

Explanatory Memorandum to Tynwald Members

Issued by the Treasury

To the Hon Clare Christian, President of Tynwald and the Hon Council and Keys in Tynwald assembled

1. Title of measure

Register of Fines Etc. (Miscellaneous Fees) Order 2016 [SD 2016/0160].

2. Changes in policy

By amendments made by the Summary Jurisdiction and Miscellaneous Amendments Act 2013, with effect from 1 August 2014, section 101A of the Summary Jurisdiction Act 1989 ("the 1989 Act") requires the Chief Registrar to maintain a register, in accordance with rules of court, of sums to be paid to the Chief Registrar under section 1 of the Collection of Fines Etc. Act 1985 and the names and addresses of persons who have defaulted in payment.

The Register of Fines Etc. Rules 2014 ("the 2014 Rules") (being the rules of court which have been made by the Clerk of the Rolls for the purposes of section 101A of the 1989 Act) prescribe the procedure for implementing the provisions of section 101A of the 1989 Act.

3. Effects of the measure

Rule 10 of the 2014 Rules provides for a person whose details have been entered in the register in respect of a fine to apply for and obtain a certificate of satisfaction from the Chief Registrar as to the satisfaction of the fine, upon payment of the prescribed fee (if any).

This Order, which is made by the Treasury under section 1 (1) of the Fees and Duties Act 1989, prescribes the fee payable for the purposes of rule 10 of the 2014 Rules. The fee is in respect of an application to the Chief Registrar for a certificate of satisfaction in respect of a fine.

The fee for an application to the Chief Registrar under rule 10 of the 2014 Rules is separate from, and additional to, the other fees and/or charges which may be fixed by the Treasury pursuant to section 101A of the 1989 Act and/or which are the subject of arrangements made by the Treasury with Registry Trust Limited.

(Note: In accordance with rule 5 of the 2014 Rules, it has been determined by the Chief Registrar that the Register shall be kept by the Registry Trust Ltd. The Registry Trust Ltd, incorporated in 1985, is a non-profit company providing public service by private means. The Registry Trust Ltd receives and distributes court data from various jurisdictions within the British Isles. The Treasury, on behalf of the Chief Registrar, has a written agreement with the Registry Trust Ltd. for it to provide the necessary facilities to enable the creation and maintenance of the publically accessible Register, which may be searched by the public website (subject to any applicable fees or charges therefor) via the Registry Trust (www.trustonline.org.uk).

4. Reasons for the measure

This Order prescribes a fee to be paid by a person whose details have been entered in the Register in respect of a fine to make with an application to the Chief Registrar for a certificate ("certificate of satisfaction") as to the satisfaction of the fine.

5. Resource implications

No additional staff resource implications.

6. Tynwald procedure

Tynwald approval is required under section 1(4) of the Fees and Duties Act 1989.