

**MANX LAW NEWSLETTER**

**ISSUE 5**

**OCTOBER - DECEMBER 2010**

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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 5 MLN.

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## CONTENTS

### INDEX OF HEADINGS

<b>PART I</b>	-	<b>Case Notes</b>	5
<b>PART II</b>	-	<b>Bills and Acts</b>	11
		<b>Appointed Day Orders</b>	29
		Tables of Acts of Tynwald	30
		Statutory Documents Amending Acts	35
<b>PART III</b>	-	<b>Subordinate Legislation</b>	36
		List A	36
		List B	41
		Government Circulars	45
		Statutory Documents not put before Tynwald	45
		Index of Statutory Documents by Number	46
<b>PART IV</b>	-	<b>UK Legislation Extended to the Island</b>	48
<b>PART V</b>	-	<b>Reports</b>	49
<b>PART VI</b>	-	<b>Rules of Court</b>	50
		Information Sources	50

**INDEX OF HEADINGS**  
*[Page references are bracketed]*

ADVOCATES [6]  
AGRICULTURAL MARKETING [36]  
APPOINTED DAY ORDERS [29]  
BUSINESS NAMES [7]  
COLLECTIVE INVESTMENT SCHEMES [36]  
COMPANIES [7, 36, 39]  
CONTRACT [7]  
COSTS [7]  
CURRENCY [36]  
CUSTOMS & EXCISE [35]  
DAMAGES [8]  
DEFENCE [48]  
DEPOSITORS COMPENSATION [37]  
DRUGS [8]  
ECCLESIASTICAL [35, 38]  
EMPLOYMENT [9]  
FINANCIAL SERVICES [39]  
FORESTRY [45]  
GAMBLING [40]  
INSOLVENCY [9]  
INSURANCE [37, 39]  
PLANNING [45]  
RACE RELATIONS [35, 37]  
ROAD TRAFFIC [45]  
SCHEMES [45]  
SENTENCING [9]  
SOCIAL SECURITY [35, 37, 40]  
SUCCESSION [10]  
TAXATION [35, 38]  
TAXATION - INTERNATIONAL AGREEMENTS [38]  
TRIBUNALS [40]  
TRUSTS [10]  
VALUE ADDED TAX [35, 38]

## PART I

### ALPHABETICAL INDEX TO CASES

Full copies of judgments available [www.courts.im](http://www.courts.im) and on written application to the Chief Registrar, 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.*

BUSHELL, ESTATE OF [PETITION OF PENN (executor)] [succession]	10
CORKILL & OR -v- WALMSLEY & CWD LTD [contract]	7
CROWE MORGAN -v- HORWATH CLARK WHITEHILL LLC [business names]	7
EMEA OIL LTD -v- PETRODEL RESOURCES LTD [employment]	9
HARPER (RECEIVER OF KOLEMOS LTD) -v- SIMPSON & ORS [companies]	7
HENWOOD -v- MORONEY & BYRNE [advocates]	6
JONES -v- MONTPELIER TAX PLANNING (ISLE OF MAN) LTD [advocates]	6
MARTIN -v- KINGSWAY DEVELOPMENTS LTD [damages]	8
MUSGRAVE -v- R [sentencing]	9
R -v- D [advocates]	6
OSIRIS TRUSTEES LTD & GOODWAYS LTD & DE MONFORT SECURITIES LTD -v- OAKLEY [trusts]	10
SANDERS, R v [drugs]	8
SEGAUN CAPITAL (GENERAL PARTNER) LTD -v- IFG INTERNATIONAL LTD & OR [costs]	7
SIMPSON & SPRATT [LIQUIDATORS OF THE BANK] AND KAUPTHING SINGER & FRIEDLANDER (IOM) LTD -v- LIGHT HOUSE LIVING LTD & MACPHERSON [insolvency]	9
VANSELOW, R v [costs]	8

## ADVOCATES

Advocates (Account) Rules - failure to produce full record of transactions and expenses for client - not the function of an advocate to seek to give evidence on behalf of a client [para 50] - advocate required to promote the interests of their client and in this context the identity of the payer of bills for professional services of no matter [para 53] - client entitled to a reconciled client account within a reasonable time - obligation to provide account rests on the advocate alone - test found *para 41 Clucas Food Services Ltd and Ice Man Ltd v Salmon [2005] CPL 2004/6* for ordering costs on the indemnity basis not met

### HENWOOD -v- MORONEY & BYRNE

[Ref: CLA2008/88, Civil Division, Deemster J. H. Allen  
Judgment: 12 November 2010 [signed 9 November 2010]  
Counsel - W.H. Wannenburg for the applicant: Miss V. Oates for the defendants]

Costs order - review of the decision of the Assistant Chief Registrar - advocate's files produced for inspection by the High Bailiff - case law judicial review of o 48A\* considered - new rules of court emphasised need for proportionality in respect of costs - proportionality in costs *Lownds v Home Office [2002] 1WLR 2450* and *Young v Smart (Builders) Ltd [2004] EWHC 103 QB* - review should look at the global figure and detailed items - not necessary on a review within the office of the chief registrar for a line by line re-assessment of the bill but such reviewing officer should if required have access to advocate's files - {equivalent 2009 rules Part 11 - r 11.33 made it clear which documents must be filed at a detailed assessment hearing}

### JONES -v- MONTPELIER TAX PLANNING (ISLE OF MAN) LTD

[Ref: TXA09/1, High Bailiff Needham  
Judgment: 24 September 2010  
Counsel - Mr Jones in person: Mr Coppell Assistant Chief Registrar in person]

Wasted costs orders made against advocates personally - serious dereliction of duty - failures in preparation, disclosure, editing of evidence for the jury, conduct of trial, compliance with directions of the court and assistance on questions of Manx law - reviewed law on jurisdiction of the court and duty of advocate to the court - para 158 to advance a hopeless argument may well attract a wasted costs order - para 259 see on disclosure *McInnes v HM Advocate The Times 11 February 2010* [See also judgment of 8 December 2010 on application for recusal]

### R v D

[Ref: CRIM2008/55, General Gaol Delivery, Deemster C. Otton-Goulder  
Judgment: 7 December 2010]

## **BUSINESS NAMES**

Accountancy profession - application not to allow registration and use of a certain company name - tort of passing off and damage to goodwill see *Premier Luggage [2002] EWCACiv 387* - no protection against confusion per se *County Sound [1991] FSR 367* [transcript]

**CROWE MORGAN (a firm) -v- HORWATH CLARK WHITEHILL LLC**

[Ref: CHP10/113, Civil Division, Deemster Corlett

Judgment: 30 September 2010

Counsel - T.P. McDonald for the applicant: C.N.I. Webb for the respondent]

## **COMPANIES**

Doctrine of unanimous informal consent [“Duomatic principle”] not applicable to beneficial shareholders in the circumstances of this case - case law “Duomatic principle” reviewed in particular cited *Jalmoon Pty Ltd v Bow [1997] 15 ACLC 233 {Supreme Court of Queensland}* - beneficial owner no power to convene EGM or to attend and vote at same or to remove or appoint directors or to grant a power of attorney [transcript]

**HARPER (RECEIVER OF KOLEMOS LTD) -v- SIMPSON & ORS**

[Ref: CHP10/91, Civil Division Chancery, Deemster Doyle

Judgment: 9 November 2010

Counsel - S.F. Caine for the receiver]

## **CONTRACT**

Remoteness of damages - failure to build house extension - damages for stress and inconvenience awarded - work incompetently done and contract unequal as majority of money paid in advance - broken promises to complete work and loss of use of garden - in principle damages can be awarded in such circumstances see on mental suffering directly related to the inconvenience *Watts v Morrow [1991] 1WLR 1421* - binding contract established not gratuitous informal promise as promise supported by consideration - sufficiency of consideration not an issue under existing law

**CORKILL & OR -v- WALMSLEY & CWD LTD**

[Ref: SUM09/45, Civil Division, Deemster Corlett

Judgment: 24 September 2010

Counsel - D.P. Molyneux for the claimants: Mr Walmsley in person: no appearance 2<sup>nd</sup> defendant]

## **COSTS**

Dispute between corporate service provider and client - when awarding costs the issue of who had succeeded very much to the forefront of the court’s consideration - also considered who to a greater degree caused the initial litigation and its continuation [transcript]

**SEGAUN CAPITAL (GENERAL PARTNER) LTD -v- IFG INTERNATIONAL LTD & OR**

[Ref: SUM09/78 & 10/49, Civil Division, Deemster Corlett  
Judgment: 16 November 2010  
Counsel - Ms C.V.J. for the claimant: Mrs G.C. Christian for the defendants]

Costs awarded against prosecution to be paid out of public funds under s 50(1A) Criminal Jurisdiction Act 1993 - charge of attempted murder - Criminal Justice (Defence Costs) Rules 2000 - prosecution responsible for costs even though relative had undertaken payment *R v Collister 2003-05 MLR N 19* - failure to explain part of the evidence insufficient to lead to deprivation of costs - serious nature of the charge justified expenditure on expert evidence [transcript]

R -v- VANSELOW

[Ref: CRIM09/41, General Gaol Delivery, Deemster Doyle  
Judgment: 15 September 2010  
Counsel - Mrs L.D. Watts for the Crown: A.L. Gough for the defendant]  
[classification : costs]

## **DAMAGES**

Failure to fix handrail on stairway correctly - handrail mountings fixed into plasterboard not back to the masonry wall - fall down thirteen steps - age of claimant 65 years - awarded in isolation fractured shoulder injury £4250: fractured ribs £2200: muscle injury ankle lasting 19 months: £4500: minor discolouration skin right leg and sensation change: £2500 - reduced because of overlap to £9600 general damages

MARTIN -v- KINGSWAY DEVELOPMENTS LTD

[Ref: SUM10/103, Civil Division, Deemster Corlett  
Judgment: 29 September 2010  
Counsel - Mrs E.A. Parkes for the claimant: no appearance by Kingsway]

## **DRUGS**

Doctrine of *autrefois acquit* rejected as alternative verdict not possible given the guilty plea and no jury trial - tablets thought to be ecstasy later found to be Class C piperazine - punishments for Class A possession quashed and subsequently charged with attempted possession of ecstasy - prosecution for lesser offence should proceed because the different nature of the tablets was a material change of circumstance - law on abuse of process reviewed - behaviour of the prosecution not so bad that it satisfied the test *R v Beckford [1996] 1 CrAppR 94* - although the defendant had originally chosen to plead guilty in the circumstances it was the duty of the prosecution to prevent this - the fact that the defendant a non-Island resident had innocently spent 19 days in custody could be addressed in any later sentence

R -v- SANDERS

[Summary Courts, Deputy High Bailiff Montgomerie  
Judgment: 10 December 2010  
Counsel - P. Rodgers for the defendant: Miss J Hughes for the Crown]

## **EMPLOYMENT**

Services under a consultancy agreement in the oil industry - case law incomplete contracts reviewed - implied contractual terms *Manx Airlines Ltd v Richards 1990-92 MLR 382*

### **EMEA OIL LTD -v- PETRODEL RESOURCES LTD**

[Ref: SUM09/59, Civil Division, High Bailiff Needham

Judgment: 15 October 2010

Counsel - D.P. Molyneux for the claimant: M.A. Benham for the defendant]

## **INSOLVENCY**

Insolvent bank - mutual equitable set-off - mortgage arranged through Manx nominee company [being a special purpose vehicle] of a bank client could be set-off against money deposited in a personal capacity with the same bank - {para 137} no justice in the beneficial owner (here 2nd defendant) being unable to claim set-off because of the late interposition of a nominee in dealings with the bank - para171 sets out key argument of judgment - bank always aware that loan entirely for the use of 2nd defendant - distinguished on a factual difference *re Bank of Credit and Commerce International SA (No 8) [1998] AC 214* limited company borrowers took loans for themselves (BCCI cases considered paras 103 to 111) - interpretation s 22 Bankruptcy Code 1892 as applied by s 248 Companies Act 1931 - {para 58} words in s 22 “what is due from one party to the other in respect of such mutual dealings” allowed for the notion of a liability being beneficially held -{para 138 & 162} “party” not exclusively a party legally liable to repay the debt - legislative history and case law on the mutuality principle in regard to bankruptcy reviewed - applied {para 55} *Bailey v Finch [1871] LR7 QB 34* {explored further paras 61 to 69 & 97 on cross debts} and {para 56} *Foster v Wilson [1843] 12 M&W 191* on the purpose behind s 22 of the Code - {paras 56 to 59 & 159} strictly literal interpretation of s 22 entirely inappropriate {paras 94 to 96, 147 & 150} limits to set off where any lack of correspondence between mutual credits and debits - {paras 96 to 99 & 151} reciprocity in mutual dealings - {paras 173 to 181} on the facts there was no intention to constitute the first defendant as an agent of the second

