



HOUSE OF KEYS

Y Chiare as Feed

VOTES AND PROCEEDINGS

Reaghyssyn as daaltyn

DOUGLAS
TUESDAY 18th APRIL 2000
at 10.00 am

PRESENT: Mr Speaker and 22 Members, Mr Shimmin being absent with leave.

Motion made - that Standing Order 43(2) be suspended to enable the remaining questions tabled for oral answer at this sitting to be put.

Mrs Cannell

Motion carried.

BILLS FOR FIRST READING

HUMAN RIGHTS BILL

Mr Brown

CRIMINAL JUSTICE BILL

Mr Bell

CORPORATE SERVICE PROVIDERS BILL

Clauses considered.

Motion made – that Clause 1 and Schedule 1 stand part of the Bill.

Mr Braidwood

Motion carried.

Motion made – that Clause 2 and Schedule 2 stand part of the Bill.

Mr Braidwood

Amendment moved –

Pages 30 and 31 - for paragraph 5 substitute -

"5. (1) Section 2(1) and (2) shall not apply in respect of any regulated activity which is undertaken in the Island by a person who is resident in the Island if the company which is the subject of the activity -

(a) is resident in the Island; and

(b) has a permanent establishment in the Island; and

(c) carries on as its sole or principal trade or business -

(i) the holding of assets which are beneficially owned by persons who are resident in the Island; or

(ii) the supply of any goods or services made in the Island; or

(iii) the manufacture in the Island of any goods.

(2) In sub-paragraph (l) -

"beneficially owned" includes ultimate ownership through a trust or company or a series of trusts or companies;

"permanent establishment" means a fixed place of business through which the business of the company is wholly or partly carried on;

"resident" means resident in the Island for the purposes of income tax:

"supply" means all forms of supply."

Page 31; in paragraph 6 –

(a) after sub-paragraph (f) insert -

"(g) a collective investment scheme the manager of which is the holder of an investment business licence under the Investment Business Act 1991;"

(b) re-number the subsequent sub-paragraph;

(c) in sub-paragraph (g) [as originally numbered] for "(f)" substitute "(g)".

Page 33; in paragraph 12 –

(a) at the beginning insert "(1)";

(b) at the end add –

"(2) Sections 2(1) and (2) shall not apply in respect of any regulated activity specified in paragraph 6(1) of Schedule 1 if the

person in question does not act as a director or alternate director in respect of more than 10 companies.

(3) For the purposes of sub-paragraph (2), in determining the number of companies in respect of which a person is a director, no account shall be taken of –

- (a) a directorship of a company which falls within heads (a) to (c) of paragraph 5(1);*
- (b) a directorship of a company which falls within any of heads (a) to (g) of paragraph 6; or*
- (c) a directorship which falls within sub-paragraph (1) of this paragraph.*

(4) In sub-paragraphs (2) and (3), “director” has the same meaning as in paragraph 6(1) of Schedule 1.”.

Mr Corkill

Amendment carried.

Clause 2 as amended carried.

Motion made – that Clause 3 stand part of the Bill.

Mr Braidwood

Motion carried.

Motion made – that Clause 4 stand part of the Bill.

Mr Braidwood

Motion carried.

Motion made – that Clause 5 stand part of the Bill.

Mr Braidwood

Motion carried.

Motion made – that Clause 6 stand part of the Bill.

Mr Braidwood

Motion carried.

Motion made – that Clause 7 stand part of the Bill.

Mr Braidwood

Motion carried.

Motion made – that Clause 8 stand part of the Bill.

Mr Braidwood

Motion carried.

Motion made – that Clause 9 stand part of the Bill.

Mr Braidwood

Motion carried.

Motion made – that Clause 10 stand part of the Bill. Mr Braidwood

Amendment moved –
Page 11, line 4; After “access” insert –

“to the office or place of business of the CSP or former CSP.” Mrs Hannan

Amendment lost.

Motion carried.

Motion made – that Clause 11 stand part of the Bill. Mr Braidwood

Motion carried.

Motion made – that Clause 12 stand part of the Bill. Mr Braidwood

Motion carried.

Motion made – that Clause 13 stand part of the Bill. Mr Braidwood

Motion carried.

Motion made – that Clause 14 stand part of the Bill. Mr Braidwood

Motion carried.

