



HOUSE OF KEYS
Y Chiare as Feed
ORDER PAPER
Claare Obbyr

Douglas
Tuesday 8th March 2005
10.00 am

1. QUESTIONS FOR ORAL ANSWER

- 1. The Hon Member for Rushen (Mr Gawne) to ask the Chief Minister -**

What progress has your Government made in implementing each of the recommendations of the October 1995 Report of the Select Committee on Freedom of Information Legislation?

- 2. The Hon Member for Michael (Mr Cannan) to ask the Minister for the Treasury -**

Who in the Treasury, the civil servants or the politicians, recommended the introduction of the Income Tax (Amendment) Bill 2005?

- 3. The Hon Member for Michael (Mr Cannan) to ask the Minister for the Treasury -**

Did a draft of the Income Tax (Amendment) Bill 2005 receive unanimous approval of the Council of Ministers?

- 4. The Hon Member for Michael (Mr Cannan) to ask the Minister for the Treasury -**

(1) Was there any prior consultation with the financial services industry regarding the content of the Income Tax (Amendment) Bill 2005 before the Bill was published; and, if so

(2) who was consulted?

5. **The Hon Member for Michael (Mr Cannan) to ask the Minister for the Treasury -**

If the Income Tax (Amendment) Bill 2005 as presently published received Royal Assent and an Appointed Day Order made, what is the estimated tax revenue in the first full financial year of operation?

6. **The Hon Member for Ramsey (Mrs Craine) to ask the Minister for the Treasury -**

What period of time for formal consultation with members of the finance industry does Treasury consider to be sufficiently appropriate prior to the introduction of legislation?

7. **The Hon Member for Rushen (Mr Gawne) to ask the Minister for the Treasury -**

(1) Is it appropriate to make a decision on important legislation in the privacy of the Council of Ministers Chamber so denying Members of this House their democratic right to openly debate such legislation; and

(2) is it appropriate for Treasury, or indeed any Government Department, to bow to pressure from people with vested interests and withdraw legislation which might detrimentally effect those vested interests?

8. **The Hon Member for Rushen (Mr Gawne) to ask the Minister for the Treasury -**

(1) Does the virtual monopoly which the Island's primary developer holds on development land in the Isle of Man have a positive or negative effect on the Manx economy;

(2) what examples are known to Treasury of unregulated monopolies having a beneficial effect on the communities in which they operate;

(3) why has Treasury failed to bring forward legislation or any fiscal measure to assist in the regulation and control of a monopoly developer; and

(4) why has Treasury failed to bring forward legislation or any fiscal measure to assist in the regulation and control of the buy to let market?

9. The Hon Member for Middle (Mr Quayle) to ask the Minister for the Treasury -

What is the overall estimated cost of down time and disruption caused to the Civil Service staff in relation to the Government's Magic XP computer problems recently experienced and will you be able to recover any such costs from XKO, HP or Microsoft?

10. The Hon Member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs -

Will you produce both sets of listening devices found in Police Headquarters to Members of Tynwald and provide a competent engineer to demonstrate the credibility of this equipment?

11. The Hon Member for Onchan (Mr Karran) to ask the Minister for Health and Social Security -

Will you give this House an update on the proposals of the Pensions Working Party, which was due to report to Tynwald by October 2004?

12. The Hon Member for Onchan (Mr Karran) to ask the Minister for Education -

- (1) Can you provide a breakdown of the capital costs regarding the setting up of the International Business School; and
- (2) what is the cost to the taxpayer regarding the takeover of the International Business School, making it officially part of the Department of Education?

13. The Hon Member for Onchan (Mr Karran) to ask the Minister for the Transport -

Will you bring an Order to Tynwald this July introducing a higher rate of vehicle duty under the Licensing and Registration of Vehicles Act 1985 for four wheel drive vehicles not used for commercial purposes, in order to reflect the increased environmental and social costs associated with the use of such vehicles?

14. The Hon Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission -

- (1) Will you consider introducing performance management pay for the junior grades of the Civil Service before the senior grades of the Civil Service; if not, why not; and
- (2) do you accept that many people both within and outside the Civil Service regard your Commission's current proposals as self-serving and divisive?

15. The Hon Member for Onchan (Mr Karran) to ask the Chairman of the Civil Service Commission -

Will you introduce once every ten years, the practice of awarding pay increases to the Civil Service as a single equal sum for all grades instead of using the present salary percentage basis, which gives proportionately more to the higher paid?

2. QUESTIONS FOR WRITTEN ANSWER

1. The Hon Member for Rushen (Mr Gawne) to ask the Chief Minister -

Under the Code of Practice on Access to Government Information how many initial refusals to provide information and requests for review have been recorded for each of the years ended -

- (a) 31st August 2003; and
- (b) 31st August 2002?