### **SIMPSON & SPRATT [LIQUIDATORS OF THE BANK] AND KAUPTHING SINGER & FRIEDLANDER (IOM) LTD -v- LIGHT HOUSE LIVING LTD & MACPHERSON**

[Ref: CHP2010/11, Civil Division, Deemster A.G. Moran

Judgment: 2 December 2010

Counsel - Mr L. Tamlyn/R.I Colquitt for the liquidators: J. McDonnell QC/Ms L.C. Byrne for the defendants]

## **SENTENCING**

Assault occasioning actual bodily harm in a private home - abandoned plea of automatism due to alcoholic intoxication - whilst a defendant must be entitled to explore the merits of a possible defence it was well established that the sooner a guilty plea entered the greater the credit given - custody threshold crossed however sentence reduce from 6 to 4 months

### **MUSGRAVE -v- R**

[Ref: 2DS 2010/25, Staff of Government Division Criminal Jurisdiction,  
G. F. Tattersall, J.A. /Deemster Doyle  
Judgment: 26 November 2010  
Counsel - J.P.B. Carter for the appellant: Mr J. Bullis for the Crown]

## **SUCCESSION**

Rectification of will under s 20(1) Wills Act 1985 to allow unconditional gift - drafting error - preliminary issue whether permission should be granted out of time under s 20(2) - case law on rectification out of time reviewed - check list of specific factors to be taken into account - on the nature of the time limit *McNulty v McNulty* [2002] EWHC 123/para 91 approved [transcript]

ESTATE OF BUSHELL [PETITION OF PENN (executor)]

[Ref: ORD 10/35, Civil Division, Deemster Doyle  
Judgment: 17 November 2010  
Counsel - P.B. Clucas for the claimant: Ms R. Berry for the charities]

## **TRUSTS**

Interim payment to solicitor r 7.21 Rules of the High Court of Justice 2009 - litigation proceeding over ten years - interim payment procedures not suitable when factual issues complicated or difficult points of law raised *Schott Kem Ltd v Bentley* [1991] 1QB 61 - court should be satisfied first that a substantial sum of money involved and second consider any set off claimed or counterclaims *Shanning International Ltd v George Wimpey International Ltd* [1988] 1WLR 981 CA

OSIRIS TRUSTEES LTD & GOODWAYS LTD & DE MONFORT SECURITIES LTD  
-v- OAKLEY

[Ref: ORD10/70, Civil Division, Deemster J. H. Allen  
Judgment: 12 November 2010 [signed 5 November 2010]  
Counsel - J.J.Callin for Osiris and Goodways: C.M. Brooks for De Monfort: Ms L.C. Byrne for Oakley]

**PART II**  
**BILLS AND ACTS**

Anti-Terrorism and Crime (Amendment)

Breastfeeding

Building Control (Amendment)

Children and Young Persons (Amendment)

Companies (Prohibition of Bearer Shares)

Criminal Justice (Witness Anonymity) Act 2011 [c.1]

Debt Recovery and Enforcement

European Union (Amendment)

Financial Provisions and Currency

Foundations

Housing (Miscellaneous Provisions)

Income Tax

Limited Partnership (Legal Personality)

Public Sector Pensions

Road Races (Amendment)

Tynwald Auditor General

Tynwald Commissioner for Administration

**ANTI-TERRORISM AND CRIME (AMENDMENT) BILL 2010**

This Bill promoted by the Department of Home Affairs amends the Anti-Terrorism and Crime Act 2003. Part 1 (opening provisions) clause 1 states the short title and clause 2 provides for its commencement by appointed day orders.

Part 2 (amendments to Anti-Terrorism and Crime Act 2003) clause 3 introduces the amendments to the 2003 Act. Clause 4 amends section 1 which defines terrorism so as to cover threats designed to influence international organisations as well as governments. It also extends it to cover Convention offences (see the inserted Schedule 13A) and provides a definition of “act of terrorism” and one of offences with a terrorism connection.

Clause 5 adds subsections to section 2 on proscribed organisations to cater for where the Secretary of State makes an order that a name is to be treated as another name for an organisation so that it will be proscribed under that other name.

Clause 6 substitutes section 9 on funding of terrorism so that it is an offence to facilitate the funding of terrorism. Clause 7 amends section 10 (money laundering) by widening it to cover facilitation of the retention or control of terrorist property and to do so by disguise or conversion.

Clause 8 extends the duty to disclose information in section 11 to information that comes to a person's attention in the course of the person's employment, whether or not in the course of a trade, profession or business.

Clause 9 amends section 13 (co-operation with the police) so that its wording harmonises with the amendments made to sections 9 and 10. Clause 10 inserts section 15A that defines "employment" for the purposes of sections 11 to 15.

Clause 11 replaces section 16 on forfeiture with slightly revised wording and inserts 3 new sections supplementing it. Whereas section 16 is concerned with forfeiture in the case of terrorist property offences (sections 7 to 10), section 16A deals with forfeiture in the case of other terrorism offences and offences with a terrorist connection. Section 16B creates "special forfeiture orders" where the court wishes to make a forfeiture order under section 16 or 16A and the property is no longer in the possession or control of the convicted person but that person has other property. The court is able then to order forfeiture of up to the equivalent value. Section 16C deals with additional matters the court must take into account before making an order under sections 16 to 16B, including third party rights.

Clause 12 inserts Part IIIA about notification requirements. It covers new sections 18A to 18W. Section 18A sets out the scheme of Part IIIA and section 18B applies the new Part to an offence under the Act. Section 18C applies it to offences having a terrorist connection. Section 18D explains when the Part applies to a person dealt with for an offence before its commencement. Section 18E states that the notification requirements apply to a person who is over the age of 18 when dealt with for an applicable offence and made subject to a sentence or order within section 18F.

Section 18F sets out the sentences or orders that trigger the notification requirements and section 18G gives the Department power to amend those provisions by order. Section 18H deals with the initial notification requirements - requirements to give the police certain personal details within 3 days of being dealt with. Section 18I contains requirements to notify the police of changes within 3 days of the change. Section 18J requires re-notification within a year of last notifying. Section 18K sets out the method of notification, which must be orally to a police officer at a police station, and provides for fingerprints and photographs to be taken for the purposes of verifying the person's identity.

Section 18L enables the Department by regulations to require a person who leaves the Island to notify the police of the person's departure and any subsequent return, together with related information.

Section 18M provides for the notification requirements to apply for 30 years in the case of a person over 17 who receives a life sentence, and 10 years in any other case with special rules for persons under a disability.

Section 18N makes it an offence to fail to comply with the various notification requirements. Section 18O sets out the effect of absence from the Island on the various provisions. Section 18P deals with what is to be happen if the person then returns to the Island.

Under section 18Q the notification requirements of Part IIIA are to apply (as adapted by section 18T) to persons who have been dealt with outside the Island in respect of a corresponding offence if section 18S is satisfied. “Corresponding offence” is defined in section 18R to cover offences outside the Island that would have been offences to which Part IIIA applies if committed in the Island or which are terrorism-related. Section 18S sets out the conditions for the application of the notification requirements to persons dealt with elsewhere which relate to the conviction and sentence of the person. Section 18T sets out the adaptations in relation to proceedings which the Part is subject to in the case of proceedings outside the Island.

Section 18U introduces the inserted Schedule 4A which makes provision for travel restriction orders restricting the travel outside the Island of persons subject to the notification requirements. Section 18V is a general interpretative section and section 18W deals specifically with what is meant by being dealt with for an offence and related matters.

Clause 13 amends section 29(1)(a) so as to extend the definition of “terrorist” to cover a person who has committed any offence under the Act.

Clause 14 inserts a new section 31A which authorises warrants to be issued for the search of premises and the seizure and forfeiture of terrorist publications. Further provision about forfeiture is in the inserted Schedule 8A.

Clause 15 inserts sections 32A to 32I. Section 32A provides a power for a constable carrying out a search to remove documents for examination. Section 32B creates an offence of obstructing a constable exercising those powers and section 32C exempts items subject to legal privilege from removal. Section 32D requires the constable removing a document to make a written record of the removal. Further authorisation, by a police officer of at least the rank of chief inspector, is required to retain a document for more than 48 hours, and then only for up to 96 hours: section 32E. Section 32F makes provision for access to retained documents and section 32G contains restrictions on photographing and copying them. Section 32H is concerned with the return of documents and section 32I contains relevant definitions.

Clause 16 inserts Part VA on the interviewing of terrorist suspects. Section 41A enables the High Bailiff to authorise the questioning of a person charged with, or informed about the possibility of prosecution for, an offence under the Act or an offence with a terrorist connection for up to 48 hours at a time if certain conditions are satisfied. Section 41B requires such interviews to be videoed and for a code of practice to be issued about the recording of interviews. Section 41C makes further provision about the code of practice.

Clauses 17 and 19 repeal provisions on forfeiture which are not now needed because of the more general provisions. Clause 18 substitutes a higher penalty of 15 years for the offence of possession of an article for terrorist purposes.

Clause 20 inserts sections 46A to 46D. Section 46A creates an offence of eliciting, publishing or communicating information about members of the armed forces, the British intelligence services or the police that is likely to be useful to a person committing or preparing an act of terrorism. There is a defence of reasonable excuse. Section 46B creates an offence of engaging in conduct with the intention of committing acts of terrorism or assisting another to commit such acts. Section 46C creates an offence of providing instruction or training in terrorism and section 46D sets out the offence of attending at a place used for terrorism training.

Clause 21 inserts sections 47A to 47D. Section 47A creates the offence of publishing statements in connection with terrorism with the intent to incite the commission of acts of terrorism or Convention offences and which increases the risk of such an offence being committed, whether or not the statement directly advocates the commission of the offence. Before instituting any proceedings the Attorney General must certify that the prosecution is in the public interest and proportionate to the harm or risk of harm giving rise to the offence. It is a defence for the person to show that the statement is a proportionate exercise of the right to freedom of expression in a democratic society.

Section 47B makes it an offence to disseminate terrorist publications. Section 47C applies for the purposes of sections 47A and 47B where the relevant statement is published on the internet, on the question of whether the statement in question has the person's endorsement. If a constable gives notice to the person requiring the person to secure that the statement etc which the constable considers unlawfully terrorism-related is not available to the public within 2 working days and if the person does not comply, the statement is to be regarded as having the person's endorsement. Section 47D deals with the giving of notices under section 47C.

Clause 22 amends section 49 so as to extend jurisdiction to anything done outside the Island that would constitute any offence under the Act. The section is now to apply irrespective of whether the person is a British citizen or a company incorporated in the Island. Clause 23 inserts section 49A which provides some new definitions for the purposes of Part VI of the Act.

Clause 24 inserts Part VIA on weapons of mass destruction. Section 49B creates various offences with respect to nuclear weapons. Section 49C creates exceptions in the case of armed conflict or authorisation by the Secretary of State. Defences are set out in section 49D. Section 49E makes it an offence to assist or induce certain acts relating to weapons outside the Island. Section 49F enables the granting of warrants allowing entry to premises and seizure and retention of property where commission of an offence under section 49B or 49E is suspected. Section 49G enables customs officers to treat investigations in respect of offences under sections 49B or 49E as assigned matters within their remit. Section 49H makes it an offence to make false or misleading statements for the purposes of obtaining or imposing the variation or withdrawal of authorisation for the purposes of sections 49B or 49E.

Clauses 25 and 26 [as amended in the Keys] substitutes sections 50 and 51 and inserts section 51A and substitutes section 52(1) about freezing orders.

Clause 27 amends section 53 so as to update the definition of "national" and extend the definition of "resident" to cover partnerships and unincorporated bodies.