Motion made – that Clause 15 stand part of the Bill. Mr Braidwood

Motion carried.

Motion made – that Clause 16 stand part of the Bill. Mr Braidwood

Motion carried.

Motion made –

That the following new clause be agreed in principle –

NEW CLAUSE (It is suggested that the new clause be inserted before clause 17)

“Application in doubtful cases.

[]. (1) Where the Commission is satisfied that there is real doubt as to whether -

- (a) a person engaging in a regulated activity is doing so by way of business; or*
- (b) a company falls within heads (a) to (c) of paragraph 5(1) of Schedule 2; or*
- (c) a person falls within paragraph 12 of Schedule 2,*

it may make a declaration under this section.

(2) A declaration under this section is a declaration in writing that -

(a) a person engaging in a regulated activity is or is not doing so by way of business; or

(b) a company does or does not fall within heads (a) to (c) of paragraph 5(1) of Schedule 2; or

(c) a person does or does not fall within paragraph 12 of Schedule 2.

(3) Where a declaration is made under this section, the person or company concerned shall, for the purposes of this Act, be treated accordingly.

(4) Any person who is directly affected by a declaration under this section may, within 28 days of the making of the declaration, apply for a review of it in accordance with section [17 - Review of Commission decisions].

(5) Without prejudice to section 26 of the Interpretation Act 1976, the powers conferred on the Commission by this section may be exercised in relation to specified cases, persons or companies or in relation to classes of case, persons or companies."

Mr Corkill

Motion carried.

Motion made –

That the new clause stand part of the Bill.

Mr Corkill

Motion carried.

Motion made – that Clause 17 stand part of the Bill.

Mr Braidwood

House divided.

Motion carried.

Motion made – that Clause 18 stand part of the Bill.

Mr Braidwood

House divided.

Motion carried.

Motion made – that Clause 19 stand part of the Bill.

Mr Braidwood

Motion carried.

Motion made – that Clause 20 stand part of the Bill.

Mr Braidwood

Motion carried.

Motion made – that Clauses 21 and 22 stand part of the Bill.
Mr Braidwood
Motion carried.

Motion made – that Clauses 23 and 24 stand part of the Bill.
Mr Braidwood
Motion carried.

Motion made – that Clause 25 stand part of the Bill.
Mr Braidwood
Motion carried.

Motion made – that Clause 26 stand part of the Bill.
Mr Braidwood
Motion carried.

Motion made – that Clause 27 and Schedule 3 stand part of the Bill.
Mr Braidwood
Motion carried.

Motion made – that Clause 28 stand part of the Bill.
Mr Braidwood
Motion carried.

ELECTRONIC TRANSACTIONS BILL

Motion made – That the new clause inserted by the Council be agreed
Mr North
Motion carried.

EMPLOYMENT (SEX DISCRIMINATION) BILL

Motion made – That the Council amendments be agreed.
Mrs Crowe

The House adjourned at 1.15 pm to a sitting of Tynwald Court at 2.30 pm

**DOUGLAS
TUESDAY 18th APRIL 2000
at 3.00 pm**

PRESENT: 22 Members, Mr Shimmin being absent with leave and Mr Speaker having been elected President of Tynwald.

Motion made – that the Hon Member for Ramsey (Mr Bell) take the Chair for the election of Speaker.

Mrs Hannan

Motion carried.

ELECTION OF SPEAKER

Mr Brown and Mr Cannan were nominated and seconded.

After a ballot Mr Cannan was elected.

Motion made – that the Agenda for the sitting this day be completed.

Mr Henderson

Motion carried.

EMPLOYMENT (SEX DISCRIMINATION) BILL

Resumption of consideration of the Council amendments.

Amendment moved –

For the words after “amendments” substitute “be disagreed with a view to a Conference.”

Mr Downie

Amendment lost.

House divided.

Motion carried.

Motion made – that Standing Orders be suspended to elect the Deputy Speaker.

Mr Cannell

House divided.

Motion carried.

ELECTION OF DEPUTY SPEAKER

Mr Brown and Mr Downie were nominated and seconded.

After a ballot Mr Brown was elected.

The House rose at 4.18 pm.

Prof T StJ N Bates
Secretary of the House

The House adjourned to 9th May 2000