law reviewed on property disputes between separated spouses - most recent case cited *Smith v Smith* [2009] EWCA Civ 1297

T v B January 2010 Deemster Corlett - divorce 12 years ago meant case fell into non-matrimonial category governed by s 2 Child Custody Act 1987 - whether jurisdiction continued now child habitually resident abroad - contact and residence orders see *re S (Residence Order: Forum Conveniens)* [1995] 1 FLR 321 - litigation of primary questions of residence not possible unless the child met the qualification of residence or presence in s 2 - non availability of equivalence to legal aid abroad could be an exceptional consideration - granting of stay where proceedings issued in competing jurisdiction see *re I (Residence: Jurisdiction)* [2007] 1 FLR 1686 - submission to “non-exclusive” jurisdiction of Manx court not outweighed by the fact that the passage of time had changed circumstances making the American court a more appropriate forum - if no progress made abroad the Manx court can readily consider removing the stay [transcript]

FINANCIAL SERVICES

Case law on statutory interpretation by the court reviewed - wording of s 1(7) Insurance Intermediaries (General Business) Act 1996 cannot properly be read as only applying to contracts of insurance - natural meaning s 1(7) was that failure by unregistered agent is a criminal offence [s 1(6)] but no consequences flow from such failure for any civil liabilities - s 1(7) overtaken by s 27 Insurance Act 2008 which detailed rights when contract made by unregistered insurance intermediary - arguments *St John Shipping Corporation and SCF Finance* approved on the unwillingness of the court to interfere with the ordinary law of contract - ancillary illegality *Coral Leisure Group v Burnett* [1981] ICR 503 approved - loyalty which included not making a secret profit for oneself was a fiduciary duty - public policy maxim that claims tainted with illegality should fail not engaged by breaches of fiduciary duty owed to a third party - damages on repeated breaches of recurring obligations

see *National Coal Board v Galley* [1957] 1 WLR 16 - appeal court re-affirmed that new points should not be permitted on appeal except in exceptional circumstances

TEMPLETON INSURANCE LTD -v- BOOTH & VISP LTD

[Ref: 2DS2009/13, Staff of Government Division,
Deemster Doyle/G.F. Tattersall,J.A.
Judgment: 25 March 2010
Counsel - C.M. Brooks for the appellant: J. Wright for the respondents]

INSOLVENCY

Letter of request from High Court in Ireland - status of trustee in bankruptcy or like officer appointed by another country see *Walker v Lundborg* [PC 6.3.2008] - modern states cannot live in splendid isolation quoted *Morguard Investments Ltd v De Sayoye* [1990] 3 SCR {Canadian Supreme Court} 1077 [transcript]

re COMHFHORBAIRT [GAILLIMH] (In Examinership) & McATEER (Examiner)

[Ref: CHP 10/104, Chancery, Deemster Doyle
Judgment: 26 August 2010
Counsel - P.D. Morris for the claimants]

LAND LAW

Execution order enforcement by coroner - discretion Sch 2 Administration of Justice Act 1981 encompassed an application from either creditor or debtor as to sale of property - factors to be considered on application by creditor for sale of property with vacant possession - human rights considerations see *National Westminster Bank Plc v Rushmer* [2010] EWHC 554 Ch [transcript]

FOXDALE PROPERTIES LTD - v - BOOTH

[Ref: DEF2003/2016, Civil Division Summary Procedure, High Bailiff Needham
Judgment: 17 June 2010
Counsel - J.B.T. Stanley for the claimant: J.P.B. Carter for the defendant]

Nature of trespass to land - remedies for trespass - register by virtue of s 11(1) Land Registration Act 1982 appeared generally to be conclusive evidence of title - respondent has to show some "prospect" of success see *Webb v MacDonald Dakers Green Brett* [2010] EWHC 92 (Ch) 67

MARLOW CONSTRUCTION LTD -v- MORRIS & RUSHBROOK

[Ref: SJ09/033, Civil Division, High Bailiff Needham
Judgment: 30 July 2010
Counsel - L. Keenan for the claimant: First Defendant in person]
[classification : land law]

ROAD TRAFFIC

Prosecution acquiesced at trial to downgrading charge from dangerous to careless driving - appeal by way of case stated saying evidence before DHB supported the more serious charge - such appeal would be an abuse of process - guidance on when charge of dangerous driving should be preferred [transcript]

R -v- HAMILTON

[Ref: 2DS2010/10, High Court - Appeal Division, Deemster Doyle {sitting alone}

Judgment: 4 June 2010

Counsel - S.R.N. Neale for HM Attorney General: J.B.T. Stanley for the respondent]

SENTENCING

Harassment - helpful *R v Liddle and Hayes [2000] 1CrAppR(S) 131* - sentencing guidelines for harassment given - immediate custodial sentence should be imposed - on the short sharp shock principle sentence should be measured in days not months - 18 days substituted for 2 months custody - case law reviewed [1] on the “drastic power” of the court to increase a sentence on appeal [2] suspension of a custodial sentence [3] consecutive sentence for offences committed whilst on bail [4] value of guilty plea in gaining a significantly discounted sentence - sentencing guidelines for criminal damage given [transcript]

HAMBLETT -v- R

[Ref: 2DS2010/1, Staff of Government Division {Criminal}, Deemster Doyle {sitting alone}

Judgment: 5 February 2010

Counsel - Miss A.L. Hannan for the appellant: M.G. Benson for the Crown]

Verbal abuse of prosecuting advocate in court room - 3 months custody for affray was a deterrent sentence as the court would not tolerate spectators or defendants threatening advocates with violence - UK sentencing guidelines not mandatory in Manx courts

JOUGHIN -v- R

[Ref: 2DS2009/24, Staff of Government Division [Criminal]

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

Judgment: 13 January 2010

Counsel - S.J. Wood for the appellant: Miss R.L. Braidwood for the Crown]

[classification : sentencing]

Indecent assault young child - employed primary school in ancillary capacity - position of trust and authority - sexual offences prevention order amended to read “direct contact” instead of “any contact” - maximum 10 years registration and travel notification not reduced - 26 months custody reduced to 18 months - case law reviewed correct approach when determining no case to answer - lurking doubt as to the safety of the conviction cited *Dookran v The State [2007] UKPC 28* and on the wider discretion of the appeal court *R v Arobieke [1988] Crim LR 314* - case law reviewed obligations placed on the judge when summing up for the jury - on the scope of a sexual offences prevention order *R v Collard [2005] 1CrAppR (S) 34* and *R v RH [2006] EWCA Crim 1470*

WARREN -v- R

[Ref: 2DS2009/16, Staff of Government Division [Criminal]

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

Judgment: 1 February 2010

Counsel - J.B.T. Stanley for the appellant: Mrs L.D. Watts for the Crown]

[classification : sentencing]

SMALL CLAIMS

Small claims procedure payment of costs - new rules of court reviewed - rules did not provide a mandatory “no costs rule” - restrictions exist r 11.21 - costs distinguished from costs in other procedures r 11.21(4) - wording of Practice Directive No 2 of 2010 talking of “exceptions” highlighted the general principle against costs orders - effect of r 11.21 on overriding discretion of the court - fixed costs r 11.16 - on considering an award because of unreasonable behaviour a chapter six part seven offer to settle can be taken into account - costs on allocation to another court - case law reviewed indemnity costs claimed for unreasonable behaviour - following case law a contractual provision cannot override the discretion of the court on indemnity costs - where successful litigant was a commercial enterprise enforcing contractual rights the contract and if included indemnity costs could be considered - conduct must be very bad for indemnity costs to be awarded - costs r 11.21 (2)(h) where behaviour falls short of requiring indemnity costs calculated by formula in Practice Directive No 2 of 2010

RPS CONSULTANTS LTD -v- HEXAGON ENTERPRISES LTD

[Ref: SCP10/9, Civil, Deemster S. Roberts

Judgment: 27 August 2010

Counsel - D.P. Molyneux for RPS the claimant - Hexagon no appearance]

TRUSTS

Duty of trustee to recover trust estate - absent default on their part trustees not bound to take proceedings at own expense and risk to recover property - English case law accepted

re NORDEA TRUST COMPANY (ISLE OF MAN) LTD [matter Moir Trust]

[Ref: CP 2007/67, Chancery, Deemster Kerruish

Judgment: 2 November 2009

Counsel - M. Hubbard for Nordea]

Court not minded to direct the trustee to acknowledge service against its will in English proceedings - in the absence of a surrender of discretion the court should only interfere if it was a decision which no reasonable trustee could reach - see *S v L and E [2005] JRC 109* on principles to be applied by the court when considering an exercise of discretion by trustees - see *Wine v Wine [2007]* on issues trustees must consider before submitting to overseas court [transcript]

PETERSON - v- CAYMAN NATIONAL BANK & TRUST CO (IOM) LTD

[Ref: CHP2009/44, Chancery, Deemster Doyle

Judgment: 18 December 2009

Counsel - C.M.H. Coleman for the applicant: R.I. Colquitt for the respondent]

[classification : trusts]

PART II
BILLS AND ACTS

CIVIL PARTNERSHIP

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS)

ELECTION OF CHIEF MINISTER [fell]

ELECTRICITY (AMENDMENT)

FISHERIES

HEALTH INSURANCE (LEVY AND POLICY)

MISUSE OF DRUGS (AMENDMENT)

ORGANISED AND INTERNATIONAL CRIME ACT 2010 [C.6]

SEWERAGE (AMENDMENT)

SOCIAL SERVICES

TREASURY (AMENDMENT) [fell]

CIVIL PARTNERSHIP BILL 2010

This Bill promoted by the Treasury will permit two people of the same gender to register as civil partners of each other on the Island and will provide corresponding rights, remedies and ancillary provisions in relation to registration, annulment, and dissolution of a civil partnership and the separation of civil partners and the children of the family of civil partners, as apply in the case of a marriage. In addition it will provide for the recognition on the Island of civil partnerships registered in the United Kingdom and equivalent relationships formed under the law of the Channel Islands and overseas countries and territories where certain conditions are met.

Part 1 (clauses 1 and 2) provides an introduction and deals with definitions. Part 2 (clauses 3 to 78) deals with registration procedures (chapter 1), dissolution, nullity and other proceedings (chapter 2), property and financial arrangements for and between civil partners and for the children of a family which includes civil partners (chapter 3), civil partnership agreements (chapter 4) and amendments relating to children (chapter 5) and miscellaneous provisions (chapter 6).

Part 3 (clauses 79 to 97) deals with the recognition of civil partnerships registered in any part of the United Kingdom, relationships formed under equivalent legislation in the Channel Islands and those which meet certain criteria formed under the law of a country or territory outside the British Islands. It also deals with the jurisdiction of Manx courts in relation to such relationships and provides for the recognition of decrees made outside the Island in relation to civil partnerships (whether registered in the Island or the United Kingdom) and equivalent relationships elsewhere.

Part 4 (clauses 98 and 99) deals with relationships arising through civil partnership and the construction of references to stepchildren and others related by marriage or civil partnership.