Clause 28 amends section 58 so as to remove the exemption from the secrecy requirement in the case of disclosure to the intelligence services (because of the new section 58A) and updates the reference to the Data Protection Act. Clause 29 inserts section 58A which makes new provision about disclosure to the British intelligence services.

Clause 30 amends section 60 so as to extend the scope of the offence of using noxious substances to harm and intimidate to include where the intention is to influence an international organisation as well as a government and where the action constitutes a Convention offence.

Clause 31 inserts a new Part IXA on radioactive devices and materials and nuclear facilities and sites. Section 62A creates an offence of making or possessing a radioactive device or possessing radioactive material for purposes connected with terrorism. Section 62B creates the offence of using such a device or material for those purposes. The offences in section 62C concern demands for the supply of, or threats to use, a radioactive device or radioactive material or a nuclear facility, in connection with terrorism.

Clause 32 amends section 69 so as to extend provisions dealing with the effect of deproscription on appeals in the case of a name treated as the name for the organisation concerned.

Clause 33 makes a consequential amendment to section 70 which provides that the Governor in Council may make regulations providing for certain sections of the Act to apply to persons in the public service of the Crown in right of the Government of the Island, so as to extent it to sections 16 to 16B.

Clause 34 inserts new sections. Section 72A makes supplemental provision concerning powers of forfeiture. Section 72B enables the court to determine that an offence has a terrorist connection in which case it must be treated as an aggravating factor. Section 72C enables the Department to amend Schedule 2A (offences where terrorist connection is to be considered) by order.

Clause 35 amends the general interpretation section so as to include new terms used in the Act as amended by the Bill. Clause 36 amends section 76, the index of defined expressions. Clause 37 inserts section 76A dealing with liability of officers of bodies corporate, etc. Clause 38 makes a consequential amendment as a result of the substitution of the term “a judge of the High Court” for “Deemster”.

Clause 39 continues the Act in force till 30 June 2014.

Clause 40 adds any activity carried on for the purpose of raising money authorised to be raised under the Isle of Man Loans Act 1974 to the list of activities for the purposes of defining businesses in the regulated sector in Schedule 1.

Clause 41 amends Schedule 2 to reflect the new provisions dealing with forfeiture orders and to provide for charging orders for securing, on property liable to a forfeiture order, the payment of money to the Treasury.

Clause 42 provides for the insertion of Schedule 2A.

Clause 43 amends Schedule 3 concerning the forfeiture of terrorist cash. It amends the provision enabling detention of seized cash for 48 hours so as to exclude non-work days for the calculation of the period. It also amends the provision providing for an appeal to the High Court against a decision in forfeiture proceedings and provides for the time for appealing to be extended in certain cases where a deproscription order is made.

Clause 44 amends Schedule 4 so as to extend the definition of “financial institution” to a person who carries out any activity for the purpose of raising money authorised to be raised under the Isle of Man Loans Act 1974 and businesses dealing with client money. References to “Deemster” are changed to “judge of the High Court” and a consequential change is made reflecting the widened forfeiture provisions.

Clause 45 provides for the insertion of Schedule 4A.

Clause 46 makes a series of amendments to Part 1 of Schedule 5. These consist of new provisions with respect to warrants, further substitutions of “judge of the High Court” for Deemster and an increased penalty for obstructing a search.

Clause 47 makes amendments to Schedule 6 on similar lines to those made to Schedule 4.

Clause 48 amends Schedule 8 in relation to the provision that restricts when a direction can be given that a detained person may consult an advocate only in the sight and hearing of a qualified officer, to extend it to where the Chief Constable believes that otherwise it may hinder recovery of property. The grounds for continued detention are extended to include pending the examination or analysis of relevant evidence. The grounds for issuing a warrant of further detention are similarly extended.

Clause 49 provides for the insertion of Schedule 8A.

Clause 50 amends Schedule 9 so as cover liability for offences by partnerships and unincorporated associations.

Clause 51 provides for the insertion of Schedule 13A.

Clause 52 increases the maximum custodial sentence for the offences set out in Schedule 5 from 6 months to 12 months.

Clause 53 restricts the application of certain amendments to events happening after the provisions come into operation.

Part 3 (amendments to other enactments) - Clause 54 amends the Explosive Substances Act 1883 so that offences committed in preparation for the use of explosives with intent to endanger life or property in the Island or in the Republic of Ireland extend to anywhere.

Clause 55 amends the Police Powers and Procedures Act 1998 so that the ability of the court to draw inferences from a person’s failure to mention facts when questioned or charged extends to post-charge questioning under section 41A of the 2003 Act.

Clause 56 amends the Proceeds of Crime Act 2008 so to add references to the new forfeiture provisions added to the 2003 Act by the Bill.

Clause 57 [amended Keys] amends the Terrorism (Finance) Act 2009. The amendments provide that if Treasury has not exercised any functions under Part 2 of the Act during the year it need only report to Tynwald that it has not done so. A new Part 3A is inserted providing for the Department to make codes for the purpose of preventing and detecting terrorism financing. Inserted in the Keys – new sections concerning interim directions by the Treasury, civil penalties and offences for circumventing direction requirements and section 23 (applications to the High Court) and the Schedule (bodies corporate) to the 2009 Act amended.

Schedule 1 inserts Schedule 2A into the 2003 Act. It sets out the offences where a terrorism connection is to be considered.

Schedule 2 inserts Schedule 4A into the 2003 Act and provides for orders prohibiting a person from travelling to one of more countries outside the Island where the person is subject to the notification requirements and it is necessary to prevent the person from taking part in terrorism activity. There are provisions for the Chief Constable to apply for such an order to a court of summary jurisdiction, for the order to apply for up to 6 months, for the order to be varied, renewed or discharged, for an appeal to be made against the imposition of such an order and for breach of the order to be an offence.

Schedule 3 inserts Schedule 8A which provides a mechanism for the seizure and forfeiture of terrorist publications. The provisions include notice of seizure being given to owners or occupiers of premises where articles were seized, provision for a person to give notice that an article seized is not liable to forfeiture and for forfeiture to be automatic where no claim is made or ordered by the court in other cases. The Schedule also contains various supplementary provisions.

Schedule 4 inserts Schedule 13A which sets out the Convention offences. Schedule 5 lists the statutory provisions where the maximum custodial sentence for the offence is increased under clause 52. [Amended in the Keys] [Legislative Council 3<sup>rd</sup> Reading 8 March 2011- Royal Assent awaited]

### **BREASTFEEDING BILL 2010**

This Bill makes provision about the feeding of milk to babies in public places and on licensed premises. Clause 1 states the short title. Clause 2 establishes a right to feed milk to a baby in a public place or on licensed premises. This would include both breastfeeding and bottle-feeding. It would also be an offence to deny a person access to a public place or to licensed premises on the ground that the person is to, or may, feed milk to a baby whilst in the place or on the premises. [Clause 1(1) substituted, 1(3) amended and 1(4) to (7) substituted in the Keys.]

Clause 3 provides that in proceedings under the Bill, employers and principals are to be treated as vicariously liable for the acts of their employees or agents. [Clause 3(1) and (4) deleted in the Keys.] Clause 4 [lost in the Keys] provides that if a body corporate or partnership commits an offence, the officers of the body or the partners of the partnership may also be criminally liable.

Clause 5 amends the National Health Service Act 2001 by inserting a provision requiring the Department of Health to promote and support the breastfeeding of babies. [Private Member's Bill - Mr Watterson] [Operative on passing] [Amended Keys] [Legislative Council 1<sup>st</sup> Reading 10 May 2011]

### **BUILDING CONTROL (AMENDMENT) BILL 2010**

*[Re-numbered to reflect changes in the Legislature]*

This Bill is promoted by the Department of Infrastructure. Clause 1 states the short title. Clause 2 provides that the Bill amends the Building Control Act 1991. Clause 4 [amended Keys] amends section 2 and clause 5 amends section 3 to make them consistent with other amended sections. Clause 11 repeals section 33(3) which is no longer needed.

Clause 3 [amended Keys - word "building" inserted in (1)(a) and (2) substituted] amends section 1 to extend the purposes for which the building regulations may be made to include environmental protection or enhancement, sustainable development and crime detection or prevention.

Clause 6 inserts a new section 17A to provide for particular prosecution time limits. Clause 7 amends the period within which notices under section 18 of the Act (about removal or alteration of offending work) may be given.

Clause 8 amends section 22 to allow High Bailiff orders for dangerous buildings to authorise local authorities to carry out remedial work instead of owners and increases the maximum penalty for contravention of such orders and it also applies provisions of the Local Government Act 1985 about recovering local authority costs.

Clause 9 amends section 24 to allow demolition notices for ruinous buildings to require demolition in some cases, instead of giving the owner an election to repair. Clauses 10 and 11 relocate (from the original section 24) demolition notice appeal provisions to a new section 24A. That section applies the recovery provisions to local authority remedial or demolition works.

Clause 12 amends section 34 to allow the Department of Infrastructure to impose performance standards for local authority enforcement of the building regulations.

Clause 13 amends section 35 to define terms used in inserted provisions and to omit a redundant definition.

Clause 14 [inserted Keys] substitutes section 37 on the Tynwald procedure for building regulations and exemption directions.

Clause 15 [amended Keys] amends Schedule 1 to provide that the building regulations may provide for compliance certificates, to expand the regulation-making powers to include fuel or power usage, recycling and similar matters and to provide for the circumstances in which requirements under the regulations may apply to existing buildings. [Operative on passing] [Legislative Council 3<sup>rd</sup> Reading 5 April 2011 - Royal Assent awaited]

#### **CHILDREN AND YOUNG PERSONS (AMENDMENT) BILL 2010**

Clause 1 provides the short title and clause 2 deals with commencement by appointed day order made by the Department of Social Care. Clause 3 introduces the amendments to the Children and Young Persons Act 2001 made by clauses 4 and 5. Clause 4 inserts new sections 17A to 17F into the 2001 Act. They will permit the making of special guardianship orders. The effect of such an order is to confer legal recognition, and therefore some practical stability, on an existing situation where a child is living, and has been living for some time, with a person who is not the child's parent but is acting in relation to the child as if he or she were that person's own child (for example the foster-parent of a child who has been in long-term foster care). Clause 5 makes a series of minor and consequential amendments to the 2001 Act, most of which flow from the provisions inserted by clause 4. Clause 6 [inserted Keys] made a consequential amendment to Child Custody Act 1987. [[Private Member's Bill - Mr Quirk] [Legislative Council 3<sup>rd</sup> Reading 1 March 2011- Royal Assent awaited]

#### **COMPANIES (PROHIBITION OF BEARER SHARES) BILL 2010**

This Bill promoted by the Treasury provides a 6 month window for companies incorporated under the Companies Acts 1931 to 2004 to convert any remaining bearer shares into registered shares. Clause 1 states the short title and clause 2 deals with commencement.

Clause 3 inserts new section 70A of the Companies Act 1931 which requires a company with bearer shares in issue to ensure the conversion of such shares into registered shares. Failure to convert within 6 months of the passing of the Act is an offence. Clause 4 substitutes section 71 of the Companies Act 1931. The substituted section prohibits the issue of (or

conversion into or exchange for) bearer shares. Failure to comply is an offence. Clause 5 and Schedules 1 and 2 contain consequential amendments and repeals. Clauses 1 to 3 operative on passing and clauses 4 to 5 within 6 months of that date. [Not amended in the Legislature] [Legislative Council 3<sup>rd</sup> Reading 1 February 2011 - Royal Assent awaited]

### **CRIMINAL JUSTICE (WITNESS ANONYMITY) ACT 2011 [c.1]**

The Act was promoted by the Department of Home Affairs. Most of the provisions are derived from the Criminal Evidence (Witness Anonymity) Act 2008 and the Coroners and Justice Act 2009 (of Parliament).

Part 1 (sections 1 to 4) contains the Act's opening provisions dealing with the short title, relationship with the Sexual Offences Act 1992 and interpretation. Section 2 provides that the common law rules about witness anonymity orders are abolished and replaced with new rules under the Act.

Part 2 (sections 5 to 9) empowers all courts hearing, or to hear, criminal proceedings to make witness anonymity orders for witnesses to the proceeding, other than a defendant. It also provides for limitations on, and safeguards for, the exercise of that power. The safeguards are that the court must appoint an advocate for unrepresented defendants (not in the UK provisions) and give any jury an appropriate warning to ensure the fact of the making of the order does not prejudice the defendant.