2. The Hon Member for Onchan (Mr Karran) to ask the Minister for the Transport -

In view of your intention to reduce the blood/alcohol limit to 50 mg of alcohol in 100 ml of blood, can you give a breakdown, over the last five years of -

- (a) the total number of traffic accidents;
- (b) those caused by the driver being over the limit of 80 mg; and
- (c) those caused by the driver being over 50 mg and under 80 mg?

3. CHAPLAIN OF THE HOUSE

The Hon Member for Michael (Mr Cannan) to move -

That the First Report of the Management and Members' Standards Committee for the Session 2004-05 be received and that the Revd George Bruce Quinn MBE be elected Chaplain of the House to serve during the life of this House.

4. BILL FOR CONSIDERATION OF COUNCIL AMENDMENTS

1. Fiduciary Services Bill

Mr Bell

5. MOTION

The Minister for the Treasury (Mr Bell) to move -

That Standing Order 152 be suspended to permit the Income Tax (Amendment) (No 2) Bill to be read the second time at this sitting.

6. BILL FOR FIRST READING

- 1. Income Tax (Amendment) (No 2) Bill**

Mr Bell

7. BILL FOR SECOND READING

- 1. Income Tax (Amendment) (No 2) Bill**

Mr Bell

The House may be asked to suspend Standing Orders to take further stages of the above Bills.

Unless the House otherwise determines, the above business will be considered in the order shown.

**Malachy Cornwell-Kelly
Secretary of the House**

IN THE KEYS

FIDUCIARY SERVICES BILL

(FOR THE INFORMATION OF MEMBERS)

AMENDMENTS MADE BY THE HOUSE OF KEYS, 30TH NOVEMBER 2004

Clause 4 and Schedule 3

Page 25 : after paragraph 5 insert –

“6. In section 6(1), after paragraph (b) insert –

“(ba) without prejudice to section 16(1)(c), the submission to the Commission by the operator, manager or trustee of any such scheme of such specified information, statements, returns, reports or certificates as may relate to the scheme, or its operator, manager or trustee and the affairs of it or any of them;

(bb) the time within which, and the occasions when (including on a request by the Commission), any information or document required to be produced to the Commission under paragraph (ba) is to be produced;

(bc) the form, content and validation of any information or document required to be produced to the Commission under paragraph (ba).”,

and re-number the subsequent paragraphs.

AMENDMENTS MADE BY THE LEGISLATIVE COUNCIL

Schedule 1 -

Page 11: In paragraph 12(1)(d), after “resident” insert “or domiciled”.

Page 12: In the second paragraph 12(2)(d), before “Certified” insert “Chartered”.

Page 12: After paragraph 12 insert –

“13. (1) Section 2(1) and (2) shall not apply in respect of a regulated activity if the activity is undertaken by a specified person (within the meaning of paragraph 12(2)) in respect of an inter vivos trust to which this paragraph applies.

(2) This paragraph applies to a trust if –

(a) the funds of the trust consist only of funds settled or provided –

- (i) by one or more settlors when the trust is created;
 - (ii) under the terms of the wills of the settlors;
 - (iii) under the terms of a will of a spouse of a settlor;
- and any income or gain arising from those funds; and
- (b) the conditions set out in sub-paragraph (3) are satisfied.
- (3) The conditions referred to in sub-paragraph (2) are that –
- (a) the settlors are resident or domiciled in the Island when the trust is created; and
 - (b) the will or wills are governed by the law of the Island; and
 - (c) each settlor is resident or domiciled in the Island on the date of his or her death; and
 - (d) the activity is ancillary to a professional activity undertaken by the specified person in a professional capacity.”,
- and re-number the subsequent paragraphs appropriately.”

Page 12: At the end of Schedule 1 add –

“[]. (1) Section 2(1) and (2) shall not apply in respect of a regulated activity undertaken by an individual who is a specified person (within the meaning of paragraph 12(2)) if that individual does not undertake regulated activities in respect of more than 10 trusts.

(2) For the purposes of sub-paragraph (1), in determining the number of trusts in respect of which an individual undertakes a regulated activity, no account shall be taken of any trust in respect of which a regulated activity would be the subject of an exemption under any other paragraph of this Schedule if that activity were undertaken by that individual.

[]. Section 2(1) and (2) shall not apply in respect of a regulated activity undertaken by an individual who is a specified person (within the meaning of paragraph 12(2)) if –

- (a) at the time the activity is undertaken, the gross assets of the trust do not exceed £5,000; and
- (b) no funds have been settled or provided to the trust other than those settled or provided by the settlors when the trust is created; and
- (c) the settlors are resident or domiciled in the Island when the trust is created.”.