Part 5 (clauses 100 and 101) deals with immigration control and confers a power to make supplementary provision about pensions.

Part 6 (clauses 102 to 107) deals with supplementary matters. It provides additional powers in respect of regulations and orders under the Act (clause 102) a general power for the Council of Ministers to make additional provision by order in respect of civil partnerships (clause 103). It also permits the Council of Ministers to make provision in respect of a Community instrument which applies to the Island in respect of parties to marriages to make corresponding provision in respect of civil partners (clause 104). It provides for Schedules 13 and 14 (which contain minor and consequential amendments, and repeals, respectively) to have effect (clause 105). Clause 106 provides for the Tynwald procedure for subordinate legislation made under the resulting Act. Clause 107 states the short title and provides for commencement by appointed day order. Keys amendments - clause 106(2)(a) amended to refer only to the Clerk of the Rolls, Schedule 13 substituted, Schedule 14 paragraph 65 inserted and paragraph 67 [as originally numbered] deleted - insertion of s.5B in Marriage Act 1984 {no obligation on cleric to conduct service of marriage}. [Legislative Council 1st Reading 29 June 2010]

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) BILL 2010

This Bill promoted by the Department of Home Affairs makes miscellaneous amendments to a range of statutes relating to criminal law, criminal justice and the police.

Part 1 contains the opening provisions. Clause 1 states the short title. Clause 2 deals with commencement by appointed day order. Part 2 (clauses 3 and 4) amends the Criminal Code 1872 by repealing section 19 (conspiring or soliciting to commit murder) and substituting section 330 (conspiracy). Part 3 (clause 5) amends section 2 of the Obscene Publications and Indecent Advertisements Act 1907 (penalty for obscene publications). Part 4 (clause 6) amends the Forgery Act 1952 by inserting sections 11A (possession of false identity documents), 11B (meaning of “false”) and 11C (meaning of “identity document”). Part 5 (clauses 7 and 8) amends the Bail Act 1952 by amending section 3A (bail conditions) and inserting section 13A (offence of absconding by person released on bail). Part 6 (clause 9) amends section 1 of the Restriction of Offensive Weapons Act 1963 (penalties dangerous weapons).

Part 7 (clauses 10 and 11) amends the Children and Young Persons Act 1966 by amending section 1 (cruelty to persons under sixteen) and inserting section 6F (test purchases by under-age persons). Part 8 (clause 12) amends sections 2 and 3 of the Firearms Act 1968 (carrying firearms and trespassing with firearms).

Part 9 (clauses 13 and 14) amends the Misuse of Drugs Act 1976 by inserting new section 4B (aggravation of offence of supply of controlled drug) and sections 27A (power to make travel restriction orders), 27B (meaning of “drug trafficking offence”), 27C (revocation and suspension of travel restriction order), 27D (offences of contravening orders) and 27E (saving for powers to remove person from the Island).

Part 10 (clause 15) amends section 28 of the Telecommunications Act 1984 (penalties for improper use of public telecommunications system). Part 11 (clause 16) amends section 53 of the Road Traffic Act 1985 (prosecution and punishment of offences). It concerns disqualification periods for road traffic offences. Part 12 (clauses 17 and 18) amends the Consumer Protection Act 1991 by repealing section 47A(2)(c) (failure to provide notice of cancellation rights) and by inserting Part VIIA (cold calling). Part 13 (clause 19) amends the Criminal Justice Act 1991 by amending section 27 (offensive weapons).

Part 14 (clauses 20 to 23) amends the Sexual Offences Act 1992. Inserted sections 6A (causing or inciting a child under 13 to engage in sexual activity), 6B (sexual activity with child), 6C (causing or inciting child to engage in sexual activity), 6D (engaging in sexual activity in presence of child), 6E (causing child to watch sexual act), 6F (child sex offences

committed by children or young persons) and 6G (arranging or facilitating commission of child sex offence). Inserted sections 14A (exposure), 14B (voyeurism), 14C (interpretation of voyeurism provision) and 14D (sexual activity in public lavatory). Inserted sections 31A (possession of extreme pornographic images), 31B (exclusion of classified films), 31C (general defences), 31D (defence of participation in consensual acts), 31E (penalties for possessing extreme pornographic images) and 31F (special rules relating to providers of information society services). Inserted Schedule 1A (special rules relating to providers of information society services).

Part 15 (clauses 24 and 25) amends the Police Act 1993. Inserted section 12A (police superintendents' association). Substituted sections 8 (police regulations) and 8A (regulations special constables). Inserted sections 8B (regulations police cadets), 8C (regulations standards of equipment) and 8D (regulations etc).

Part 16 (clause 26) amends the Custody Act 1995 by substituting section 19 (classification of articles) and inserting sections 19AA (conveyance of List A articles into or out of prison), 19AB (conveyance of List B or C articles into or out of prison), 19AC (other offences relating to prison security), 19AD (meaning of "authorisation" and other interpretation) and 19AE (extension of Crown immunity).

Part 17 (clauses 27 to 35) amends the Licensing Act 1995. Amended section 2 (licensing court of appeal) and section 9 (conditions and undertakings). Substituted section 33 (drunkenness on premises). Inserted section 35A (variation of court orders). Amended section 57 (wholesale sale of liquor). It inserts new section 57A (selling liquor wholesale). It amends section 74 (disposal of liquor in possession of minors). Substituted section 75 (public drunkenness) and section 76 (drinking in public places).

Part 18 (clause 36) amends the Criminal Justice Act 1996 by inserting sections 1A (authorities responsible for strategies), 1B (formulation and implementation of strategies), 1C (supplemental), 1D (duty to consider crime and disorder implications) and 1E (sharing of information).

Part 19 (clauses 37 to 61) amends the Police Powers and Procedures Act 1998. Amended section 11 (search warrants: power to authorise entry and search of premises). Inserted section 11A (search warrants: persons who may accompany constables). Amended section 18 (search warrants: safeguards) and section 19 (execution of warrants). Amended Schedule 1 (special procedure access). Inserted Part IIA (additional powers of seizure). Inserted Schedules 1A (powers of seizure) and 1B (applications and minor and consequential amendments). Substituted sections 27 (arrest without warrant: constables) and 28 (arrest without warrant: other persons). Amended section 33 (arrest elsewhere than at police station). Inserted sections 33A (bail elsewhere than at police station), 33B (bail notices), 33C (supplemental bail provisions) and 33D (failure to answer bail). Inserted section 43A (use of telephone for review of person's detention) and section 48A (video conferencing facilities for decisions about detention). Inserted section 49A (remands of suspected drug offenders to detention). Inserted section 50A (conditions for bail after arrest). Substituted section 55 (children serious offences). Inserted section 58A (drugs searches x-rays and ultrasound scans). Inserted section 63A (visual recording of interviews). Amended section 64 (fingerprinting). Amended section 65 (intimate samples not taken at police station) and section 66 (other samples) and section 67 (supplementary provisions ss 66 and 67). Amended section 68A (photographing suspects). Substituted section 75 (codes of practice) and amended section 76 (supplementary provisions s 75).

Part 20 (clauses 62 and 63) amends the Criminal Justice (Exclusion of Non-Resident Offenders) Act 1998 by amending section 1 (orders excluding persons from the Island) and inserting section 3A (revocation of exclusion orders in exceptional cases).

Part 21 (clauses 64 and 65) amends the Public Order Act 1998 by inserting section 3A (power to require information from persons acting in an anti-social manner) and Part IA (removal of persons).

Part 22 (clauses 66 to 72) amends the Criminal Justice Act 2001. Inserted Part 7A (spot penalties for disorderly behaviour). Amended section 28 (anti-social behaviour orders) and section 28A (anti-social behaviour sentence). Inserted sections 28B (anti-social behaviour injunction), 28C (injunctions exclusion and power of arrest) and 28D (injunctions supplementary provisions). Amended Schedule 1 (registration of sex offenders) in regard to I sexual acts with children and young persons. Amended Schedule 5 (curfew orders).

Part 23 (clauses 73 to 75) amends the Rehabilitation of Offenders Act 2001 by inserting sections 7A (protection afforded to spent cautions), 8A (unauthorised disclosure of spent cautions) and Schedule 1A (protection for spent cautions).

Part 24 (clause 76) amends the Children and Young Persons Act 2001 by inserting section 49A (return of missing children).

Part 25 (clause 77) amends the Fireworks Act 2004 to enable certain categories of person to purchase fireworks outside the usual permitted periods.

Part 26 (clause 78) amends the Criminal Justice, Police and Courts Act 2007 by inserting section 41A (increases in sentences for aggravation related to race, religion, disability or sexual orientation). [Keys 1st Reading 29 June 2010]

ELECTION OF CHIEF MINISTER BILL 2010 [Fell at Clauses Keys 26 October 2010]

This Bill promoted by a private member [Mr Malarkey] provided for the Chief Minister to be elected by universal suffrage. Clause 1 states the short title and clause 2 provides for it to apply from the next general election.

Clause 3 amends the Council of Ministers Act 1990 to allow the Chief Minister to be elected in accord with the Representation of the People Act 1995. Unless the Chief Minister goes out of office through ceasing to be a member of the House of Keys or through becoming President or Deputy President of Tynwald or Speaker, acting Speaker or Deputy Speaker, the Chief Minister is to hold office until the next general election. If there is a vacancy in the office of Chief Minister, a temporary Chief Minister is to be appointed by and from the members of Tynwald. Clause 4 makes an amendment to the Constitution Act 1990 to reflect the fact that the Chief Minister is no longer appointed.

Clause 5 amends the Representation of the People Act 1995. By the inserted section 10A the Chief Minister must have previously been a member of Tynwald. If it is a general election the Chief Minister must be elected to the Keys at the same time or if standing at any other time they must already be an MHK. Section 10B provides for the election to be held at the same time as a general election of the Keys and within 8 weeks of a vacancy at any other time. The candidate who polls the most votes when the votes of all constituencies are aggregated becomes the Chief Minister unless they fail to be elected as a member of Keys, in which case the candidate with the largest number of votes who is elected to the Keys becomes the Chief Minister. The election is to be conducted in the same way as existing elections and amendments are made to the 1995 Act to accommodate the election of a Chief Minister. Clause 6 contains an amendment to the Registration of Electors Act 2006 to include election of the Chief Minister within the definition of “national election”.

ELECTRICITY (AMENDMENT) BILL 2010

This Bill is promoted by the Department of Infrastructure. Clause 1 states the short title. Clause 2 provides that the Electricity Act 1996 is amended by the Act. Clause 3 amends section 2 (functions of the Authority). It omits the words “under this Act” in subsection (7). Removing these words ensures that the reference to “functions” in that provision is caught by the new definition of “function” which has been inserted in section 20 of the 1996 Act (see clause 10).