Part 3 (sections 10 to 15) provides for when the prosecutor or a defendant can apply for a witness anonymity order and the conditions on, and criteria for, making them. Such orders (and other hearings under the Act relating to them) can, if the court considers it appropriate, be made in the absence of both the defendant and the defendant's legal representatives. However, the court appointed advocate of an unrepresented defendant must still be present to advise the court.

Part 4 (sections 16 to 18) provides for when a witness anonymity order can be discharged or varied during the same proceeding, after it has ended or on appeal.

Part 5 (sections 19 to 22) provides for appeals by leave against decisions under the Act and for miscellaneous matters. Part 6 (sections 23 to 27) provides for transitional provisions about existing criminal proceedings. It also validates existing common law orders and transitions them to this Act under particular conditions. Part 7 (section 28) provides for a consequential amendment to the Summary Jurisdiction Act 1989. [Not amended in the Legislature.] [Operative on passing - 18 January 2011]

### **DEBT RECOVERY AND ENFORCEMENT BILL 2010**

Part 1 states the short title, provides powers for its commencement [by appointed day order made by the Treasury] and defines certain terms.

Part 2 regulates the provision of debt collecting services. It requires persons taking steps, on behalf of a creditor, to procure the payment of a debt due to the creditor ("licensed debt collectors") to be licensed by the Chief Registrar and provides a procedure for the grant and refusal of licences (clauses 4 to 6). Clause 7 provides that the Chief Registrar must have regard to Treasury guidance in discharging his or her functions. The Treasury may publish a code of practice as to the conduct of licensed debt collectors, which may be taken into account by the Chief Registrar in deciding whether to suspend or revoke a licence or vary its conditions or by a Judicial Officer in deciding whether or not to grant an application under clause 12 or 13. There is also power for the Treasury to make regulations about the handling

and retention of monies by licensed debt collectors. The Chief Registrar is to publish a report to be laid before Tynwald on their enforcement of judgments and the Chief Registrar may require information for the report to be provided by the licensed debt collectors.

Clause 8 makes provision for appeals from decisions of the Chief Registrar. Clause 9 enables the Treasury to publish the maximum fees that may be charged by licensed debt collectors.

Part 3 is concerned with the enforcement of debts. Clause 10 provides licensed debt collectors with powers to enforce executions and under clause 11 regulations may enable them to enforce fixed penalties for road traffic offences. Clause 12 enables a Coroner or a licensed debt collector to apply to a Judicial Officer for a creditors' assistance order for the purposes of obtaining information from a body specified in the application as to the whereabouts of an execution debtor and discovering, seizing and retaining property which a deposit-taking institution specified in the application holds on behalf of an execution debtor. Furthermore, provision is made to enable licensed debt collectors to apply to a Judicial Officer for the issue of a warrant to enter premises, to search for property belonging to the execution debtor and to seize and retain that property (clause 13). There is also a power for licensed debt collectors to apply to a Judicial Officer for a disposal order to dispose of the property that has been produced by a deposit-taking institution under clause 12 or seized and retained by virtue of a warrant issued under clause 13 (clause 14). Clause 15 provides that the Judgements Register established and maintained under section 15 of the Administration of Justice Act 1981 must, where appropriate, indicate the priority of debts.

Part 4 creates certain offences. It is an offence for a person to carry on debt collecting services in contravention of a requirement to have a licence (clause 16). It is also an offence for a person to obstruct or impersonate a licensed debt collector (clause 17). The penalties are set out in clause 18, along with standard provisions about liability in respect of corporate bodies.

Part 5 enables the functions of the Chief Registrar to be transferred to another person or body using powers in the Government Departments Act 1987 (clause 19). The regulations made under the Act are to be laid before Tynwald (clause 20). Clause 21 treats existing debt collectors as licensed for 12 months from commencement of the Act. This Part also makes amendments to other Acts (clauses 22 to 25). In particular, a power is given for the High Court to order that the recovery of possession of property (eviction) may be enforced by a licensed debt collector and action by a licensed debt collector taking reasonable steps to recover a debt is deemed to be reasonable conduct for the purposes of the Protection from Harassment Act 2000. [Keys - Clause 4(2) and (3) substituted and in clauses 7, 9 and 14 "may" replaced by "must". Original clause 22 {amendment of the Preferential Payments Act 1908}] [Private Member's Bill - Mr Houghton] [Keys Agreement to Legislative Council 29 March 2011 - Royal Assent awaited]

## **EUROPEAN UNION (AMENDMENT) BILL 2010**

This Bill promoted by the Council of Ministers amends the European Communities (Isle of Man) Act 1973 (to take account of the Treaty of Lisbon, to allow the use of ambulatory references to EU instruments in certain public documents and to make clarifying amendments and repeals) and the Interpretation Act 1976 (to clarify how references in Manx legislation to EU instruments are to be interpreted).

Part 1 (clauses 1 and 2) deals with the short title and interpretation.

Part 2 (clauses 3 to 8) amends the European Communities (Isle of Man) Act 1973. Clause 3

inserts a definition of “the EU” and adds the Treaty of Lisbon to the list in the definition of “the Treaties” in section 1. Clause 4 inserts new section 1A which provides the Council of Ministers with a power to amend statutory provisions to reflect a change in terminology or numbering arising as a consequence of the Treaty of Lisbon. Clause 5 gives effect to the Schedule which contains a table setting out the expressions that are to be substituted for existing expressions to take account of changes in terminology as a result of the Treaty of Lisbon. Clause 6 repeals the definition of “Economic Community” in section 1(1) and also repeals section 9(3). Clause 7 amends section 2B so as to enable penalty provisions in regulations under the Act to be expressed in the usual form for Manx legislation. Clause 8 inserts new section 2C which allows certain public documents to provide that references in them to EU instruments are to be construed in an ambulatory way (so that the reference is construed as being to the instrument (or provision of the instrument) as amended from time to time).

Part 3 (clause 9) amends the Interpretation Act 1976. It inserts new section 1B which provides that, unless the contrary intention appears, a reference to an EU instrument in a new Act of Tynwald is a reference to the instrument as amended, extended or applied by another such instrument. [Operative on passing] [Not amended Legislature] [Legislative Council 3<sup>rd</sup> Reading 8 March 2011- Royal Assent awaited]

## **FINANCIAL PROVISIONS AND CURRENCY BILL 2010**

This Bill promoted by the Treasury makes fresh provision about the creation of schemes for public expenditure funded by the General Revenue or from other Reserves or funds maintained by the Treasury by authority of Tynwald, and also makes minor amendments to the Currency Act 1992.

Clause 1 provides for the short title. Clause 2 provides a definition of “Government authority” as meaning a Department, a Statutory Board or a person specified in an order made by the Treasury. Such an order must not specify a local authority, and is subject to approval by Tynwald.

Clause 3 provides for the appropriation of sums from the General Revenue and other reserves or funds maintained by the Treasury for the purposes of schemes sanctioned by Tynwald.

Clause 4 empowers the Treasury to do anything to promote the economic, environmental or social well-being of the Island.

Clause 5 makes clear the Treasury’s power to invest sums standing to the credit of the Government.

Clause 6 empowers the Treasury, and any other Government authority with the consent of the Treasury to give guarantees and indemnities to any person contracting, or proposing to contract with a Government authority.

Clause 7 makes explicit the Treasury’s power to enter into hedging transactions to reduce or eliminate risk caused by fluctuations in exchange or interest rates or commodity prices.

Clause 8 empowers the Council of Ministers to give directions about the ways the powers under clause 4, 5 or 6 are exercised.

Clause 9 [subsection (3) inserted Keys] contains minor deregulatory changes to the Currency Act 1992. In addition to ordinary currency the Treasury issues commemorative coins, principally for purchase by numismatic collectors. The Act does not presently differentiate between these coins and ordinary currency although in practice commemorative coins are not

included in computing the aggregate face value of issued currency under section 3(1). Operative on passing. [Legislative Council 3<sup>rd</sup> Reading 1 February 2011 - Royal Assent awaited]

## **FOUNDATIONS BILL 2010**

This Bill promoted by the Treasury provides for the establishment of foundations. Part 1 (clauses 1 to 3) contains the opening provisions. It deals with the short title, commencement and the interpretation of words and expressions.

Part 2 (clauses 4 to 38) contains the provisions enabling the establishment of foundations.

Clause 4 provides for applications to be made to establish foundations. Clauses 5 to 9 make provision about the foundation instrument. A foundation must have a foundation instrument which complies with the Bill. The instrument must contain the name of the foundation, the foundation's objects and the names and addresses of its council members and registered agent.

Clauses 10 to 21 concern the foundation rules. A foundation must have foundation rules which comply with the Bill. The rules may make provision about beneficiaries under the foundation. They must provide for the establishment of the foundation's council and for the appointment of its registered agent. They must specify the functions of any enforcer appointed in respect of an object of the foundation. They must state if there has been an initial dedication of assets to the foundation. The rules must set out what happens to the foundation's assets if it is wound up. If the foundation is to be established for a limited term, the rules must provide certain details. The rules may also provide for any other matters concerning the foundation. People appointed under the rules may be paid fees and expenses (unless the rules state otherwise). The Treasury may make regulations which prescribe model foundation rules which are to apply to foundations in certain circumstances. The foundation must provide a copy of the foundation rules to certain persons named in the Bill (but is not required to provide a copy to anyone else).

Clauses 22 to 27 make provision about the council of the foundation. A foundation must have a council and the Bill provides who may (and who may not) be a council member. The members of the council must act in accordance with the foundation instrument, foundation rules and the Bill. They owe fiduciary and other duties to the foundation. The Bill specifies how decisions of the council are to be taken. It also provides that liability (of council members or others appointed under the foundation rules) for fraud, wilful misconduct or gross negligence may not be excluded or limited. The provisions of the Company Officers (Disqualification) Act 2009 apply (as far as possible) to council members, as if they were company officers and the foundation were a company.

Clause 28 requires that a foundation must have a registered agent who holds a class 4 licence under the Financial Services Act 2008.

Clauses 29 to 31 make provision about the rights of persons under a foundation. The foundation rules may provide for a person to have specific rights. Beneficiaries have no interest in the foundation's assets. However, they are entitled to any benefit due to them. A person with sufficient interest in a foundation is entitled to certain information in respect of the foundation, which is specified in the Bill.

Clauses 32 to 34 deal with the actual establishment of the foundation. The Registrar may refuse to establish a foundation on certain specified grounds. There is a right of appeal to the High Court. The Registrar must establish the foundation if the requirements of the Bill are satisfied. The foundation is established by the entry of certain specified information in the register of foundations.

Clauses 35 and 36 state the effect of the establishment of a foundation. The foundation is a legal person and, through its council, may exercise the rights, powers and privileges of an individual.

Clauses 37 and 38 deal with the application of laws to a foundation. Questions about the foundation or a dedication of assets to it are to be determined under Manx law without reference to the laws of other jurisdictions. Foreign law may be recognised in certain specified circumstances. Generally, however, the laws of a jurisdiction outside the Island are to be excluded when determining whether a foundation has been established or assets have been dedicated to it.

Part 3 (clauses 39 to 45) concerns the administration of foundations. It specifies how documents may be served on a foundation. It requires a foundation to include certain matters in its written communications. It specifies the documents which must be kept at the registered office of the foundation. It requires a foundation to keep reliable accounting records and confers a right on a person with sufficient interest to require financial statements to be prepared. A foundation must make an annual return to the Registrar. Amendments to the foundation instrument must be notified to the Registrar.

Part 4 (clauses 46 to 50) concerns the Registrar. The Department of Economic Development is to appoint the Registrar. The Registrar may authorise others in the Department to exercise a function of the Registrar. The Registrar is required to keep the register of foundations and to make the register available for public inspection. The Registrar decides the form in which records are to be kept as long as they can be reproduced in legible form. The Registrar may refuse to accept documents for certain specified reasons.

