

Statutory Document No. 0177/13



Moneylenders Act 1991

MONEYLENDERS (EXEMPT PERSONS AND EXEMPT TRANSACTIONS) (NO. 2) REGULATIONS 2013

Approved by Tynwald: 21 May 2013
Coming into Operation: 22 May 2013

The Isle of Man Office of Fair Trading makes these Regulations under section 17 of the Moneylenders Act 1991.

1 Title

These are the Moneylenders (Exempt Persons and Exempt Transactions) (No. 2) Regulations 2013.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 22 May 2013.¹

3 Interpretation

In these Regulations, “**the Act**” means the Moneylenders Act 1991.

4 Exempt persons

The following persons are prescribed for the purposes of the definition of “exempt person” in section 18 of the Act —

- (a) Dorchester Limited Partnership, having as its members —
 - (i) Barclays Bank plc; and
 - (ii) Norinchukin Bank; and
- (b) SASOL Financing International plc.

¹ Tynwald approval is required by section 17(2) of the Act.

5 Exempt transactions

- (1) The following descriptions of money lending transactions are prescribed for the purposes of the definition of “exempt transaction” in section 1 of the Act –
- (a) lending by a body corporate (wherever formed, incorporated, registered or otherwise established) to –
 - (i) a director, officer or employee of the body corporate;
 - (ii) another body corporate (wherever formed, incorporated, registered or otherwise established); or
 - (iii) any other person other than an individual who is a sole trader or who deals as consumer in relation to the lending;
 - (b) lending by a person acting in the capacity as trustee of a trust or settlement (whatever the proper law of the trust or settlement) to any person other than an individual who is a sole trader or who deals as consumer in relation to the lending;
 - (c) lending by a partnership (whatever the proper law of the partnership) to any person other than an individual who is a sole trader or who deals as consumer in relation to the lending; and
 - (d) lending by any person to –
 - (i) a body corporate (wherever formed, incorporated, registered or otherwise established);
 - (ii) a trustee (whatever the proper law of the trust or settlement);
 - (iii) a partnership, or a person acting in the capacity as partner of a partnership (whatever the proper law of the partnership); or
 - (iv) any other person other than an individual who is a sole trader or who deals as consumer in relation to the lending.
- (2) For the purposes of paragraph (1) –
- (a) a “sole trader” is an individual who –
 - (i) carries on business in the Island in his or her own name (or under a business name registered under the Registration of Business Names Acts 1918 and 1954); and
 - (ii) borrows the money for the purposes of that business; and
 - (b) an individual deals as consumer if –
 - (i) he or she neither borrows the money in the course of a business nor holds himself or herself out as doing so; and
 - (ii) the person lending the money does so in the course of a business.

- (3) To avoid doubt, where the lending is an exempt transaction, the person lending the money is an exempt person in respect of that lending.
- (4) In this regulation —
 - “**body corporate**” includes a company, limited liability company, foundation or limited partnership with legal personality; and
 - “**partnership**” includes a general partnership and a limited partnership.

6 Revocations

The following are revoked —

- (a) the Moneylenders (Exempt Persons) Regulations 2011²; and
- (b) the Moneylenders (Exempt Persons and Exempt Transactions) Regulations 2013³.

MADE 15TH MAY 2013

DAVID QUIRK

Chairman of the Isle of Man Office of Fair Trading

² SD 944/11

³ SD 0231/13

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe exempt persons and exempt transactions for the purposes of the Moneylenders Act 1991.

It is an offence for a person to carry on a moneylending business in the Island unless the person is an exempt person or the lending is an exempt transaction.

The Regulations revoke earlier Regulations in respect of exempt persons and exempt transactions.