Clause 4 inserts sections 2A and 2B. Section 2A(1) provides the Manx Electricity Authority with a power to do anything to supply, or facilitate the supply of, gas to any person if, in the opinion of the Treasury, to do so is likely to promote or improve the economic, social or environmental well-being of the Island. Section 2A is subject to the limits in section 2B. The power in section 2A(1) not to be exercised without the written consent of the Department and the Treasury. The Department with the written consent of the Treasury may repeal sections 2A and 2B subject to Tynwald approval.

Clause 5 amends section 3 (revenue of Authority to cover outgoings). Subsection (2) restructures and changes section 3(1) of the 1996 Act. The change is in the new section 3(1)(a). That provision provides that the Authority shall perform its functions in connection with each of its undertakings referred to in section 3A(1) so as to secure that the revenue of the undertaking in each accounting year is sufficient to meet all charges properly chargeable to revenue account. This is to be the case unless the Treasury authorises otherwise. Subsection (3) inserts a new section 3(2A) in the 1996 Act. This new section provides that no allocation may be made under section 3(1)(b) or (2)(b) of the 1996 Act unless the revenue of the undertaking in question in the accounting year in question exceeds all charges properly chargeable to revenue account.

Clause 6 amends section 3A to provide that only one set of accounts is required to cover the conveyance and supply of gas under section 15A of the 1996 Act and under the Gas and Electricity Act 2003.

Clause 7 amends section 3B (transfer of sums to General Revenue) by amending the reference to “any year” to “any accounting year”.

Clause 8 amends section 3C (subsidiary companies). It inserts a new subsection (2A) which provides that section 5 (power to borrow money) shall apply to a company mentioned in subsection (2) (e.g. a company which (if the Authority were a company) would be a subsidiary of the Authority within the meaning of the Companies Act 1974) as it applies to the Authority.

Clause 9 amends section 15A (power to lay gas pipes). A new subsection (6A) provides that paragraphs 4 to 7, 9 and 10 of Schedule 2 (transmission) to the 1996 Act apply, with necessary modifications, to works authorised by section 15A(1)(a) or (b) of that Act or section 1(1) of the Gas and Electricity Act 2003, as they apply to the generation, transmission or supply of electricity. A new subsection (6B) provides that nothing in subsection (6A) applies to works for the purpose of supplying gas directly to the public.

Clause 10 amends section 20(1) by inserting a definition of “function”, expressed to cover the Authority’s functions under all enactments. The definition of “works” adjusted to include a reference to the supply of gas or telecommunications.

Clause 11 is a transitional provision that provides that where, in any of the accounting years ending prior to the year in which this legislation came into operation, the revenue of the undertakings of the Authority referred to in section 3A(1) was not sufficient to meet charges properly chargeable to revenue account, the Authority shall nevertheless be treated as having

complied with section 3(1) of the 1996 Act. Operative on passing. [Not amended in the Legislature - Legislative Council 25 May 2010 - Royal Assent awaited]

FISHERIES BILL 2010

This Bill promoted by the Department of Environment, Food and Agriculture replaces the Sea Fisheries Act 1971 and the Inland Fisheries Act 1976.

Part 1 - clauses 1 to 4 introductory. Clauses 1 to 3 concern the short title, commencement and interpretation. Clause 4 enables the Department by order to specify the legal limits of the sea and inland waters for the purposes of the Act.

Part 2 - clauses 5 to 8 deals with the functions of the Department. Clause 5 gives the Department responsibility for inland and sea fisheries. Clause 6 provides for the appointment of fishery officers and watchers. Clause 7 enables the Department to carry out research, inquiries and investigations. Clause 8 confers power to grant general licences.

Part 3 - clauses 9 to 21 and Schedule 1 deals with inland fisheries. Clause 9 enables the Department to stock inland waters with fish. Clause 10 enables it to enter into agreements with other persons for the improvement of fisheries. Clause 11 gives the Department power to remove obstructions in rivers. Clause 12 requires fish passes to be maintained in certain dams and clause 13 makes it an offence to fish in a fish pass. Clause 14 makes it an offence to fish, except with a rod and line, within 200m of a dam. Clause 15 and Schedule 1 make provision with respect to water-mills and works associated with them. Clause 16 makes it an offence to introduce fish (except those of a prescribed species) into inland waters. Clause 17 makes it an offence to use deleterious matter for taking fish. Clause 18 makes it an offence to remove material from a river-bed without consent. Clause 19 enables the Department to require gratings to be installed in any new channel. Clause 20 enables the Department to require a minimum flow in waters below a dam. Clause 21 enables the Department to make regulations for the protection of inland fisheries.

Part 4 - clauses 22 to 35 provides for the regulation of fishing in inland waters. Clause 22 makes it an offence to fish in inland waters, or to be in possession of a fishing engine in or near inland waters, without a fishing licence. Clause 23 enables regulations to be made for the grant of fishing licences. Clause 24 restricts the disclosure of information provided pursuant to such regulations. Clause 25 provides that fishing licences for angling are not transferable. Clause 26 makes it clear that a fishing licence does not confer a right to fish in private waters, affect private rights or legitimise anything prohibited by the Act. Clause 27 makes misuse or falsification of a licence an offence.

Clause 28 prohibits the use of lights and other devices for fishing. Clause 29 makes the use of nets and fixed fishing engines an offence, with exceptions. Clause 30 prohibits the possession near inland waters of anything prohibited by clause 28 or 29. Clause 31 prohibits certain methods of fishing for salmon, trout, sea trout or eels. Clause 32 makes it an offence to take, sell or possess or interfere with the spawn or fry of certain fish and clause 33 prohibits the chasing or disturbing of spawning fish. Clause 34 makes it an offence to interfere with anyone lawfully fishing. Clause 35 prohibits unauthorised fishing in private waters.

Part 5 - clauses 36 to 47 deals with sea fishing. Clause 36 enables the Department to make regulations prohibiting or restricting sea fishing. Clause 37 provides for regulations to be made to require fishing boats to be licensed. Clause 38 deals with the grant, amendment of sea fishing licences. Clause 39 requires excess fish to be returned to the sea. Clause 40 enables regulations to be made with respect to the trans-shipping of fish. Clause 41 specifies the maximum penalties for contraventions of regulations. Clause 42 deals with evidence

from automatic recording equipment. Clause 43 enables regulations to be made requiring buyers of sea-fish to be registered. Clause 44 provides for the Department to obtain statistics about fish landings. Clause 45 enables regulations to be made for controlling recreational sea fishing. Clause 46 enables United Kingdom or European sea fisheries legislation to be applied to the Island by order. Clause 47 makes it an offence to use deleterious matter for taking fish.

Part 6 - clauses 48 to 52 deals with miscellaneous restrictions affecting fisheries. Clause 48 enables a close season for salmon, sea trout or specified freshwater fish to be prescribed by order and clause 49 prohibits the sale of fish out of season. Clause 50 makes it an offence to take spawning salmon, trout or sea trout. Clause 51 prohibits the sale of fish taken unlawfully or by rod and line. Clause 52 makes it an offence to take dead salmon or trout from inland waters or the sea.

Part 7 - clauses 53 to 58 deals with fish-farming and other kinds of aquaculture. Clause 53 enables the Department to engage in aquaculture. Clause 54 prohibits unlicensed aquaculture, and clauses 55 and 56 provide for the grant and amendment of aquaculture licences. Clause 57 contains supplemental provisions relating to aquaculture. Clause 58 enables UK or European legislation relating to aquaculture to be applied to the Island by order.

Part 8 - clauses 59 to 72 deals with the enforcement powers of the police, fishery officers, watchers and water bailiffs ("authorised persons"). Clause 59 requires an authorised person to produce his or her authority before exercising any powers. Clause 60 enables authorised persons to stop, search and detain boats. Clause 61 confers powers to stop and search persons, to enter on land. Clause 62 gives authorised persons a power of arrest. Clause 63 enables a justice to issue a search warrant. Clause 64 restricts powers of entry to enforce private fishing rights. Clause 65 enables private water bailiffs to be appointed. Clause 66 confers additional powers of enforcement in relation to inland fisheries and clause 67 enables a warrant to be issued for those purposes. Clause 68 give authorised officers power to deal with obstructions. Clause 69 makes it an offence to refuse to produce a licence or permit to an authorised person on demand. Clause 70 makes assault or obstruction of an authorised person an offence and clause 71 makes giving a warning of the approach of an authorised officer an offence. Clause 72 indemnifies authorised persons unless acting in bad faith.

Part 9 - clauses 73 to 84 and Schedules 2 to 3 contains miscellaneous and supplemental provisions. Clause 73 provides for licence fees to be set by regulations. Clause 74 makes provision for the tagging of salmon and sea trout. Clause 75 enables the Department to grant a permit authorising activities for stocking or improving a fishery or for scientific purposes. Clause 76 applies Part 8 to certain byelaws for marine nature reserves. Clause 77 deals with legal proceedings. Clause 78 provides for the forfeiture of fish, boats, vehicles and fishing gear on conviction. Clause 79 deals with the disposal of fish seized or detained. Clause 80 enables a court to order a boat or fishing gear to be forfeited even without a conviction. Clause 81 provides for the disposal of forfeitures. Clause 82 enables a court on conviction to cancel or suspend a licence or to disqualify the person convicted. Clause 83 provides for Tynwald control over orders and regulations. Clause 84 and Schedules 2 and 3 make transitional provisions and repeal superseded enactments. Amendments in the Keys - clause 4(1) amended to include a reference to the Water Authority, clause 11(1)(b) to (d) substituted, clause 18(4) added and clause 55(2) substituted. [Legislative Council 1st R 29 June 2010]

HEALTH INSURANCE (LEVY AND POLICY) BILL 2010

This Bill promoted by a private member [Mr Karran] provides for a fund to pay for the cost of certain health services, funded by means of a levy in respect of departing sea and air

passengers. The Bill would require an initial payment (estimated £250,000) to purchase the initial insurance policy and thereafter would be funded out of the levy with negligible administration costs. Clause 1 states the short title, clause 2 provides for commencement and clause 3 for interpretation.

Clause 4 provides for a Health Insurance Levy which is imposed in respect of departing passengers using commercial ships and aircraft in respect of whom other departure charges are already payable. The levy is payable by the operator of the passenger service in question and its amount is to be determined by an order made by the Department of Health. Clause 5 provides for the levy to be collected, in the case of sea travel, as if it were harbour dues, and in the case of air travel, as if it were part of the charge payable by departing passengers.