Part 5 (clauses 51 to 58) sets out the powers of the High Court under the Bill in the event that a person with sufficient interest makes an application to it. The Court may order a person to comply with a requirement of the Bill or the foundation instrument or foundation rules. The Court may order the amendment of the foundation instrument or foundation rules. It may give directions. It may appoint people to protect the interests of prospective beneficiaries under foundations who are not yet born or are otherwise unable to act on their own behalf. It may dismiss or appoint a registered agent. It may take action on behalf of others who fail to comply with a requirement of the Bill or the foundation instrument or foundation rules. It may remove or appoint a person appointed under the foundation rules.

Part 6 (clauses 59 to 66) contains the closing provisions. It creates an offence of making false or misleading statements to the Registrar. It sets out the penalty for the commission of an offence under the Bill and establishes who may commit the offence. It empowers the Treasury and the Financial Supervision Commission to make regulations in respect of the matters specified. It enables the Registrar to set the level of fees payable under the Bill. A penalty may be imposed for non-payment. The Registrar may also specify the form of any statement, document or form required under the Bill. Subject to regulations, in the event of a foundation being wound up, bankruptcy rules apply. A foundation may be a registered charity. For taxation purposes, a foundation is to be treated as a body corporate. The Bill updates the statutory indemnity provisions in the Financial Services Act 2008. [Clauses 14

and 15 amended Keys] [Legislative Council 3rd Reading 8 February 2011- Royal Assent awaited]

## **HOUSING (MISCELLANEOUS PROVISIONS) BILL 2010**

*[Amended to reflect changes made in the Legislature]*

This Bill is promoted by the Department of Social Care. Part 1 (clauses 1 to 3) states the short title and deals with commencement and interpretation.

Part 2 (clauses 4 to 10) contains new powers for the Department to make schemes to assist house purchases and to promote home improvement and energy conservation. It also confers new powers on the Department of Infrastructure to make schemes about preserving historic buildings. It also contains necessary enforcement and penal provisions. Schemes under this Part may only be made with the concurrence of the Treasury. Certain existing schemes are deemed to have been made under this Part.

Part 3 (clauses 11 to 14 and Schedule 1) replaces the regulatory and enforcement provisions of the Housing (Amendment) Act 1990 and the Housing (Multi-Occupancy) Act 2005 in a single framework covering both flats and houses in multiple occupation. Clause 11 provides for the making of housing standards regulations in respect of flats and houses in multiple occupation. Clause 12 provides for the registration of flats and houses in multiple occupation. Clause 13 provides for the making of an order specifying the flats and houses in multiple occupation to which Part 3 applies. Clause 14 applies some standard enforcement provisions contained in the Local Government Act 1985 for the purposes of Part 3 and regulations made under it.

Parts 4 to 6, which concern the management and ownership of leasehold flats, are based upon provisions contained in the Landlord and Tenant Act 1987 (of Parliament).

Part 4 (clauses 15) enables a tenant or group of tenants to apply to the Rent and Rating Commissioners for the appointment of a manager in respect of premises that contains flats. The Part replaces provisions in the Property Service Charges Act 1989. Part 5 (clauses 23 to 33 and Schedule 2) enables tenants to apply to the High Court for the compulsory acquisition of the landlord's interest in the premises which contains their flats if certain pre-conditions are met. Part 6 (clauses 34 to 38) enables a tenant to apply to the Rent and Rating Commissioners for the variation of a lease.

Part 7 (clauses 39 to 45 and Schedules 3 and 4) comprises the closing provisions which deal with general and supplementary matters including offences by bodies corporate. Schedule 3 makes miscellaneous amendments and Schedule 4 contains the repeals. [Operative on passing - Parts 1 and 2, section 40 and Schedule 3. Remaining provisions operative by appointed day order] [Clause 6(2) substituted Keys/Clause 39 inserted {right to make applications not displaced by lease} inserted Legislative Council] [Keys agreement to Legislative Council amendment 29 March 2011 - Royal Assent awaited]

## **INCOME TAX BILL 2010**

This Bill promoted by the Treasury confirms certain temporary taxation orders and makes amendments to the Income Tax Act 1970. Part 1 (clauses 1 to 3) deals with the short title, commencement and interpretation.

Part 2 (clause 4) confirms certain temporary taxation orders which are to continue in operation as permanent orders. Part 3 (clauses 5 to 10) amends the Income Tax Act 1970.

Clause 5 amends section 57 to restrict double taxation relief in certain circumstances. Clause 6 repeals section 105(b) which provides for the appointment of an inspector of income tax. Clauses 7 and 8 amend sections 105D and 105E respectively. The amendments enable the Assessor, with the consent of 2 members of the Income Tax Commissioners panel, to direct a person who is being given a reasonable opportunity to deliver or make available documents to the Assessor under section 105D not to inform the taxpayer concerned or disclose anything which might prejudice the inquiry. Clause 9 applies the amendments in clauses 7 and 8 to orders concerning certain international tax information exchange and double taxation agreements. Clause 10 inserts new section 119G to enable references to marriage in public documents made under the Income Tax Acts to be construed so as to include references to civil partnerships. [Whole Act operative on passing except s10 which is operative on the passing of the Bill or, if later, on the day the Civil Partnership Act 2011 is passed] [Not amended in the Keys] [Legislative Council 3rd Reading 8 February 2011 - Royal Assent awaited]

### **LIMITED PARTNERSHIP (LEGAL PERSONALITY) BILL 2010**

This Bill promoted by the Treasury enables limited partnerships to elect to have legal personality. Clause 1 states the short title. Clause 2 inserts sections 48B to 48D into the Partnership Act 1909. Section 48B enables new limited partnerships to elect to have legal personality. Section 48C contains a transitional provision to enable existing limited partnerships to elect to have legal personality. Section 48D states the consequences of having legal personality. Clause 3 inserts section 2MA into the Income Tax Act 1970 which provides for the taxation of limited partnerships with legal personality. Operative on passing. [Not amended in the Legislature] [Legislative Council 3<sup>rd</sup> Reading 1 February 2011 - Royal Assent awaited]

### **PUBLIC SECTOR PENSIONS BILL 2010**

This Bill promoted by the Council of Ministers establishes the Public Sector Pensions Authority as a Statutory Board and makes new provision for public sector pensions. Clause 1 provides the short title and clause 2 provides for commencement by appointed day order. Clause 3 sets out the persons, known as “public sector employees”, to whom the Bill is to apply, with power for regulations to amend the section to apply or disapply the Bill to other persons or classes of person. Clause 4 contains definitions of terms.

Clause 5 [amended Keys] establishes the Public Sector Pensions Authority, (“the PSPA”) as a Statutory Board. Provision is made for the appointment of members, officers and employees. Clause 6 sets out the functions of the PSPA and clause 7 deals in detail with its function to make superannuation schemes for public sector employees.

Clause 8 confers the power for the PSPA to make regulations concerned with superannuation funds and clause 9 regulates contribution and payments. Clause 10 [amended Keys] requires the production by the PSPA of annual accounts which, together with a report for each scheme, must be laid before Tynwald.

Clause 11 contains a power for the PSPA to make regulations concerned with the transfer of public sector employees between schemes and clause 12 makes similar provision with respect to the interchange with other public sector schemes outside the Island.

Clause 13 enables regulations to provide for the resolution of disputes relating to a scheme. Clause 14 provides for offences. Clause 15 makes general provision about schemes and

regulations and clause 16 provides for the PSPA's expenses to be defrayed out of money provided by Tynwald.

Clause 17 makes minor amendments to the Statutory Boards Act 1987 and (retrospectively) to the Superannuation Act 1984. It also points to the Schedules which deal with transitional provisions, amendments and repeals. Schedule 1 provides for existing schemes to be treated as made under the Bill. However, schemes made or deemed to be made by the Department of Infrastructure or the Isle of Man Post Office Authority will continue as before the Bill, until the PSPA makes an Order. Disputes in relation to existing schemes are to be resolved as if the Bill were not in operation. Schedule 2 amends the Pensions (Increase) Act 1974 and Schedule 3 provides for repeals including the Superannuation Act 1984. [Clauses 5(8) and 10(1) and (2) amended in Legislature] [Keys Agreement to Legislative Council Amendments 29 March 2011 - Royal Assent awaited]

### **ROAD RACES (AMENDMENT) BILL 2010**

This Bill promoted by the Department of Infrastructure amends the Road Races Act 1982 to allow racing on a Sunday using non-mechanically propelled vehicles. [Operative on passing] [Legislative Council 2<sup>nd</sup> Reading 8 March 2011]

### **TYNWALD AUDITOR GENERAL BILL 2010**

*[Amended to reflect re-numbering in the Keys]*

This Bill promoted by the Council of Ministers provides for the appointment and functions of a new officer of Tynwald, the Tynwald Auditor General. Part 1 (clauses 1 to 3) provides for the short title, commencement (by appointed day order except for ss 1 and 2 and para 9 {audit fees} of Sched 2) and interpretation.

Part 2 (clauses 4 to 12) provides for the Auditor's appointment and functions, while Part 3 (clauses 13 to 21) contains provision about the Auditor's powers, offences and penalties, amendments and repeals.

Clause 4 together with Schedule 1 {Schedule 1 amended Keys} provides for the Auditor's appointment, clause 5 specifies the officer's general functions, amongst which is the conduct of value for money inspections under clause 6. Inspections may be carried out on the Auditor's own initiative or after a request from Tynwald or from an individual.

Clause 7 requires the Auditor to produce a report after a value for money inspection, and specifies the procedure which is to be followed in its preparation. Clause 8 imposes a duty on the Auditor to co-operate with the committee of Tynwald dealing with the scrutiny of public accounts. Clause 9 imposes a requirement that before undertaking an inspection or discharging any other function in respect of a specified body, the Auditor consider whether, in the public interest, the matter is one which the Committee should investigate.

Clause 10 provides for referrals to the Auditor and for the conduct of investigations under it, and the procedure where the Auditor decides not to investigate. Clause 11 provides for the production of reports on investigations and the privileges attaching to them. Clause 12 provides for an annual report to Tynwald.

Clause 13 {amended Keys} confers on the Auditor a right of access to documents and information, while clause 14 confers a power to enter and inspect premises. Clause 15 contains special rules about the disclosure of information relating to a person's tax and customs affairs. Clause 16 {amended Keys words "the relevant persons" deleted} makes provision about confidentiality of information.

Clause 17 creates offences in relation to the provision of false information and falsification of documents in connection with an inquiry by the Auditor, and clause 18 creates offences in relation to the obstruction of an inquiry. Clause 19 deals with offences by bodies corporate.

Clause 20 {inserted Keys} applies the transfer of functions in the Government Departments Act 1987 to the Auditor. Clause 21 provides for Schedule 2, which contains consequential amendments, to have effect. Clause 22 repeals a provision of the Audit Act 2006. {Clause 13 and Schedule 1 amended Keys- references to Tynwald Management Committee substituted for Treasury} [Legislative Council 3<sup>rd</sup> Reading and clause 10(8) amended 1 February 2011 – Royal Assent awaited]

## **TYNWALD COMMISSIONER FOR ADMINISTRATION BILL 2010**

*[Amended to reflect re-numbering in the Keys]*

This Bill is promoted by the Council of Ministers. It provides for the appointment and functions of a new officer of Tynwald, the Tynwald Commissioner for Administration. Part 1 (clauses 1 to 3) provides for the short title, commencement and interpretation. Part 2 (clauses 4 to 21) provides for the appointment of the Commissioner, and the Commissioner's powers and duties in relation to an investigation.

Clause 4 together with Schedule 1 provides for the appointment of the Commissioner and his or her administrative functions. Clause 5 introduces the Commissioner's investigative functions.

Clause 6 empowers Tynwald to give directions to the Commissioner about the general conduct of investigations. Subsection (3) however expressly precludes Tynwald giving directions in relation to the conduct of particular investigations.

Clause 7 specifies the Commissioner's powers to investigate, while clause 8 and Schedule 2 specify the persons and classes of persons liable to investigation.