Clause 6 imposes a duty on the Department of Health to purchase an insurance policy to cover all persons ordinarily resident in the Island. It further specifies the extent of cover to be provided, being the cost of NHS medical treatment and repatriation, and specifies what cover may be excluded. There is power for the Department, by order, to amend the section to make different provision in respect of the cover and, in particular, to extend cover to people ordinarily resident and domiciled in the UK who become ill or injured whilst in the Island. Monies are to be provided from General Reserves for the purchase of the policy and there is a requirement for cover to be reviewed every 3 years. All monies collected in respect of the levy must be used to pay the premiums of the policy. The policy will not be invalidated on the grounds of the Department not having an insurable interest and only persons covered by the policy can claim from the policy and only they, persons acting on their behalf or providers of health care can be paid out of the policy. Clause 7 makes general provision with respect to orders and regulations under the Act. [Keys clauses 22 June 2010]

MISUSE OF DRUGS (AMENDMENT) BILL 2010

This Bill is promoted by the Department of Health. *Clause 1* gives the short title. *Clause 2* provides that the Misuse of Drugs Act 1976 is amended by the Bill. Clause 2A [inserted in the Keys] amends section 1 of the 1976 Act so that the Advisory Council has to make an annual report. *Clause 3* substitutes section 2 of the 1976 Act to provide an order making power for the Department, after consulting the Advisory Council on the Misuse of Drugs, to specify substances or products as controlled drugs. *Clause 4* amends section 38(1) of the 1976 Act by updating the definition of “the Department” and adding a definition of the “UK Act” which caused a consequential amendment of section 33(3) of the 1976 Act. Operative on passing. [Legislative Council - 3rd Reading 29 June 2010 - Royal Assent awaited]

ORGANISED AND INTERNATIONAL CRIME ACT 2010 [c.6]

[Amended to reflect changes made in the Legislature]

The Act was promoted by the Department of Home Affairs. It gives effect to the United Nations Convention Against Transnational Organized Crime, adopted by the General Assembly of the United Nations and opened for signature in Palermo in 2000 and makes minor amendments to the International Criminal Court Act 2003. Long title amended by the deletion of the word “minor” and the insertion of the words “Telecommunications Act 1984” and the”.

Part 1 specifies the short title. *Part 2* deals with the obligations under the Convention making provision about combating international organised crime and thereby giving effect to the Convention in the legal system. *Part 3* makes miscellaneous amendments to the legislation in the field of international criminal justice. It amends the International Criminal Court Act 2003 to reflect retrospective changes in respect of the trial of offences made to the

corresponding Act of Parliament by the Coroners and Justice Act 2009 (of Parliament). It also amends the Telecommunications Act 1984 and the Proceeds of Crime Act 2008. Section 14 amended by the insertion of “or (3)” in 50A(7) after “50(2)”. Operative on passing - 13 July 2010.

SEWERAGE (AMENDMENT) BILL 2010

This Bill is promoted by the Isle of Man Water and Sewerage Authority. Part 1 is introductory. Clause 1 states the short title.

Part 2 makes amendments. Clause 2 provides that the Sewerage Act 1999 is amended by the Act.

Clause 3 inserts a new section 3A in the 1999 Act which provides an express power for the Sewerage Authority to construct, maintain, alter, improve or replace sewerage disposal works on or over any land vested in the Sewerage Authority.

Clause 4 makes a consequential amendment to section 15(1)(c) of the 1999 Act by inserting a cross-reference to the new section 3A.

Clause 5 amends section 41(3) of the 1999 Act by enabling a person who is authorised to enter on any land by virtue of section 41 of the 1999 Act, to take heavy equipment onto that land.

Clause 6 amends section 42 of the 1999 Act by inserting a definition of “sewage disposal works”.

Part 3 is supplementary and concerns sewage disposal works constructed under the Sewerage Act 1999. Clause 7 is a stand-alone provision. It provides that, upon the commencement of this legislation, certain sewage disposal works are to be treated as constructed in accordance with the new section 3A of the 1999 Act. However, this is without prejudice to any rights, obligations and liabilities enforceable by or against the Sewerage Authority or the former Department of Transport enjoyed or incurred prior to the commencement of this legislation. [Keys 1st R 29 June 2010]

SOCIAL SERVICES BILL 2010

This Bill is promoted by the Department of Social Care and makes provision for social care. Part 1 deals with general matters. Clause 1 sets out the continuing functions of the Department in relation to social care services and carer support and for its powers. Clause 2 allows the Department to make arrangements for services to be provided by itself or others. Clause 3 enables the Department to make arrangements with UK bodies for obtaining advice and assistance. Clause 4 empowers the Department to undertake research into relevant matters and clause 5 authorises the gathering and publishing of information. Clause 6 sets out the criteria for eligibility for social care services and carer support.

Part 2 covers social care services. Clause 7 provides for assessments to be made of eligible persons in need of social care services and clause 8 requires the Department to supply a written statement of the person’s needs. Clause 9 enables the Department to provide social care services in the community and clause 10 covers the provision of care accommodation.

Part 3 is about carer support. Clause 11 provides for the Department to carry out assessments of what carers can provide and clause 12 covers assessments where the person being cared for is a child in need. Clause 13 excepts care provided contractually or by a volunteer for a voluntary organisation. Clause 14 covers the provision of carer support.

Part 4 is concerned with financial matters. Clause 15 enables regulations to prescribe charges for social care services and carer support depending on means and provides for the charging of interest and for charges to be taken over the assets of the eligible person. Clause 16 makes provision as to what regulations may cover. Clause 17 provides for the Department to investigate a person's means and clause 18 enables recovery by the Department in the event of misrepresentation or non-disclosure of material facts. Clause 19 facilitates the taking account of assets that have been transferred to avoid payment of charges. Clause 20 enables those provided with care accommodation to make additional payments by way of upgrade. Clause 21 provides for deferred payments and clause 22 is about recovery of charges. Clause 23 is concerned with trusts and the Department's powers are set out in Schedule 1.

Part 5 contains miscellaneous provisions. Clause 24 creates an offence of failure to maintain a person. Clause 25 creates an offence of making false representations to obtain social care services or carer support. Clause 26 provides for the handling of complaints about social care functions by an independent review body. Clause 27 enables the Department to step in to protect the property of a person admitted to hospital or care accommodation. Clause 28 requires the Department to arrange for the disposal of bodies where no other suitable arrangements exist. Clause 29 provides for regulations and orders to require Tynwald approval. Clause 30 contains definitions. Clause 31 and Schedules 2 to 4 cover savings, transitional provisions, minor amendments and repeals. Clause 32 states the short title and provides for commencement by appointed day order.[Keys 1st R 29th June 2010]

TREASURY (AMENDMENT) BILL 2010 [Fell at 2nd R Keys 29 June 2010]

This Bill promoted by a private member [Mr. Watterson] amends section 9 of the Treasury Act 1985 to change the process by which the annual budget is dealt with in Tynwald by providing that, at the sitting at which the accounts and estimates required under section 9(1) are laid, a statement explaining their purpose and effect must be made by the Treasury Minister, a member of the Treasury or a Minister specifically authorized by the Council of Ministers. The President of Tynwald must adjourn debate on the documents immediately after the statement and any questions thereon, until the next regular sitting of Tynwald. The Budget proposals may be amended in Tynwald and a duty was imposed on the Treasury to provide an analysis of the effect of an amendment on Government income and expenditure. Such amendment may not proceed unless the Treasury analysis shows that, when taken with any other amendment with which it is associated, it will neither significantly increase public expenditure nor significantly decrease public revenue and it is signed by at least four members of Tynwald.

APPOINTED DAY ORDERS

CIVIL JURISDICTION ACT 2001 (APPOINTED DAY) (No.2) ORDER 2010
[SD 225/10 : Issuing Authority - CoM]

The Order brought section 4, which amended the Judgments (Reciprocal Enforcement) (Isle of Man) Act 1968, into operation on 1 May 2010.

GENDER RECOGNITION ACT 2009 (APPOINTED DAY) (No.1) ORDER 2010
[SD 139/10 : Issuing Authority - CoM]

The Order brought sections 1 and 2 and sections 4 to 14 and Schedule 2 into operation on 6 April 2010. [Not operative section 3 and Schedule 1.] See also Gender Recognition (Disclosure of Information) Order 2010 [SD 140/10].

GENDER RECOGNITION ACT 2009 (APPOINTED DAY) (No.2) ORDER 2010
[SD 515/10 : Issuing Authority - CoM]

The Order brought section 3 and Schedule 1 [registration] into operation on 31 July 2010.

ROAD TRAFFIC (AMENDMENT) ACT 2001 (APPOINTED DAY) (No.5) ORDER 2010
[SD 137/10 : Issuing Authority - DoT]

The Order brought sections 9 [application of road traffic provisions to car parks] and 12 [authorisation special types of vehicles] into operation on 1 April 2010.

ROAD TRAFFIC (AMENDMENT) ACT 2006 (APPOINTED DAY) (No.4) ORDER 2010
[SD 156/10 : Issuing Authority - DoT]

The Order brought sections 1 [samples from drivers] and 7 [duration of licences] into operation on 1 April 2010.

ACTS OF TYNWALD

TABLE I

Acts or parts of Acts operative January - September 2010

Advocates (Amendment) Act 2010 (c.1)

Whole Act operative on passing 16 March 2010.

Civil Jurisdiction Act 2001 (c.28)

Section 4 (reciprocal enforcement) operative 1 May 2010.

[See S.D.225/10]

Gender Recognition Act 2009 (c.11)

Whole Act operative except section 3[civil registration] and Schedule 1- 6 April 2010.

Section 3 and Schedule 1 operative 31 July 2010.

[See S.D.139/10 and 515/10]

Human Rights (Amendment) Act 2010 (c.5)

Whole Act operative on passing 13 July 2010.

Lloyds TSB Offshore Limited Banking Business Act 2010 (c.4)

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

Organised and International Crime Act 2010 (c.6)

Whole Act operative on passing 13 July 2010.

Payment of Members' Expenses (Amendment) Act 2010 (c.3)

Whole Act operative on passing 16 March 2010.

Road Traffic (Amendment) Act 2001 (c.32)

Sections 9 and 12 operative 1 April 2010.

[See S.D.137/10]

Road Traffic (Amendment) Act 2006 (c.24)

Sections 1 and 7 operative 1 April 2010.

[See S.D.156/10]

TABLE II

Acts passed January - September 2010 but not wholly operative

Prohibition of Female Genital Mutilation Act 2010 (c.2)

Whole Act not operative.

TABLE III

Acts passed before January 2010 but not wholly operative September 2010

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]

Animal Health (Amendment) Act 2009 (c.9)

Whole Act not operative

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.