Clause 9 specifies what the Commissioner may investigate. Clause 10 provides for the making of complaints by members of the public. Clause 11 excludes certain matters from investigation under the Act. Clause 12 specifies who may complain to the Commissioner, while clause 13 makes provision about time limits and procedure for dealing with complaints. Clause 14 specifies the procedure to be followed where the Commissioner determines not to investigate a complaint or accede to a request. Clause 15 prescribes the procedure to be followed in the conduct of an investigation. Clause 16 sets out the Commissioner's power to require evidence to be furnished to him or her. It also excludes the right of a specified body to assert the privilege against production which it would enjoy in legal proceedings. Clause 17 confers a power on the Commissioner to request a listed authority not to give effect to its decision pending determination of an investigation and provides that if such a request is received any duty is to have effect instead as a power until the investigation is complete. Clause 18 deals with obstruction of the Commissioner's investigations and punishment for contempt, applying the approach which would be taken in proceedings before the High Court. Clause 19 deals with reports after investigations and clause 20 with special reports where it appears that an injustice will not be remedied, and clause 21 with the Commissioner's annual report to Tynwald.

Part 3 (clauses 22 to 27) contains miscellaneous provisions about privilege, confidentiality, disclosure, consultation and the provision of information to the public.

Clause 22 deals with privilege in the context of defamation in relation to inquiries and clause 23 deals with privilege in relation to statements made by or at the behest of the Commissioner

in connection with an inquiry. Clause 24 deals with the confidentiality of information obtained during an inquiry. Clause 25 contains special rules about the disclosure by the Treasury, the Assessor and the Collector of Customs and Excise of information relating to a person's tax and customs affairs. Clause 26 provides for consultation with relevant supervisors and investigators during the course of an inquiry. Clause 27 makes provision about a listed authority's duty to make information available about the right to make a complaint to the Commissioner.

Part 4 (clauses 28 and 29) contains the closing provisions. Clause 28{inserted Keys} applies the transfer of functions in the Government Departments Act 1987 to the Commissioner. Clauses 29 and 30 contain transitional provisions and consequential amendments. {Clauses 10, 12, 19, 20 & 28 and Schedule 1 amended Keys} [Legislative Council 3<sup>rd</sup> Reading and clause 7(8) amended 1 February 2011 - Royal Assent awaited]

## **APPOINTED DAY ORDERS**

**ANIMAL HEALTH (AMENDMENT) ACT 2009 (APPOINTED DAY) ORDER 2010**  
[SD 778/10 : Issuing Authority - DEFA]

The Order brought the whole Act into operation on 1 December 2010.

**GAMBLING SUPERVISION ACT 2010 (APPOINTED DAY) ORDER 2010**  
[SD 833/10 : Issuing Authority - Treasury ]

The Order brought sections 4 to 11 into operation 20 November 2010. Remaining provisions (ss 1 to 3) already operative on passing 19 October 2010.

**INSURANCE ACT 2008 (APPOINTED DAY) (No.3) ORDER 2010**  
[SD 442/10 : Issuing Authority - IPA]

The Order brought into operation the remaining provisions of the 2008 Act on 1 July 2010 except that s25(3)(d)(i) operative 01/12/08 remains subject to Art 5(1) SD922/08. Operative [1] section 42(1) and (2) and Schedule 4 (continuation and discontinuation of certain insurers), [2] Schedule 8 paragraphs 20 and 20 (amendment of Companies (Transfer of Domicile) Act 1998, and [3] Schedule 9 insofar as the remaining provisions s25A and Schedule 3A of the Insurance Act 1986 and the Insurance (Amendment) Act 1995 are repealed.

**RACE RELATIONS ACT 2004 (APPOINTED DAY) ORDER 2010**  
[SD 827/10 : Issuing Authority - CoM]

The Order brought the whole Act into operation on 1 November 2010.

## ACTS OF TYNWALD

### TABLE I Acts or parts of Acts operative October - December 2010

Animal Health (Amendment) Act 2009 (c.9)  
Whole Act operative 1 December 2010.  
[See SD 778/10]

Electricity (Amendment) Act 2010 (c.10)  
Whole Act operative on passing 19 October 2010.

Gambling Supervision Act 2010 (c.8)  
Sections 1 to 3 operative on passing 19 October 2010.  
Sections 4 to 11 operative 20 November 2010.  
[See SD 833/10]

Income Tax Act 2010 (c.12)  
Whole Act operative on passing 14 December 2010.

Insurance Act 2008 (c.16)  
Remaining provisions operative 1 July 2010 ex. s 25(3)(d)(i) operative 01/12/08 subject to  
Art 5(1) see SD 922/08.  
[See SD 442/10]

Misuse of Drugs (Amendment) Act 2010 (c.11)  
Whole Act operative on passing 19 October 2010.

Race Relations Act 2004 (c.6)  
Whole Act operative 1 November 2010.  
[See SD 827/10]

### TABLE II Acts passed October - December 2010 but not wholly operative

Endangered Species Act 2010 (c.7)  
Whole Act not operative.

Harbours Act 2010 (c.9)  
Whole Act not operative.

Incorporated Cell Companies Act 2010 (c.13)  
Whole Act operative 1 June 2011  
[See S.D.233/11]

### TABLE III Acts passed before October 2010 but not wholly operative December 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]

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.  
*[s.24 prospectively repealed Road Traffic and Highways (Miscellaneous Amendments Bill 2011]*  
[See S.D.723/0, 974/07 & 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)  
*[Act prospectively repealed Housing (Miscellaneous Provisions) Bill 2010]*  
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)  
Section 25(3)(d)(i) operative 01/12/08 subject to Art 5(1) S.D.922/08.  
[See S.D.442/10]

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]

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

Local Government Act 2006 (c.18)  
Not operative sections 17 and 18 and Schedules 1 and 2 / Schedule 3 para.2 and 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]

Prohibition of Female Genital Mutilation Act 2010 (c.2)  
*[Prospectively Operative 1<sup>st</sup> July 2011]*

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

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

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

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

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

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

Not operative sections 5, 9 and 10.

[See S.D.241/07, 242/07, 244/07, 533/07,708/08 and 156/10]

Sewerage Act 1999 (c.2)

Section 11 [sewerage rates] not operative.

[See S.D.182/01]

Statute Law Revision Act 1997 (c.4)

Schedule 1, para. 2(1), (2) & (4) (amendments to Evidence Act 1871)

not operative.

Tourism (Registration and Grading) Act 1996 (c.21)

Whole Act not operative.

Wildlife Act 1990 (c.2)

As of 9/12/03 whole Act in force ex. ss.1 to 8 in regard to bird sanctuaries controlled by Wild Birds Protection Acts 1932 to 1975.

[See G.C.9/91 and S.D.824/03]

Wildlife Etc. (Amendment) Act 1994 (c.11)

Section 2 not operative.

[See S.D.825/03]

Wills Act 1985 (c.11)

Sections 25 to 27 and Schedule 2 not operative.

[See s.32(3) operative 1/1/86]

## **STATUTORY DOCUMENTS AMENDING ACTS**

**October 2010 - December 2010**

### **CUSTOMS & EXCISE**

SD327/10 - Customs and Excise Acts (Amendment) (No.2) Order 2010  
*[amended entry][amended by SD685/10]*

SD685/10 - Customs and Excise Acts 1986 (Amendment) (No.3) Order 2010

### **ECCLESIASTICAL**

SD958/10 - Parochial Church Councils and Accounts Measure (Isle of Man) 2010  
*[operative 1 January 2011]*

SD959/10 - Convocations Measure (Isle of Man) 2010

### **RACE RELATIONS**

SD828/10 - Race Relations Act 2004 (Amendment of Schedule) Order 2010

### **SOCIAL SECURITY**

SD765/10 - Social Security Act 2000 (Amendment) Order 2010

### **TAXATION**

SD807/10 - Income Tax (Pensions) (Temporary Taxation) Order 2010  
*[confirmed Income Tax Bill 2010 clause 4]*

### **VALUE ADDED TAX**

SD534/10 - Value Added Tax Act 1996 (Change of Rate) Order 2010

SD688/10 - Value Added Tax Act 1996 (Amendment No.3) Order 2010

SD806/10 - Value Added Tax Act 1996 (Amendment No.4) Order 2010

SD935/10 - Value Added Tax (Emissions Allowances) Order 2010

## **PART III**

### **SUBORDINATE LEGISLATION**

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

#### **LIST A**

##### **SUBORDINATE LEGISLATION WITH EXPLANATORY TEXT**

*[Listed alphabetically by name under subject headings]*

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

#### **OCTOBER 2010**

##### **AGRICULTURAL MARKETING**

###### **AGRICULTURAL MARKETING (CESSATION OF SOCIETY AND ASSOCIATIONS) ORDER 2010**

[SD 772/10 : Commencement : 01/11/10 : Issuing Authority - CoM]

The Order provided for the cessation of the Isle of Man Agricultural Marketing Society, the Isle of Man Milk Marketing Association and the Isle of Man Fat Stock Marketing Association.

##### **COLLECTIVE INVESTMENT SCHEMES**

###### **AUTHORISED COLLECTIVE INVESTMENT SCHEMES REGULATIONS 2010**

[SD 682/10 : Commencement : 01/01/11 : Issuing Authority - FSC]

The Regulations replace the existing regulations.

##### **COMPANIES**

###### **COMPANIES ACT 1931 (DISPENSATION FOR PRIVATE COMPANIES) (ANNUAL GENERAL MEETING) REGULATIONS 2010**

[SD 829/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]

The Regulations allow private companies (but not charities) to elect to dispense with holding annual general meetings.

###### **PROTECTED CELL COMPANIES (ELIGIBILITY) REGULATIONS 2010**

[SD 830/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]

The Regulations remove the restriction on the class of business permitted to operate under the Protected Cell Companies Act 2004.

##### **CURRENCY**

###### **CURRENCY (ANGEL COINS) (GENERAL) ORDER 2010**

[SD 835/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]

###### **CURRENCY (CROWN COINS) (GENERAL) ORDER 2010**

[SD 837/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]

**CURRENCY (NOBLE COINS) (GENERAL) ORDER 2010**

[SD 836/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]

**CURRENCY (ANGEL AND NOBLE COINS) (GENERAL) (AMENDMENT) ORDER 2010**

[SD 893/10 : Commencement : 27/10/10 : Issuing Authority - Treasury  
[November 2010 Tynwald]

The Orders stipulate the form of the special currency in each case.

**DEPOSITORS' COMPENSATION**

**DEPOSITORS' COMPENSATION SCHEME REGULATIONS 2010**

[SD 683/10 : Commencement : 23/10/10 : Issuing Authority - Treasury]

The Regulations established a scheme to provide some compensation to depositors with a deposit taking business licensed in the Island in the event of the default of the deposit taker. The schedule lists persons exempted from liability to make contributions to the fund. Amended [November 2010 Tynwald] by SD 927/10 Depositors' Compensation Scheme (Amendment) Regulations 2010 to reinstate the overall cap on participants' liability during the currency of the scheme at £200 million.

**INSURANCE**

**INSURANCE (CAPITAL REDEMPTION CONTRACTS) (AMENDMENT) REGULATIONS 2010**

[SD 804/10 : Commencement : 09/09/10 : Issuing Authority - IPA]

The Regulations extended the definition of linked long-term business to include capital redemption contracts where the benefits are determined by the value or income from property.

**INSURANCE (LIMITED PARTNERSHIPS) (SOLVENCY) (AMENDMENT) REGULATIONS 2010**

[SD 805/10 : Commencement : 30/09/10 : Issuing Authority - IPA]

The Regulations permitted authorised insurers established as limited partnerships, subject to approval of the supervisor, to make loans to their associates that are fully admissible for calculating minimum margins of solvency.

**RACE RELATIONS**

**RACE RELATIONS ACT 2004 (AMENDMENT OF SCHEDULE) ORDER 2010**

[SD 828/10 : Commencement : 01/11/10 : Issuing Authority - CoM]

The Order updates references to other legislation. Appointed Day Order see SD 827/10 and also Draft Statutory Code of Practice on the Duty of Public Authorities to Promote Good Race Relations.

**SOCIAL SECURITY**

**SOCIAL SECURITY ACT 2000 (AMENDMENT) ORDER 2010**

[SD 765/10 : Commencement : 01/11/10 : Issuing Authority - DSC]

The Order applied in part the Welfare Reform Act 2009 (of Parliament) dealing with national insurance contributions for eligibility to short term incapacity benefit and jobseeker's allowance, suspension of benefit and mobility benefits for the severely visually impaired.

## **TAXATION**

**INCOME TAX (PENSIONS) (TEMPORARY TAXATION ) ORDER 2010**  
[SD 807/10 : Commencement : 22/10/10 : Issuing Authority -Treasury]

The Order introduced an international pension scheme suitable for the QROPS market\*, set a 20% penalty for unauthorised payments from pension schemes and allowed for a pension fund to be commuted after an employee's death at a tax rate of 7½%. \*See also SD 811/10 - Income Tax (Non-Resident) (Excluded Income) (Amendment) Order 2010. [*Confirmed Income Tax Bill 2010 clause 4.*]

## **TAXATION - INTERNATIONAL AGREEMENTS**

**INCOME TAX (PORTUGAL) ORDER 2009**  
[SD 756/10 : Commencement : 22/10/10 : Issuing Authority - CoM]

The Order concerned arrangements for the exchange of information relating to tax matters. [Amended Income Tax Bill 2010 clause 9.]

## **VALUE ADDED TAX**

**VALUE ADDED TAX ACT 1996 (AMENDMENT No.3) ORDER 2010**  
[SD 688/10 : Deemed Commencement : 01/09/10 : Issuing Authority - Treasury]

The Order concerned the definition of charities and charitable trusts.

**VALUE ADDED TAX ACT 1996 (AMENDMENT No.4) ORDER 2010**  
[SD 806/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]

The Order concerned measures to combat missing trader fraud within the European Union when services are provided. Following the amendment of section 55A by this Order see SD809/10 Value Added Tax (Section 55A) (Specified Goods and Services and Excepted Supplies) Order 2010 on the application of a reverse-charge and SD 810/10 Value Added Tax (Amendment) (No.3) Regulations 2010.

## **NOVEMBER 2010**

## **ECCLESIASTICAL**

**PAROCHIAL FEES (ISLE OF MAN) ORDER 2010**  
[SD 1031/10 : Commencement : 01/01/11 : Issuing Authority - Sodor and Man Diocesan Board of Finance]

The Order specified various fees.

## **FINANCIAL SERVICES**

### **FINANCIAL SERVICES (AMENDMENT) RULE BOOK 2010**

[SD 881/10 : Commencement : 01/01/11 : Issuing Authority - FSC]

*[2008 Rule Book revoked]*

This Rule Book amended the 2009 Rule Book to clarify certain rules and made additional rules for the conduct of business and for monies held by e-money issuers. A new Part 9 concerned individuals licensed to carry on the activities of director, trustee, protector and enforcer.

### **FINANCIAL SERVICES (CIVIL PENALTIES) REGULATIONS 2010**

[SD 915/10 : Commencement : 01/01/11 : Issuing Authority - FSC]

The Regulations imposed higher penalties on licenceholders submitting very late financial returns.

### **FINANCIAL SERVICES (EXEMPTIONS) (AMENDMENT) REGULATIONS 2010**

[SD 883/10 : Commencement : 01/01/11 : Issuing Authority - FSC]

The Regulations concern transitional arrangements and exemptions for payment institutions and clarified that certain exempt persons are required to be directly and wholly-owned by holders of a financial services licence.

### **REGULATED ACTIVITIES (AMENDMENT) ORDER 2010**

[SD 882/10 : Commencement : 01/01/11 : Issuing Authority - Treasury]

The Order altered the definition of Class 8(2) regulated activity to cover the provision and execution of payment services directly or as an agent.

## **INSURANCE**

### **CORPORATE GOVERNANCE CODE OF PRACTICE FOR REGULATED INSURANCE ENTITIES**

[SD 880/10 : Commencement : 01/10/10 : Issuing Authority - IPA]

### **CORPORATE GOVERNANCE (AMENDMENT) CODE OF PRACTICE FOR REGULATED INSURANCE ENTITIES**

[SD 886/10 : Commencement : 08/10/10 : Issuing Authority - IPA]

The Codes were issued under section 5(1) Insurance Act 2008 as binding guidance.

## **DECEMBER 2010**

## **COMPANIES**

### **UNCERTIFICATED SECURITIES REGULATIONS 2006 (OPERATORS) (AMENDMENT) REGULATIONS 2010**

[SD 999/10 : Commencement : 22/11/10 : Issuing Authority - Register of Companies]

The Regulations permit companies listed on the Toronto Stock Exchange to use the electronic clearing and settlement system operated by CDS when trading equity and debt securities in Canada.

## **GAMBLING**

**GAMBLING SUPERVISION (PERMITTED DISCLOSURES) ORDER 2010**  
[SD 834/10 : Commencement : 20/12/10 : Issuing Authority - Treasury]

The Order designated public authorities to whom the Gambling Supervision Commission may disclose restricted information for the purpose of discharging specified functions for example statistics, financial services, insurance, pensions and legal advice.

## **SOCIAL SECURITY**

**WELFARE REFORM ACT 2009 (APPLICATION) ORDER 2010**  
[SD 955/10 : Commencement : 01/01/11 : Issuing Authority - DSC]

**SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (No.5) ORDER 2010**  
[SD 956/10 : Commencement : 01/01/11 : Issuing Authority - DSC]

The Orders in particular [1] changed the contribution conditions for contributory jobseeker's allowance and incapacity benefit [2] abolished adult dependency increases for maternity and carer's allowance [3] extended mobility component of disability living allowance to those with severe visual impairment [4] widen circumstances for payment of benefit on account [5] introduced loss of benefit following a single conviction, administrative penalty or caution for benefit fraud [6] introduced loss of benefit following conviction or caution for violence against a person dealing with jobseeker's allowance, and [7] introduced sanctions for failure to attend interview in connection with jobseeker's allowance.

**SOCIAL SECURITY ACT 1998 (APPLICATION) (AMENDMENT) (No. 2) ORDER 2010**  
[SD 953/10 : Commencement : 01/01/11 : Issuing Authority - DSC]

By the Order a social security appeal tribunal need only comprise a chairman and two other persons not necessarily being representative of employed earners, employers and the self-employed.

**SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) (No.4) ORDER 2010**  
[SD 954/10 : Commencement : 01/01/11 : Issuing Authority - DSC]

By the Order a social security appeal tribunal for attendance allowance or disability living allowance need no longer have representatives from employed earners, employers and the self-employed.

## **TRIBUNALS**

**TRIBUNALS REGULATIONS 2010**  
[SD 998/10 : Commencement : 20/12/10 : Issuing Authority - CoM]

The Regulations concern staffing and provide for the selection by the tribunals' centralised administration of a member of a panel to participate in a Part 2 Tribunal.

## LIST B

### SUBORDINATE LEGISLATION WITHOUT EXPLANATORY TEXT *[Listed alphabetically by name]*

#### OCTOBER 2010

Bingo Nights (Prescribed Conditions) Regulations 2010

[SD 231/10 : Commencement : 01/11/10 : Issuing Authority - IOM Gambling Supervision Commission]

Burma/Myanmar Sanctions (Amendment) Regulations 2010

[SD 862/10 : Commencement : 01/10/10 : Issuing Authority - CoM]

Customs and Excise Acts 1986 (Amendment) (No.3) Order 2010

[SD 685/10 : Deemed Commencement : 01/09/10 : Issuing Authority - Treasury]

Customs and Excise Management Act 1986 (Enforcing Authorities) Order 2010

[SD 644/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]

*[restructuring of government]*

Driving Licences and Tests (Fees) Regulations 2010

[SD 815/10 : Commencement : 01/11/10 : Issuing Authority - DI]

Eritrea Sanctions Regulations 2010

[SD 863/10 : Commencement : 01/10/10 : Issuing Authority - CoM]

European Union (Burma/Myanmar Sanctions) (Amendment) (Application) Order 2010

[SD 853/10 : Commencement : 30/09/10 : Issuing Authority - CoM]

European Union (Council Decision) (Iran) (Application) Order 2010

[SD 855/10 : Commencement : 30/09/10 : Issuing Authority - CoM]

European Union (Eritrea Sanctions) (Application) Order 2010

[SD 854/10 : Commencement : 30/09/10 : Issuing Authority - CoM]

European Union (Federal Republic of Yugoslavia Sanctions) (Funds and Investments) (Amendment) (No.2) Regulations 2010

[SD 900/10 : Commencement : 14/10/10 : Issuing Authority - CoM]

European Union (Freezing of Funds) (Yugoslavia) (Application) (Amendment) (No.2) Order 2010

[SD 897/10 : Commencement : 13/10/10 : Issuing Authority - CoM]

European Union (Guinea Sanctions) (Application) Order 2010

[SD 561/10 : Commencement : 08/07/10 : Issuing Authority - CoM]

European Union (International Criminal Tribunal for the Former Yugoslavia Sanctions) (Amendment) (No.2) Regulations 2010

[SD 901/10 : Commencement : 14/10/10 : Issuing Authority - CoM]

European Union (International Criminal Tribunal for the Former Yugoslavia Sanctions) (Application) (Amendment) Order 2010  
[SD 858/10 : Commencement : 30/09/10 : Issuing Authority - CoM]

European Union (Lebanon Sanctions) (Application) (Amendment) (No.2) Order 2010  
[SD 895/10 : Commencement : 13/10/10 : Issuing Authority - CoM]

European Union (North Korea Sanctions) (Application) (Amendment) (No.2) Order 2010  
[SD 896/10 : Commencement : 13/10/10 : Issuing Authority - CoM]

European Union (Somalia Sanctions) (Application) Order 2010  
[SD 562/10 : Commencement : 08/07/10 : Issuing Authority - CoM]

Export Control (Amendment) (No.2) (Application) Order 2010  
[SD 762/10 : Deemed Commencement : 01/09/10 : Issuing Authority - Treasury]  
*[international non-proliferation regimes]*

Export Control (Burma) Order 2008 (Application) Order 2010  
[SD 552/10 : Deemed Commencement : 26/06/10 : Issuing Authority - Treasury]

Export Control (Guinea) Order 2010 (Application) Order 2010  
[SD 631/10 : Deemed Commencement : 01/08/10 : Issuing Authority - Treasury]

Financial Services (Gateways) (Amendment) Order 2010  
[SD 781/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]  
*[Collector of Customs & Excise/IOM Office of Fair Trading-]*

Guinea Sanctions Regulations 2010  
[SD 563/10 : Commencement : 10/07/10 : Issuing Authority - CoM]

Income Tax (Non-Resident) (Excluded Income) (Amendment) Order 2010  
[SD 811/10 : Commencement : 22/10/10 : Issuing Authority - Treasury]

Isle of Man Special Constables (Amendment) Regulations 2010  
[SD 844/10 : Commencement : 01/11/10 : Issuing Authority - DHA]  
*[sick pay]*

Lebanon Sanctions (Amendment) (No.2) Regulations 2010  
[SD 898/10 : Commencement : 14/10/10 : Issuing Authority - CoM]

Licensing and Registration of Vehicles (Fees) Regulations 2010  
[SD 816/10 : Commencement : 01/11/10 : Issuing Authority - DI]

North Korea Sanctions (No.2) Regulations 2010  
[SD 899/10 : Commencement : 14/10/10 : Issuing Authority - CoM]

Public Telecommunication System Designation (Cable and Wireless) Order 2010  
[SD 601/10 : Commencement : 14/07/10 : Issuing Authority - CoM]

Racing Nights (Prescribed Conditions) Regulations 2010  
[SD 232/10 : Commencement : 01/11/10 : Issuing Authority - IOM Gambling Supervision Commission]

Registered Schemes Administrators (Fees) Order 2010  
[SD 645/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]  
*[retirement benefits schemes]*

Sea-Fisheries (Queen Scallop Fishing) Bye-laws 2010  
[SD 668/10 : Commencement : 07/08/10 : Issuing Authority - DEFA]

Seal Products Regulations 2010 (Application) Order 2010  
[SD 773/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]

Sheep Scab (Control) Order 2001 (Revocation) Order 2010  
[SD 768/10 : Commencement : 01/09/10 : Issuing Authority - DEFA]

Somalia Sanctions Regulations 2010  
[SD 564/10 : Commencement : 10/07/10 : Issuing Authority - CoM]

Trade Licences (Rates of Duty) Order 2010  
[SD 817/10 : Commencement : 01/11/10 : Issuing Authority - DI]

Value Added Tax (Amendment) (No.3) Regulations 2010  
[SD 810/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]

Value Added Tax (Section 55A) (Specified Goods and Services and Excepted Supplies)  
Order 2010  
[SD 809/10 : Commencement : 01/11/10 : Issuing Authority - Treasury]