[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.
[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

January 2010

CUSTOMS & EXCISE

SD834/09 - Customs and Excise Management Act 1986 (Amendment) Order 2009

VALUE ADDED TAX

SD874/09 - Value Added Tax (Drugs and Medicines) Order 2009

February 2010 BUDGET

*SD21/10 - Income Tax (Instalment Payments) (Temporary Taxation) Order 2010

*SD22/10 - Income Tax (Personal Allowance Credit) (Temporary Taxation) Order 2010

SD23/10 - Income Tax (Personal Allowance Credit) (Amendment) Regulations 2010

SD36/10 - Income Tax (Increase of Class 4 Contributions) Order 2010

March 2010

CUSTOMS & EXCISE

SD44/10 - Customs and Excise Management Act 1986 (Amendment) Order 2010

SUCCESSION

SD94/10 - Intestate succession (Net Sum) Order 2010

April 2010

VALUE ADDED TAX

SD213/10 - Value Added Tax (Increase of Registration Limits) Order 2010

May 2010

CUSTOMS & EXCISE

SD211/10 – Excise Duties Order 2010

SD247/10 – Excise Duties (No.2) Order 2010

VALUE ADDED TAX

SD207/10 - Value Added Tax Act 1996 (Amendment) Order 2010

SD208/10 - Value Added Tax Act 1996 (Amendment No.2) Order 2010

SD212/10 - Value Added Tax (Consideration for Fuel Provided for Private Use) Order 2010

June 2010

CUSTOMS & EXCISE

SD327/10 - Customs and Excise Acts (Amendment) (No.2) Order 2010

July 2010

TAXATION

*SD474/10 - Income Tax (Production and Auditing of Accounts) (Temporary Taxation) Order 2010

* [Confirmed Income Tax Bill 2010 clause 4]

PART III

SUBORDINATE LEGISLATION

BUDGET FEBRUARY 2010 STATUTORY DOCUMENTS

Companies (Fees and Duties) Order 2010

[SD 28/10 : Commencement : 06/04/10 : Issuing Authority - FSC]

Companies (Fees Duties and Penalties) Regulations 2010

[SD 29/10 : Commencement : 06/04/10 : Issuing Authority - Registrar of Companies]

Companies Registry (Miscellaneous Fees) Order 2010

[SD 34/10 : Commencement : 06/04/10 : Issuing Authority - FSC]

Companies (Transfer of Domicile) (Fees and Duties) Order 2010

[SD 33/10 : Commencement : 06/04/10 : Issuing Authority - FSC]

Criminal Legal Aid Order 2010

[SD 45/10 : Commencement : 01/04/10 : Issuing Authority -Treasury]

Fees and Duties (Government Fees) Order 2010

[SD 60/10 : Commencement : 06/04/10 : Issuing Authority -Treasury]

Income Tax (Deductions) (Prescribed Cases) (Amendment) Order 2010

[SD 20/10 : Commencement : 06/04/10 : Issuing Authority -Treasury]

The Order reduced the maximum deduction for loan interest to £10,000 per individual.

Income Tax (Increase of Class 4 Contributions) Order 2010

[SD 36/10 : Commencement : 06/04/10 : Issuing Authority -Treasury]

Income Tax (Instalment Payments) (Temporary Taxation) Order 2010

[SD 21/10 : Commencement : 06/04/10 : Issuing Authority -Treasury]

The Order covers criminal and civil penalties and the duties of employers in regard to instalment payments of income tax.

Income Tax (Nursing Expenses) (Amendment) Order 2010

[SD 17/10 : Commencement : 06/04/10 : Issuing Authority -Treasury]

[prescribed sum £9300]

Income Tax (Personal Allowance Credit) (Amendment) Regulations 2010

[SD 23/10 : Commencement : 06/04/10 : Issuing Authority -Treasury]

[rates/pension scheme contributions not deductible]

Income Tax (Personal Allowance Credit) (Temporary Taxation) Order 2010

[SD 22/10 : Commencement : 06/04/10 : Issuing Authority -Treasury]

[restrictions imposed]

Income Tax (Rates of Income Tax) (Non-Corporate Taxpayers) Order 2010

[SD 18/10 : Commencement : 06/04/10 : Issuing Authority -Treasury]

The Order increased the rate of income tax for non-resident individuals to 20% and the higher rate of income tax for resident individuals and other non-corporate taxpayers to 20%.

Income Tax (Rates of Income Tax) (Resident Individuals) (Capping) Order 2010
[SD 19/10 : Commencement : 06/04/10 : Issuing Authority -Treasury]
The Order set the maximum amount of income tax (the tax cap) for a resident individual at £115,000 a year.

Limited Liability Companies (Fees and Duties) Order 2010
[SD 30/10 : Commencement : 06/04/10 : Issuing Authority - FSC]

Partnership (Fees) Rules 2010
[SD 32/10 : Commencement : 06/04/10 : Issuing Authority - FSC]

Registration of Business Names (Fees and Duties) Rules 2010
[SD 31/10 : Commencement : 06/04/10 : Issuing Authority - FSC]

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]

JANUARY 2010

CUSTOMS & EXCISE

CUSTOMS (CONTRAVENTION OF A RELEVANT RULE) REGULATIONS 2009
[SD 907/09 : Commencement : 24/12/09 : Issuing Authority -Treasury]

The Regulations prescribed the custom rules contravention of which lead to a civil penalty.

SOCIAL SECURITY

PENSIONS ACT 2008 (APPLICATION) ORDER 2009
[SD 851/09 : Commencement : As UK : Issuing Authority - DHSS]

Amongst other things 6 further years allowed for the additional payment of voluntary Class 3 contributions to receive the basic state pension and provision made for ending the option to contract out of the second state pension.

TAXATION - INTERNATIONAL AGREEMENTS

INCOME TAX (MALTA) (DOUBLE TAXATION) ORDER 2009
[SD 886/09 : Commencement : 22/01/10 : Issuing Authority - CoM/Chief Secretary]

The Order concerned double taxation and prevention of fiscal evasion in respect of taxed income.

VALUE ADDED TAX

VALUE ADDED TAX (AMENDMENT) (No. 4) REGULATIONS 2009
[SD 873/09 : Commencement : 01/01/10 : Issuing Authority - Treasury]

The Regulations replaced the EC Sales List to reflect the change that taxable supplies of services to VAT registered customers must be declared.

FEBRUARY 2010

DRUGS

MEDICINES ACT 2003 (EXTENSION OF APPLICATION) (MEPHEDRONE) ORDER 2010
[SD 41/10 : Commencement : 01/03/10 : Issuing Authority - DHSS]

The Order extended the power in the Act to make regulations to mephedrone.

MARCH 2010

AUDITORS

ACCOUNTING (RECOGNISED AUDITORS) REGULATIONS 2010
[SD 09/10 : Commencement : 05/04/10 : Issuing Authority - FSC]
PUBLIC OVERSIGHT OF RECOGNISED AUDITORS REGULATIONS 2010
[SD 08/10 : Commencement : 05/04/10 : Issuing Authority - FSC]
REGISTER OF RECOGNISED AUDITORS REGULATIONS 2010
[SD 07/10 : Commencement : 05/04/10 : Issuing Authority - FSC]

The Regulations introduced a system that will permit the Island to seek equivalence with EU Member States for the registration and oversight of auditors conducting statutory audits of market traded companies.

CUSTOMS & EXCISE

CUSTOMS AND EXCISE MANAGEMENT ACT 1986 (AMENDMENT) ORDER 2010
[SD 44/10 : Commencement : 01/02/10 : Issuing Authority - Treasury]

The Order concerned the powers of officers of customs and excise when persons enter or leave the Island, international postal traffic, cash in transit and introduced a prohibition on the importation or exportation of false identity documents.

DRUGS

MEDICINES (RESTRICTIONS ON DEALING) (MEPHEDRONE) REGULATIONS 2010
[SD 42/10 : Commencement : 01/04/10 : Issuing Authority - DHSS]

The Regulations made it an offence to deal in the chemical substances known as cathinones or mephedrone punishable on summary conviction by a fine of £5000 and on information to 2 years custody and a fine.

ELECTRONIC TRANSACTIONS

ELECTRONIC TRANSACTIONS (GENERAL) REGULATIONS 2010
[SD 50/10 : Commencement : 01/04/10 : Issuing Authority - DTI]

The Regulations continued the temporary exemption for public authorities and departments.

GOVERNMENT

TRANSFER OF FUNCTIONS (NEW DEPARTMENTS) ORDER 2010
[SD 155/10 : Commencement : 01/04/10 : Issuing Authority - CoM]

The Order established 6 new departments, created the Isle of Man Water and Gas Authority and renamed the Department of Education.

TAXATION

INCOME TAX (ATTRIBUTED PROFITS) (TRUSTS) REGULATIONS 2010
[SD 62/10 : Commencement : 19/03/10 : Issuing Authority - Treasury]

The Regulations provide for the operation of the attributed profits regime for certain trusts.

APRIL 2010

COLLECTIVE INVESTMENT SCHEMES

COLLECTIVE INVESTMENT SCHEMES (REGULATED FUND) REGULATIONS 2010
[SD 161/10 : Commencement : 01/05/10 : Issuing Authority - FSC]

COLLECTIVE INVESTMENT SCHEMES (SPECIALIST FUND) REGULATIONS 2010
[SD 162/10 : Commencement : 01/05/10 : Issuing Authority - FSC]

COLLECTIVE INVESTMENT SCHEMES (QUALIFYING FUND) REGULATIONS 2010
[SD 163/10 : Commencement : 01/05/10 : Issuing Authority - FSC]

COLLECTIVE INVESTMENT SCHEMES (EXPERIENCED INVESTOR FUND) REGULATIONS 2010
[SD 164/10 : Commencement : 01/05/10 : Issuing Authority - FSC]

COLLECTIVE INVESTMENT SCHEMES (REGISTERs) REGULATIONS 2010
[SD 165/10 : Commencement : 01/05/10 : Issuing Authority - FSC]

COLLECTIVE INVESTMENT SCHEMES (PROMOTION OF SCHEMES OTHER THAN AUTHORISED AND RECOGNISED SCHEMES) (EXEMPTION) REGULATIONS 2010
[SD 166/10 : Commencement : 01/05/10 : Issuing Authority - FSC]

COLLECTIVE INVESTMENT SCHEMES (RECOGNISED SCHEMES FROM DESIGNATED COUNTRIES AND TERRITORIES) (NOTIFICATION) REGULATIONS 2010
[SD 167/10 : Commencement : 01/05/10 : Issuing Authority - FSC]

COLLECTIVE INVESTMENT SCHEMES (RECOGNISED SCHEMES) (FACILITIES IN THE ISLAND) REGULATIONS 2010

[SD 168/10 : Commencement : 01/05/10 : Issuing Authority - FSC]

COLLECTIVE INVESTMENT SCHEMES (LEGACY SCHEMES) REGULATIONS 2010

[SD 169/10 : Commencement : 01/05/10 : Issuing Authority - FSC]

The Regulations concern collective investment schemes and should be read with the Collective Investment Schemes Act 2008.

COLLECTIVE INVESTMENT SCHEMES (PROSPECTUS) (EXEMPTIONS) REGULATIONS 2010

[SD 172/10 : Commencement : 01/05/10 : Issuing Authority - Treasury]

The Regulations made exemptions from sections 38C and 38DA of the Companies Act 1931.

COLLECTIVE INVESTMENT SCHEMES (RETURNS OF ALLOTMENT AND REDEMPTION) (EXEMPTION) ORDER 2010

[SD 173/10 : Commencement : 01/05/10 : Issuing Authority - Treasury]

The Order exempted authorised and international schemes incorporated under the Companies Act 1931 from filing returns of allotment and redemption of shares.

LIMITED PARTNERSHIPS (COLLECTIVE INVESTMENT SCHEMES) REGULATIONS 2010

[SD 171/10 : Commencement : 01/05/10 : Issuing Authority - Treasury]

The Regulations permit collective investment schemes constituted as limited partnerships to have more than twenty members.

LIMITED PARTNERSHIPS (COLLECTIVE INVESTMENT SCHEMES) (EXEMPTION) REGULATIONS 2010

[SD 170/10 : Commencement : 01/05/10 : Issuing Authority - FSC]

The Regulations exempt internal schemes from disclosing details of limited partners on the public file held at the Companies Registry.

COMPANIES

APPOINTMENT OF REGISTRAR OF COMPANIES

[GC 7/10 : Commencement : 01/04/10 : Issuing Authority - Treasury]

The Department of Economic Development appointed to be Registrar of Companies and subject to Treasury control to administer the Companies Act 2006.

COMPANIES ACT 1931 TO 2004 (TREASURY SHARE) REGULATIONS 2010

[SD 174/10 : Commencement : 01/05/10 : Issuing Authority - FSC]

The Regulations concern treasury shares and the returns to be made to the Companies Registry.

PENSIONS

PENSION SCHEMES LEGISLATION (APPLICATION) ORDER 2010
[SD 93/10 : Deemed Commencement : 06/04/09 : Issuing Authority - DHSS]

The Order removed references to safeguarded rights in secondary legislation relating to occupational and personal pensions.

MAY 2010

CUSTOMS & EXCISE

CUSTOMS AND EXCISE ACTS (IMPLEMENTATION OF 1979 AGREEMENT) ORDER 2010
[SD 246/10 : Commencement : 01/06/10 : Issuing Authority - Treasury]

The Order allowed for the exchange of information with the UK Border Agency and for the enforcement of UK court judgments relating to customs matters.

POLICE POWERS AND PROCEDURES ACT 1998 (APPLICATION TO CUSTOMS AND EXCISE) ORDER 2010
[SD 200/10 : Commencement : 01/06/10 : Issuing Authority - Treasury]

The Order applied sections 17A and 17B of the 1998 Act.

POLICE POWERS AND PROCEDURES ACT 1998 (APPLICATION TO CUSTOMS AND EXCISE) (AMENDMENT) ORDER 2010
[SD 201/10 : Commencement : 01/06/10 : Issuing Authority - Treasury]

The Order extended the powers of customs officers on entry and search of premises to execute an arrest warrant or to recapture a person unlawfully at large.

JUNE 2010

ECCLESIASTICAL

FACULTY JURISDICTION RULES (ISLE OF MAN) 2010
[SD 330/10 : Commencement : 01/07/10 : Issuing Authority - Sodor and Man Diocesan Synod Legislative Committee]

The Rules provided for applications for faculties and allow for the grant of faculties by an archdeacon in unopposed cases.

TAXATION

INCOME TAX (EXCHANGE OF INFORMATION) (TEMPORARY TAXATION) ORDER 2010
[SD 291/10 : Commencement : 01/07/11 : Issuing Authority - Treasury]

The Order gave effect to the election, under article 14 of all of the exchange agreements [the "EUSD agreements"] entered into between the Island and a European Community Member State, to end retention tax arrangements and to apply the automatic exchange of information. [Order confirmed Income Tax Bill 2010 clause 4]

JULY 2010

FINANCIAL SERVICES

FINANCIAL SERVICES DISPUTES (DEFINITION) (AMENDMENT) ORDER 2010
[SD 460/10 : Commencement : 01/08/10 : Issuing Authority - IOMOFT]

The Order added money transmission services to the activities and businesses constituting financial services for the purposes of Schedule 4 (dispute mediation and adjudication) to the Financial Services Act 2008.

GENDER RECOGNITION

GENDER RECOGNITION REGISTER REGULATIONS 2010
[SD 516/10 : Commencement : 31/07/10 : Issuing Authority - Clerk of the Rolls/General Registry]

The Regulations prescribed the particulars to be entered in the Gender Recognition Register.

MONEY LAUNDERING

PROCEEDS OF CRIME (MONEY LAUNDERING) CODE 2010
[SD 508/10 : Commencement : 01/09/10 : Issuing Authority - DHA]

PROCEEDS OF CRIME (MONEY LAUNDERING - ONLINE GAMBLING) CODE 2010
[SD 509/10 : Commencement : 01/09/10 : Issuing Authority - DHA]

The Codes replace the existing codes.

POLICE

POLICE POWERS AND PROCEDURES CODES (CODE E) (AMENDMENT) ORDER 2010
[SD 477/10 : Commencement : 01/08/10 : Issuing Authority - DHA]

The Order amends Code E to allow the use of triple deck tape machines for the recording of interviews.

SOCIAL SECURITY

SOCIAL SECURITY ADMINISTRATION ACT 1992 (APPLICATION) (AMENDMENT) ORDER 2010
[SD 339/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

SOCIAL SECURITY ACT 1998 (APPLICATION) (AMENDMENT) ORDER 2010
[SD 340/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

The orders are consequent on the transfer of functions to the new departments.

TAXATION

INCOME TAX (PRODUCTION AND AUDITING OF ACCOUNTS) (TEMPORARY TAXATION) ORDER 2010
[SD 474/10 : Commencement : 16/07/10 : Issuing Authority - Treasury]

The Order amends the 1970 Act so that companies have to preserve the records necessary to produce accounts for a minimum of 6 years following the accounting period to which they relate.

LIST B

SUBORDINATE LEGISLATION WITHOUT EXPLANATORY TEXT

[Listed alphabetically by name]

JANUARY 2010

Customs and Excise Management Act 1986 (Amendment) Order 2009

[SD 834/09 : Commencement : 01/12/09 : Issuing Authority -Treasury]

[nuclear material illegal shipments]

Disability Working Allowance (General) (Amendment) (No.2) Regulations 2009

[SD 850/09 : Commencement : 01/02/10 : Issuing Authority - DHSS]

Export Control (Amendment) (No.4) Order 2009 (Application) Order 2009

[SD 858/09 : Deemed Commencement : 19/11/09 : Issuing Authority -Treasury]

[arms embargo]

Family Income Supplement (General) (Amendment) (No.2) Regulations 2009

[SD 849/09 : Commencement : 01/02/10 : Issuing Authority - DHSS]

Income Support (General) (Isle of Man) (Amendment) (No.2) Regulations 2009

[SD 848/09 : Commencement : 01/02/10 : Issuing Authority - DHSS]

Minimum Wage (Single Hourly Rate) Regulations 2009

[SD 925/09 : Commencement : 01/04/10 : Issuing Authority -Treasury]

Minimum Wage (Accommodation) Regulations 2009

[SD 928/09 : Commencement : 01/04/10 : Issuing Authority -Treasury]

Online Gambling (Exclusions) Regulations 2010

[SD 909/09 : Commencement : 01/01/10 : Issuing Authority -Treasury]

Statistics of Trade (Customs and Excise) (Amendment) Regulations 2009 (Application)
Order 2009

[SD 856/09 : Commencement : 01/01/10 : Issuing Authority -Treasury]

Travellers Allowances (Amendment) Order 2009

[SD 896/09 : Commencement : 01/01/10 : Issuing Authority -Treasury]

Value Added Tax (Drugs and Medicines) Order 2009

[SD 874/09 : Deemed Commencement : 02/12/09 : Issuing Authority -Treasury]

Value Added Tax (Supplementary Charge) Order 2009

[SD 895/09 : Deemed Commencement : 31/12/09 : Issuing Authority -Treasury]

[relates to Schedule 1A VAT Act 1996]

Value Added Tax (Tour Operators) (Amendment) (No.2) Order 2009
[SD 897/09 : Commencement : 01/01/10 : Issuing Authority -Treasury]

FEBRUARY 2010

Customs and Excise Acts (Customs and Penalties) (Application) (Amendment) Order 2009
[SD 906/09 : Deemed Commencement : 24/12/09 : Issuing Authority -Treasury]
[civil penalties procedure for making regulations]

Drainage (Communication Fees) Order 2010
[SD 47/10 : Commencement : 1/4/10 : Issuing Authority - DoT]

Harbour Dues (Pleasure Vessels, House Boats, Large Commercial Yachts and Tall Ships)
Regulations 2009
[SD 46/10 : Commencement : 1/4/10 : Issuing Authority - DoT]

Merchant Shipping (Fees) Regulations 2010
[SD 61/10 : Commencement : 1/4/10 : Issuing Authority - DTI]

Vehicle Duty Order 2010
[SD 40/10 : Commencement : 1/4/10 : Issuing Authority - DoT]

Work Permit (Fees) Order 2010
[SD 13/10 : Commencement : 1/4/10 : Issuing Authority - DTI]
[application fee increased to £50]

MARCH 2010

Audit Fees Order 2010
[SD 85/10 : Commencement : 18/03/10 : Issuing Authority -Treasury]
[public authorities]

Disability Working Allowance (General) (Amendment) (No.3) Regulations 2009
[SD 912/09 : Commencement : 06/04/10 : Issuing Authority - DHSS]

European Communities (Uzbekistan and Anjouan Sanctions) (Revocation) Order 2010
[SD 99/10 : Commencement : 16/02/10 : Issuing Authority - CoM]

Export Control (Amendment) (Application) Order 2010
[SD 73/10 : Deemed Commencement : 27-29/01/10 : Issuing Authority -Treasury]
[weapon-North Korea-Iran]

Family Income Supplement (General) (Amendment) (No.3) Regulations 2009
[SD 913/09 : Commencement : 06/04/10 : Issuing Authority - DHSS]
[restrictions FIS]

High Court Fees Order 2010
[SD 72/10 : Commencement : 06/04/10 : Issuing Authority -Treasury]

Income Support (General) (Isle of Man) (Amendment) Regulations 2010
[SD 16/10 : Commencement : 12/04/10 : Issuing Authority - DHSS]
[residential home resident income from property]

Income Support (General) (Isle of Man) (Amendment) (No.3) Regulations 2009
[SD 911/09 : Commencement : 05/04/10 : Issuing Authority - DHSS]
[increase in pension age/higher-rate single parent premium]

Income Tax (Modified ITIP) (Amendment) Regulations 2010
[SD 114/10 : Commencement : 06/04/10 : Issuing Authority -Treasury]
[emergency codes increased to 20%]

Insurance Fees Regulations 2010
[SD 111/10 : Commencement : 01/04/10 : Issuing Authority - Insurance and Pensions Authority]

Intestate Succession (Net Sum) Order 2010
[SD 94/10 : Commencement : 22/03/10 : Issuing Authority -Treasury]
[increased to £250,000]

Isle of Man Post Office Superannuation (Amendment) Scheme 2010
[SD 86/10 : Commencement : 26/03/10 : Issuing Authority - IOM Post Office]

Nursing and Residential Homes (Amendment) (Fees) Regulations 2010
[SD 112/10 : Commencement : 01/04/10 : Issuing Authority - DHSS]
[fee increased to £250,000]