Value Added Tax Act 1996 (Change of Rate) Order 2010  
[SD 534/10 : Deemed Commencement : 22/06/10 & 20% rate 04/01/11 : Issuing Authority -  
Treasury]

#### **NOVEMBER 2010**

Animal Gatherings Order 2010  
[SD 153/10 : Commencement : 01/12/10 : Issuing Authority - DEFA]

Bee Disease and Pests Control (Amendment) Order 2010  
[SD 917/10 : Commencement : 01/12/10 : Issuing Authority - DEFA]

Census Order 2010  
[SD 894/10 : Commencement : 01/12/10 : Issuing Authority - CoM]  
[Amended SD1009/10 Census (Amendment) Order 2010]  
*[census day 27 March 2011][See Census Regulations 2011-SD57/11]*

Deeds and Probate Registries (Fees) Order 2010  
[SD 776/10 : Commencement : 01/12/10 : Issuing Authority - Treasury]

Income Support (General) (Isle of Man) (Amendment) (No.3) Regulations 2010  
[SD 851/10 : Commencement : 02/01/11 : Issuing Authority - DSC]  
*[payment Part III accommodation]*

International Criminal Court (Immunities and Privileges) Order 2010  
[SD 860/10 : Commencement : 01/12/10 : Issuing Authority - CoM]

International Criminal Court (Remand Time) Order 2010  
[SD 861/10 : Commencement : 01/12/10 : Issuing Authority - CoM]

Land Registry Fees Order 2010  
[SD 777/10 : Commencement : 01/12/10 : Issuing Authority - Treasury]

Maternity and Funeral Expenses (General) (Isle of Man) (Amendment) Regulations 2010  
[SD 852/10 : Commencement : 01/12/10 : Issuing Authority - DSC]  
*[payment for Part III accommodation]*

Regulation of Surveillance (Prescription of Offices, Ranks and Positions) (Amendment) Order 2010  
[SD 926/10 : Commencement : 01/12/10 : Issuing Authority - DHA]  
*[consequent on the new departments order]*

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2010  
[SD 848/10 : Commencement : 01/12/10 : Issuing Authority - DSC]  
*[winter bonus]*

Social Security Legislation (Benefits) (Application) (Amendment) (No.2) Order 2010  
[SD 849/10 : Commencement : 01/12/10 : Issuing Authority - DSC]  
*[jobseekers agreement]*

Social Security Legislation (Benefits) (Application) (Amendment) (No.3) Order 2010  
[SD 850/10 : Commencement : 01/12/10 : Issuing Authority - DSC]  
*[immigrants right to family income supplement and disability working allowance]*

#### **DECEMBER 2010**

Customs and Excise (Community Instrument) (Application) Order 2010  
[SD 925/10 : Commencement : 15/12/10 : Issuing Authority - Treasury]

Education (Student Awards) (Amendment) (No.2) Regulations 2010  
[SD 976/10 : Commencement : 01/05/11 : Issuing Authority - DEC]  
*[replaces SD 233/10]*

Online Gambling (Participants' Money) Regulations 2010  
[SD 832/10 : Commencement : 20/12/10 : Issuing Authority - Treasury]

Sea-Fisheries (Ramsey Bay Closed Area) Bye-Laws 2010  
[SD 930/10 : Commencement : 01/11/10 : Issuing Authority - DEFA]

Sea-Fisheries (Scallop Fishing) Bye-Laws 2010  
[SD 766/10 : Commencement : 01/11/10 : Issuing Authority - DEFA]

School Catchment Areas Order 2010  
[SD 1007/10 : Commencement : 01/01/11 : Issuing Authority - DEC]

Value Added Tax (Definition of Charity) (Relevant Territories) Regulations 2010  
[SD 1008/10 : Commencement : 01/01/11 : Issuing Authority - Treasury]  
*[Iceland/Norway]*

Value Added Tax (Emissions Allowances) Order 2010  
[SD 935/10 : Deemed Commencement : 01/11/10 : Issuing Authority - Treasury]

## **GOVERNMENT CIRCULARS APPROVED BY TYNWALD**

### **SCHEMES**

Agri-Environment Scheme 2002 (Amendment) Scheme 2010  
[GC 39/10 : Commencement : 14/12/10 : Issuing Authority - DEFA]

Countryside Care Scheme 2009 (Amendment) Scheme 2010  
[GC 40/10 : Commencement : 14/12/10 : Issuing Authority - DEFA]

House Improvement and Energy Conservation Scheme 2010  
[GC 48/10 : Commencement : 01/12/10 : Issuing Authority - DSC]

## **STATUTORY DOCUMENTS NOT PUT BEFORE TYNWALD**

### **PLANNING**

Standing Orders of the Planning Committee 2010  
[GC 33/10 : Commencement : 01/10/10 : Issuing Authority - DI]

### **ROAD TRAFFIC**

School Limits at School Entrances (Amendment) (No.2) Order 2010  
[SD 647/10 : Commencement : 31/8/10 : Issuing Authority - DI]  
*[Ballaugh School]*

### **FORESTRY - TREES AND HIGH HEDGES ACT 2005**

Delegation of Functions Conferred on the Department to Maughold Parish Commissioners  
2010  
[GC 53/10 - Commencement : 01/11/10 : Issuing Authority - DI]

Delegation of Functions Conferred on the Department to Port Erin Village Commissioners  
2010  
[GC 54/10 - Commencement : 01/11/10 : Issuing Authority - DI]

Delegation of Functions Conferred on the Department to Malew Parish Commissioners 2010  
[GC 55/10 - Commencement : 18/11/10 : Issuing Authority - DI]

Delegation of Functions Conferred on the Department to Patrick Parish Commissioners 2010  
[GC 56/10 - Commencement : 18/11/10 : Issuing Authority - DI]

## INDEX OF STATUTORY DOCUMENTS BY NUMBER

SD153/10 [p.43]  
SD231/10 [p.41]  
SD232/10 [p.42]  
SD327/10 [p.35]  
SD442/10 [p.29]  
SD534/10 [p.35, 43]  
SD552/10 [p.42]  
SD561/10 [p.41]  
SD562/10 [p.42]  
SD563/10 [p.42]  
SD564/10 [p.43]  
SD601/10 [p.42]  
SD631/10 [p.42]  
SD644/10 [p.41]  
SD645/10 [p.43]  
SD647/10 [p.45]  
SD668/10 [p.43]  
SD682/10 [p.36]  
SD683/10 [p.37]  
SD685/10 [p.35, 41]  
SD688/10 [p.35, 38]  
SD756/10 [p.38]  
SD762/10 [p.42]  
SD765/10 [p.35, 37]  
SD766/10 [p.44]  
SD768/10 [p.43]  
SD772/10 [p.36]  
SD773/10 [p.43]  
SD776/10 [p.43]  
SD777/10 [p.44]  
SD778/10 [p.29]  
SD781/10 [p.42]  
SD804/10 [p.37]  
SD805/10 [p.37]  
SD806/10 [p.35, 38]  
SD807/10 [p.35, 38]  
SD809/10 [p.43]  
SD810/10 [p.43]  
SD811/10 [p.42]  
SD815/10 [p.41]  
SD816/10 [p.42]  
SD817/10 [p.43]  
SD827/10 [p.29]  
SD828/10 [p.35, 37]  
SD829/10 [p.36]  
SD830/10 [p.36]  
SD832/10 [p.44]  
SD833/10 [p.29]  
SD834/10 [p.40]  
SD835/10 [p.36]  
SD836/10 [p.37]  
SD837/10 [p.36]  
SD844/10 [p.42]

SD848/10 [p.44]  
SD849/10 [p.44]  
SD850/10 [p.44]  
SD851/10 [p.43]  
SD852/10 [p.44]  
SD853/10 [p.41]  
SD854/10 [p.41]  
SD855/10 [p.41]  
SD858/10 [p.42]  
SD860/10 [p.43]  
SD861/10 [p.44]  
SD862/10 [p.41]  
SD863/10 [p.41]  
SD880/10 [p.39]  
SD881/10 [p.39]  
SD882/10 [p.39]  
SD883/10 [p.39]  
SD886/10 [p.39]  
SD893/10 [p.37]  
SD894/10 [p.43]  
SD895/10 [p.42]  
SD896/10 [p.42]  
SD897/10 [p.41]  
SD898/10 [p.42]  
SD899/10 [p.42]  
SD900/10 [p.41]  
SD901/10 [p.41]  
SD915/10 [p.39]  
SD917/10 [p.43]  
SD925/10 [p.44]  
SD926/10 [p.44]  
SD927/10 [p.37]  
SD930/10 [p.44]  
SD935/10 [p.35, 45]  
SD953/10 [p.40]  
SD954/10 [p.40]  
SD955/10 [p.40]  
SD956/10 [p.40]  
SD958/10 [p.35]  
SD959/10 [p.35]  
SD976/10 [p.44]  
SD998/10 [p.40]  
SD999/10 [p.39]  
SD1007/10 [p.44]  
SD1008/10 [p.44]  
SD1009/10 [p.43]  
SD1031/10 [p.38]

## **PART IV**

### **UK LEGISLATION EXTENDED TO THE ISLAND**

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

#### **DEFENCE**

RESERVE FORCES ACT 1996 (ISLE OF MAN) ORDER 2010

S.I. 2010/2470 - Effective 01/11/10

RESERVE FORCES ACT 1996 (ISLE OF MAN) REGULATIONS 2010

S.I. 2010/2643 - Effective 02/11/10

RESERVE FORCES APPEAL TRIBUNALS (ISLE OF MAN) RULES 2010

S.I. 2010/2644G - Effective 02/11/10

The Orders extended and applied with exceptions and modifications the Reserve Forces Act 1996 (of Parliament).

**PART V**  
**REPORTS**

Isle of Man Government Annual Report 2010 on the Government Strategic Plan 2007-11 [GD52/10]

Tynwald Policy Decisions Report 2010 - Council of Ministers [GD48/10]

Policing Plan 2010-2011: Department of Home Affairs [GD51/10]

Second Report 2010/11 of the Select Committee of Tynwald on Legal Aid in Family Matters [Petition for Redress of Grievance] [PP123/10]

Isle of Man Government Accounts for the year ended 31 March 2010 [GD38/10]

Isle of Man Government Budget and Financial Performance Update a 30 September 2010 [Treasury - GD53/10]

Further Treasury Response to the Report on the Forward Purchase of Euros for the RESA Scheme [Standing Committee on Public Accounts Report] [GD50/10]

Treasury Response to the First (Interim) Report) of the Select Committee on Kaupthing Singer & Friedlander (Isle of Man) Limited [GR59/10]

Standing Committee of Tynwald on Public Accounts - Annual Report 2009-2010 [PP150/10]

Value for Money Committee 2009 - 2010 Treasury Report [GD47/10]

Isle of Man Financial Supervision Commission Annual Report 2009/10

Depositors' Compensation Scheme (in relation to the Banking Business (Compensation of Depositors) Regulations 1991) - Annual Report and Accounts of the Scheme Manager for the year ended 31<sup>st</sup> March 2010

Depositors' Compensation Scheme (in relation to the Compensation of Depositors Regulations 2008) - Annual Report and Accounts of the Scheme Manager for the year ended 31<sup>st</sup> March 2010

Services and Welfare Benefits provided by Government Departments - Report of the Council of Ministers [GD57/10]

Code of Practice on Access to Government Information - Annual Report of the Commissioner 1<sup>st</sup> September 2009 - 31<sup>st</sup> August 2010

Standing Committee on Economic Initiatives - First Report October 2010 [PP122/10]

Crossag Farm - Report of the Select Committee [P132/10]

Isle of Man Gambling Supervision Commission - Annual Report 2009-2010 [GD35/10]

Second Interim Report of the Select Committee on the Manx Electricity Authority [2 Volumes PP146/10(1)&(2)]

## **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]  
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  
Laid October Tynwald 2009 operative 1 September 2009 - 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.

SD 214/11 Rules of the High Court (Civil Partnership) 2011  
Above laid May Tynwald 2011 operative 6 April 2011  
See also SD 213/11 Summary Jurisdiction (Civil Partnerships) Rules 2011

### **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](http://www.gov.im) then on the ribbon click "infocentre" followed by "Manx Law".