Pension Supplement Scheme (Amendment) Order 2010
[SD 05/10 : Commencement : 12/04/10 : Issuing Authority - DHSS]

Pensions Act 2007 (Application) (Amendment) Order 2009
[SD 876/09 : Commencement : 01/04/10 : Issuing Authority - DHSS]
[s.42 UK Pension Schemes Act 1993 disapplied]

Police Federation Regulations 2010
[SD 63/10 : Commencement : 08/02/10 : Issuing Authority - DHA]

Police (Injury Benefit) Regulations 2010
[SD 97/10 : Commencement : As UK : Issuing Authority - DHA]

Police Pensions Regulations 2010
[SD 98/10 : Commencement : 01/04/10 : Issuing Authority - DHA]

Police Pensions (Old Scheme) (Amendment) Regulations 2010
[SD 96/10 : Commencement : As UK : Issuing Authority - DHA]

Social Security Benefits Up-rating Order 2010
[SD 04/10: Commencement : 12/04/10 : Issuing Authority - DHSS]

Social Security Legislation (Contributions) (Application) Order 2010
[SD 06/10: Commencement : 06/04/10 : Issuing Authority - DHSS]

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2009

[SD 910/09 : Commencement : 06/04/10 : Issuing Authority - DHSS]

[restrictions FIS/DWA]

Social Security Legislation (Benefits) (Application) (No.5) Order 2009

[SD 914/09 : Commencement : 01/10/09 : Issuing Authority - DHSS]

[industrial injuries]

Social Security Legislation (Benefits) (Application) (Amendment) Order 2009

[SD 915/09 : Commencement : 05/04/10 : Issuing Authority - DHSS]

[increase in pension age]

Warehousekeepers and Owners of Warehoused Goods (Amendment) Regulations 2010

[SD 95/10 : Commencement : 02/03/10 : Issuing Authority - Treasury]

APRIL 2010

Compensation of Depositors (Amendment) Regulations 2010

[SD 192/10 : Commencement : 22/04/10 : Issuing Authority - Treasury]

Customs and Excise Airport Order 2010

[SD 142/10 : Commencement : 01/05/10 : Issuing Authority - Treasury]

[Designation Ronaldsway Airport]

Data Protection (Fees) Regulations 2010

[SD 75/10 : Commencement : 01/05/10 : Issuing Authority - Treasury]

[originally issued as SDD 175/10]

Education (Student Awards) Regulations 2010

[SD 233/10 : Commencement : 01/05/10 : Issuing Authority - DoE]

Excise Goods (Sales on Board Ships and Aircraft) (Amendment) Regulations 2010

[SD 199/10 : Commencement : 01/04/10 : Issuing Authority - Treasury]

Family Income Supplement and Disability Working Allowance (Child Care Charge Adjustment) Scheme (Amendment) Order 2010

[SD 88/10 : Commencement : 01/05/10 : Issuing Authority - DHSS]

Goods Infringing Intellectual Property Rights (Customs) (Isle of Man) (Amendment) Regulations 2010

[SD 206/10 : Commencement : 30/04/10 : Issuing Authority - CoM]

Social Security Legislation (Benefits) (Application) Order 2010

[SD 91/10 : Deemed Commencement : 12/04/10 : Issuing Authority - DHSS]

[earnings limit]

Social Security Legislation (Benefits) (Application) (Amendment) Order 2010

[SD 92/10 : Deemed Commencement : 12/04/10 : Issuing Authority - DHSS]

[earnings limit]

Social Security Legislation (Contributions) (Application) (No.2) Order 2010
[SD 87/10 : Deemed Commencement : 06/04/09 : Issuing Authority - DHSS]
[class 3 additional years]

Sulby Claddagh Byelaws 2010
[SD 109/10 : Commencement : 26/04/10 : Issuing Authority - DAFF]

TV Licence (Refunds) Scheme (Amendment) Order 2010
[SD 90/10 : Commencement : 01/05/10 : Issuing Authority - DHSS]

Value Added Tax (Amendment) Regulations 2010
[SD 191/10 : Commencement : 01/04/10 : Issuing Authority - Treasury]

Value Added Tax (Increase of Registration Limits) Order 2010
[SD 213/10 : Commencement : 01/04/10 : Issuing Authority - Treasury]

MAY 2010

Customs and Excise Acts (Application) (Amendment) Order 2010
[SD239/10 : Deemed Commencement : 01/04/10 : Issuing Authority - Treasury]

Employment of Security Staff (On-licensed Premises) (Amendment of Application Fee)
Regulations 2010
[SD157/10 : Commencement : 01/07/10 : Issuing Authority – DHA]

Excise Duties Order 2010
[SD 211/10 : Commencement : 24/03/10 : Issuing Authority - Treasury]

Excise Duties (No.2) Order 2010
[SD 247/10 : Commencement : See Order : Issuing Authority - Treasury]

Excise Goods (Holding Movement and Duty Point) Regulations 2010
[SD 198/10 : Commencement : See Regulations : Issuing Authority - Treasury]

Export Control (Uzbekistan) Order 2010 (Application) Order 2010
[SD197/10 : Deemed Commencement : 29/03/10 : Issuing Authority - Treasury]

Immigration (Designation of Travel Bans) Order 2010
[SD 257/10 : Commencement : 01/06/10 : Issuing Authority - Chief Secretary's Office]

Immigration and Nationality (Fees) Regulations 2010
[SD 255/10 : Commencement : 21/04/10 : Issuing Authority - Chief Secretary's Office]

Immigration and Nationality (Fees) (Amendment) Order 2010
[SD 254/10 : Commencement : 21/04/10 : Issuing Authority - Chief Secretary's Office]

Value Added Tax (Consideration for Fuel Provided for Private Use) Order 2010
[SD 212/10 : Commencement : 01/05/10 : Issuing Authority - Treasury]

Value Added Tax Act 1996 (Amendment) Order 2010
[SD 207/10 : Commencement : 01/04/10 : Issuing Authority - Treasury]

Value Added Tax Act 1996 (Amendment No.2) Order 2010
[SD 208/10 : Commencement : 01/04/10 : Issuing Authority - Treasury]

Value Added Tax (Amendment No.2) Regulations 2010
[SD 240/10 : Commencement : 01/01/10 : Issuing Authority - Treasury]

Value Added Tax (Small Non-Commercial Consignments) Relief (Amendment) Order 2010
[SD 245/10 : Commencement : 28/04/10 : Issuing Authority - Treasury]

JUNE 2010

Biodiesel Duty (Biodiesel Produced from Waste Cooking Oil) (Relief) Regulations 2010
[SD 261/10 : Deemed Commencement : 01/04/10 : Issuing Authority - Treasury]

Customs and Excise Acts (Amendment) (No.2) Order 2010
[SD 327/10 : Deemed Commencement : 01/04/10 : Issuing Authority - Treasury]
[SD238/10 withdrawn]

Customs and Excise Acts (Application) Order 2010
[SD 292/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]
[air passenger duty]

Immigration Appeals (Specified States) (Amendment) Order 2010
[SD 293/10 : Commencement : 01/07/10 : Issuing Authority - CSO]
[Kosovo/South Korea]

Reach Enforcement Regulations 2008 (Application) Order 2010
[SD 306/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]
[chemicals in the EU - REACH Regulation]

JULY 2010

Bank Holidays (Amendment) Order 2010
[SD 514/10 : Commencement : 13/07/10 : Issuing Authority - Treasury]

Employment (Recoupment of Jobseeker's Allowance and Income Support) Regulations 2010
[SD 350/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

Fees and Duties (Firearms) Order 2010
[SD 478/10 : Commencement : 01/08/10 : Issuing Authority - DHA]

Fees and Duties (Regulated Weapons) Order 2010
[SD 479/10 : Commencement : 01/08/10 : Issuing Authority - DHA]

Goods Infringing Intellectual Property Rights (Customs) (Isle of Man) (Amendment) (No.2) Regulations 2010
[SD 517/10 : Commencement : 31/07/10 : Issuing Authority - CoM]

Income Support (General) (Isle of Man) (Amendment) (No.2) Regulations 2010
[SD 348/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

Income Support and Jobseeker's Allowance (Exceptional Needs Grants and Budgeting Loans) (Amendment) Regulations 2010

[SD 349/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

[budgeting loans ex-prisoners]

National Health Service (Charges for Drugs and Appliances) Regulations 2010

[SD 511/10 : Commencement : 01/09/10 : Issuing Authority - DOH]

National Health Service (Dental Charges) Regulations 2010

[SD 510/10 : Commencement : 01/09/10 : Issuing Authority - DOH]

Nursing Care Contribution Scheme (Amendment) Order 2010

[SD 347/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

Peel Dog Control Byelaws 2010

[SD 454/10 : Commencement : 01/06/10 : Issuing Authority - Commissioners]

Pension Schemes Legislation (Application) (No.2) Order 2010

[SD 352/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

Pensions Act 1995 (Application) (Amendment) Order 2010

[SD 341/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

[cross reference correction]

Pensions Act 2008 (Application) (Amendment) Order 2010

[SD 342/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

[cross reference correction]

Sheep and Goats (Records Identification and Movement) Order 2010

[SD 154/10 : Commencement : 16/07/10 : Issuing Authority - DEFA]

Social Security Legislation (Benefits) (Application) (No.2) Order 2010

[SD 344/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

Social Security Legislation (Benefits) (Application) (No.3) Order 2010

[SD 345/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

[benefit rates]

Social Security Legislation (Benefits) (Application) (No.4) Order 2010

[SD 346/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

[state pension reform]

Social Security Legislation (Contributions) (Application) (No.3) Order 2010

[SD 475/10 : Commencement : 16/07/10 : Issuing Authority - Treasury]

[lower earnings limit £97]

Social Security Legislation (Credits) (Application) Order 2010

[SD 343/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

Social Security Legislation (Pensions) (Application) Order 2010

[SD 351/10 : Commencement : 01/08/10 : Issuing Authority - DSC]

STATUTORY DOCUMENTS NOT LAID BEFORE TYNWALD

ECCLESIASTICAL

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

[SD 809/09 : Commencement : 01/01/10 ex s.3/01/07/10 s.3 : Issuing Authority - Lord Bishop]

The Measure amended various Measures including the transfer of some rule-making functions to the Legislative Committee of the Sodor and Man Diocesan Synod. For appointed day orders see SD 810/09 and SD 329/10.

ROAD TRAFFIC

SPEED LIMITS AT SCHOOL ENTRANCES (AMENDMENT) (No.1) ORDER 2010

[SD 253/10 : Commencement : 31/05/10 : Issuing Authority - DoI]

The Order concerned Rushen School. Measure amended various Measures including the transfer of some rule-making functions to the Legislative Committee of the Sodor and Man Diocesan Synod. For appointed day orders see SD 810/09 and SD 329/10.

INDEX OF STATUTORY DOCUMENTS BY NUMBER

SD809/09 [p.47]
SD834/09 [p.32, 40]
SD848/09 [p.40]
SD849/09 [p.40]
SD850/09 [p.40]
SD851/09 [p.34]
SD856/09 [p.40]
SD858/09 [p.40]
SD873/09 [p.35]
SD874/09 [p.32, 40]
SD876/09 [p.42]
SD886/09 [p.34]
SD895/09 [p.40]
SD896/09 [p.40]
SD897/09 [p.41]
SD906/09 [p.41]
SD907/09 [p.34]
SD909/09 [p.40]
SD910/09 [p.43]
SD911/09 [p.42]
SD912/09 [p.41]
SD913/09 [p.41]
SD914/09 [p.43]
SD915/09 [p.43]
SD925/09 [p.40]
SD928/09 [p.40]
SD04/10 [p.42]
SD05/10 [p.42]
SD06/10 [p.42]
SD07/10 [p.35]
SD08/10 [p.35]
SD09/10 [p.35]
SD13/10 [p.41]
SD16/10 [p.41]
SD17/10 [p.33]
SD18/10 [p.33]
SD19/10 [p.34]
SD20/10 [p.33]
SD21/10 [p.32, 33]
SD22/10 [p.32, 33]
SD23/10 [p.32, 33]
SD28/10 [p.33]
SD29/10 [p.33]
SD30/10 [p.34]
SD31/10 [p.34]
SD32/10 [p.34]
SD33/10 [p.33]
SD34/10 [p.33]
SD36/10 [p.32, 33]
SD40/10 [p.41]
SD41/10 [p.35]
SD42/10 [p.35]
SD44/10 [p.32, 35]

SD45/10 [p.33]
SD46/10 [p.41]
SD47/10 [p.41]
SD50/10 [p.36]
SD60/10 [p.33]
SD61/10 [p.41]
SD62/10 [p.36]
SD63/10 [p.42]
SD72/10 [p.41]
SD73/10 [p.41]
SD75/10 [p.43]
SD85/10 [p.41]
SD86/10 [p.42]
SD87/10 [p.44]
SD88/10 [p.43]
SD90/10 [p.44]
SD91/10 [p.43]
SD92/10 [p.43]
SD93/10 [p.38]
SD94/10 [p.32, 42]
SD95/10 [p.43]
SD96/10 [p.42]
SD97/10 [p.42]
SD98/10 [p.42]
SD99/10 [p.41]
SD109/10 [p.44]
SD111/10 [p.42]
SD112/10 [p.42]
SD114/10 [p.42]
SD137/10 [p.26]
SD139/10 [p.26]
SD140/10 [p.26]
SD142/10 [p.43]
SD154/10 [p.46]
SD155/10 [p.36]
SD156/10 [p.26]
SD157/10 [p.44]
SD161/10 [p.36]
SD162/10 [p.36]
SD163/10 [p.36]
SD164/10 [p.36]
SD165/10 [p.36]
SD166/10 [p.36]
SD167/10 [p.36]
SD168/10 [p.37]
SD169/10 [p.37]
SD170/10 [p.37]
SD171/10 [p.37]
SD172/10 [p.37]
SD173/10 [p.37]
SD174/10 [p.37]
SD191/10 [p.44]
SD192/10 [p.43]
SD197/10 [p.44]
SD198/10 [p.44]
SD199/10 [p.43]

SD200/10 [p.38]
SD201/10 [p.38]
SD206/10 [p.43]
SD207/10 [p.32, 44]
SD208/10 [p.32, 45]
SD211/10 [p.32, 44]
SD212/10 [p.32, 44]
SD213/10 [p.32, 44]
SD225/10 [p.26]
SD233/10 [p.43]
SD239/10 [p.44]
SD240/10 [p.45]
SD245/10 [p.45]
SD246/10 [p.38]
SD247/10 [p.32, 44]
SD253/10 [p.47]
SD254/10 [p.44]
SD255/10 [p.44]
SD257/10 [p.44]
SD261/10 [p.45]
SD291/10 [p.38]
SD292/10 [p.45]
SD293/10 [p.45]
SD306/10 [p.45]
SD327/10 [p.32, 45]
SD330/10 [p.38]
SD339/10 [p.39]
SD340/10 [p.39]
SD341/10 [p.46]
SD342/10 [p.46]
SD343/10 [p.46]
SD344/10 [p.46]
SD345/10 [p.46]
SD346/10 [p.46]
SD347/10 [p.46]
SD348/10 [p.45]
SD349/10 [p.46]
SD350/10 [p.45]
SD351/10 [p.46]
SD352/10 [p.46]
SD454/10 [p.46]
SD460/10 [p.39]
SD474/10 [p.32, 39]
SD475/10 [p.46]
SD477/10 [p.39]
SD478/10 [p.45]
SD479/10 [p.45]
SD508/10 [p.39]
SD509/10 [p.39]
SD510/10 [p.46]
SD511/10 [p.46]
SD514/10 [p.45]
SD515/10 [p.26]
SD516/10 [p.39]
SD517/10 [p.45]
GC 7/10 [p.37]

GOVERNMENT CIRCULARS

BURIALS

Burial Grounds (Maximum Rate) Order 2010

[GC 08/10 : Commencement : 01/4/10 : Issuing Authority - DLG]

The Order specified the maximum amount of the parish burial rate.

IMMIGRATION

Statement of Changes in Immigration Rules

[GC 32/09 : Commencement : See Rules : Issuing Authority - Chief Secretary's Office]

The Statement introduced the points based system.

Statement of Changes in Immigration Rules

[GC 14/10 : Commencement : 29/4/10 : Issuing Authority - Chief Secretary's Office]

The Statement concerned the definition of public funds and amended the business and special visitors category.

Statement of Changes in Immigration Rules

[GC 26/10 : Commencement : 26/7/10 : Issuing Authority - Chief Secretary's Office]

The Statement concerned tiers 1 [post study work], 2 [skilled workers], 4 [students] and 5 [temporary workers] of the points based system.

PART IV

UK LEGISLATION EXTENDED TO THE ISLAND

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

NUCLEAR SAFEGUARDS

NUCLEAR MATERIAL (OFFENCES) ACT 1983 (ISLE OF MAN) ORDER 2009

S.I. 2009/3203 - Effective 10/12/09

The Order extended with modifications ss 1 to 4, 6 and 8 and the Schedule to the Nuclear Material (Offences) Act 1983 as amended.

POLICE

POLICE ACT 1997 (CRIMINAL RECORDS) (ISLE OF MAN) ORDER 2010

S.I. 2010/764 - Effective 10/12/09

The Order extended Part 5 of the Police Act 1997 which concerns certificates issued by the UK Criminal Records Bureau.

PART V

REPORTS

Isle of Man Budget 2010-11 [GD14/10] [re-presented following the Restructure of Government]

Review of the Scope and Structure of the Isle of Man Government - Report of the Council of Ministers Annual Report - January 2010 [GD07/10]

Report of the Select Committee of Tynwald on Legal Aid in Family Matters [Petition for Redress of Grievance] [PP74/10]

Report of the Select Committee of Tynwald on the Report on Redress for Mr and Mrs Spadoni [Actions of the Marine Administration] [PP51/10]

Report on the Forward Purchase of Euros for the RESA Scheme [Standing Committee on Public Accounts] [PP156/09]

Report on the Isle of Man Police Complaints Process - Department of Home Affairs - May 2010 [GD25/10]

Review of the Planning System January 2010 - Report to Tynwald by the Department of Local Government and the Environment [GR52/09]

Treasury Response to the Report of the Standing Committee on Expenditure & Public Accounts on the Management & Use of Reserve Funds 2002 to 2008 [April 2009] [GR20/10]

First Report of the Standing Committee on Constitutional Matters 2009-2010 - Constitutional Aspects of Reform of Immigration Control [PP56/10]

A Council of Ministers Report on the First Report of the Standing Committee on Constitutional Matters 2009-2010 - Constitutional Aspects of Reform of Immigration Control [GD37/10]

Advertising in the Countryside – Report of the Select Committee of Tynwald [PP63/10]

Standing Committee on Economic Initiatives - Annual (Second) Report 2009-2010 [PP93/10]

Chief Constable's Annual Report 2009-2010 [GD21/10]

Report of the Police Complaints Commissioner 31 March 2010 [GD33/10]

Criminal Injuries Compensation Scheme - Report for 209/10

Proposals for a Unified Pension Scheme for Isle of Man Public Servants [Council of Ministers] [GD23/10]

Annual Report of the Surveillance Commissioner for 2009 [GD09/10]

Isle of Man Gambling Supervision Commission - Annual Report 2008-2009

Annual Report of the Scrutiny Committee for the Session 2009-10 [PP66/10]

Report of the Civil Service Commission to the Chief Minister: April 2009 - March 2010 [GR27/10]

Marketing Initiatives Fund - Treasury Report - April 2009 - March 2010 [GR29/10]

PART VI

RULES OF COURT [*Made by the Deemsters*]

SD 352/09 Rules of the High Court of Justice 2009

SD 353/09 Rules of the High Court (Family Proceedings) 2009

SD 354/09 Rules of the High Court (Matrimonial Proceedings) (Amendment) 2009

SD 355/09 Adoption (Amendment) Rules 2009

SD 356/09 Probate (Amendment) Rules 2009

SD 72/10 High Court Fees Order 2010 [May Tynwald 2010 operative 6/4/10]

The above were laid June Tynwald 2009 operative 1 September 2009.

SD 480/09 Rules of the High Court (Company Officers Disqualification) 2009

Above laid July Tynwald 2009 operative 18 June 2009.

SD 686/09 Rules of the High Court of Justice (Amendment) 2009

Above laid October Tynwald 2009 operative 1 September 2009 and concern a directions questionnaire.

SD 222/10 Rules of the High Court of Justice (Amendment) 2010

Above laid April Tynwald 2010 operative 1 June 2010 and concern financial restrictions proceedings under Part 3 Terrorism (Finance) Act 2009, replacement of table of fixed costs and small claims - power to award a specific expert's fee.

PRACTICE DIRECTIONS [*Made by the Deemsters*]

SD 223/10 Practice Direction No.1 of 2010 - claims in foreign currencies
Operative 1 May 2010 ceases 21 December 2011

SD 224/10 Practice Direction No.2 of 2010 - restriction on orders for costs in small claims
Operative 1 June 2010 ceases 21 December 2011

CASES

Part 7 Chapter 6 Offers to settle - divergence from English Rules

Traditional Builders Ltd -v- Modena Lifestyles Ltd & Or [SUM09/1] Deemster Corlett
Judgment 15/1/10

There is a clear steer in the Rules that where an offer to settle is accepted, the claimant is entitled to his costs of the proceedings up to the date on which notice of acceptance is served on the offeror, as set out in r 7.61. There is no material difference between the Manx and English rules and so Manx courts should not diverge without very good reason from guidance in the English courts on the interpretation of similar or identical rules.

INFORMATION SOURCES

The Manx Law Newsletter is free when accessed via the home page of the Isle of Man Government. www.gov.im then on the ribbon click “infocentre” followed by “Manx Law”.