



HOUSE OF KEYS
Y Chiare as Feed

VOTES AND PROCEEDINGS
Reaghyssyn as daaltyn

Douglas
Tuesday 26th February 2008
at 10.00 am

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

1. QUESTIONS FOR ORAL ANSWER

Question on a matter of urgent public importance answered orally.

Questions 1 – 5 answered orally.

2. QUESTIONS FOR WRITTEN ANSWER

Questions 1 – 4 answered in writing.

3. BILL FOR FIRST READING

3.1 Agricultural Tenancies Bill

Mr Gawne

Bill read the first time.

4. BILL FOR CONSIDERATION OF CLAUSES

4.1 Insurance Bill – suspensions of Standing Orders

Motion made

That Standing Orders 3.11 and 4.11 be suspended to the extent necessary to enable the amendments to the Insurance Bill now tabled to be moved, notwithstanding the completion of the clauses stage of the Bill.

Mr Bell

Motion carried

Motion made

That Standing Orders 3.11 and 4.11 be suspended to the extent necessary to enable the amendments to the Insurance Bill now circulated to be moved, notwithstanding the completion of the clauses stage of the Bill.

Mr Watterson

Motion carried

4.2 Insurance Bill – clauses

Mr Braidwood

Clause 3 & Schedule 1

Page 2: lines 29 to 32, and pages 37 and 38: that clause 3 and Schedule 1 be reinstated.

Mr Bell

Amendment passed

Clause 3 & Schedule 1 - amendments made

SCHEDULE 1

Page 37: after paragraph 1(2) insert -

“(3) The Chief Executive Officer referred to in paragraph 2(2) is not eligible for appointment as a member of the Authority.

(4) If the Chief Executive Officer is appointed as a member of the Authority, he or she shall go out of office as Chief Executive Officer.”.

Page 37: Re-number paragraph 1(3) “1(5)”; Re-number paragraph 1(4) “1(6)”; Re-number paragraph 1(5) “1(7)”.

Page 37: at the start of paragraph 1(7) insert “Subject to subparagraph (8),”.

Page 37: after paragraph 1(7) insert -

“(8) The person who, immediately before the commencement of this Schedule, held office as Chief Executive Officer shall go out of office as a member of the Authority upon commencement of this Schedule.”.

Page 37: after paragraph 2(2) insert -

“(3) The Authority shall not appoint a member of the Authority as Chief Executive Officer.

(4) If a member of the Authority is appointed as Chief Executive Officer, he or she shall go out of office as a member of the Authority.”.

Page 37: re-number paragraph 2(3) “2(5)”.

Mr Watterson

House divided

Amendments lost

Clause 3 & Schedule 1 ordered to stand part

Clause 36 & Schedule 5 - amendments made

SCHEDULE 5

Page 47: in paragraph 1(1) in item (j) delete “or”.

Page 47: in paragraph 1(1), at the end of item (k) insert –
“; or

(l) any other person whom the Supervisor has reason to believe has information that is relevant to the discharge of the Supervisor’s functions under this Act or the Retirement Benefits Schemes Act 2000 [c.14].”.

Page 48: in paragraph 2(1) for “(a) to (k)” substitute “(a) to (l)”.

Page 50: in paragraph 5(1) for “(a) to (k)” substitute “(a) to (l)”.

Page 50: in paragraph 5(2)(a) for “subparagraphs (a) to (h) or (k)” substitute
“subparagraphs (a) to (l)”.

Mr Bell

Amendments passed

Clause 36 & Schedule 5 as amended ordered to stand part

Clause 37 - amendments made

Page 20; lines 7 to 13: for subsections (4) and (5) substitute -

“(4) If the person concerned does not appeal the decision under section 45, the penalty shall be paid to the Treasury within such period as may be prescribed.

(5) If the person concerned does not appeal the decision under section 45 and on the determination of the appeal a penalty of any amount is payable, that penalty shall be paid to the Treasury within 14 days of the determination of the appeal.”.

Mr Bell

Amendments passed

Clause 37 as amended ordered to stand part

Clause 44 – amendment made

Page 24; line 30: for “review” substitute “appeal”.

Mr Bell

Amendment passed

Clause 44 as amended ordered to stand part

Clause 45 – amendment made

Pages 24 and 25: for clause 45 substitute -

“Appeals to the Insurance Tribunal

45. (1) For the purposes of this Act there shall be a tribunal known as the Insurance Tribunal.

(2) The Insurance Tribunal shall consist of—

(a) a chairman appointed in accordance with the Tribunals Act 2006; and

(b) 2 members selected in accordance with regulations made under section 9(b) of the Tribunals Act 2006 from a panel appointed in accordance with that Act.

(3) Any person who is aggrieved by a decision of the Supervisor or the Authority under this Act may appeal, in accordance with rules made under section 8 of the Tribunals Act 2006, to the Insurance Tribunal.

(4) On the determination of an appeal under this section the Tribunal shall confirm, vary or revoke the decision in question.

(5) Any variation or revocation of a decision shall not affect the previous operation of that decision or anything duly done or suffered under it.

(6) Without prejudice to subsection (7), any decision of the Insurance Tribunal on an appeal under this section shall be binding on the Supervisor, the Authority and the applicant.

(7) An appeal shall lie to the High Court, in accordance with rules of court, on a question of law from any decision of the Insurance Tribunal.”.

Mr Bell

Amendment passed

Clause 45 as amended ordered to stand part

Clause 49 – amendments made

Page 26; line 17: for “any Review Committee” substitute “the Insurance Tribunal, the Retirement Benefits Schemes Tribunal”.

Page 26; line 20: for “a Review Committee” substitute “the Insurance Tribunal, the Retirement Benefits Schemes Tribunal”.

Page 26; line 23: for “a Review Committee” substitute “the Insurance Tribunal, the Retirement Benefits Schemes Tribunal”.

Mr Bell

Amendments passed

Clause 49 as amended ordered to stand part

Clause 50 – amendment made

Page 27, lines 14 & 15 -

After the words “the sitting at which the regulations are laid” insert:
“, or at the next following sitting,”

Mr Watterson

Amendment passed

Clause 50 as amended ordered to stand part

Clause 54 – amendments made

Page 34: line 24: after the definition of “insurance manager” insert -

“Insurance Tribunal” means the tribunal established under section 45;”.

Page 35; lines 14 to 16: delete the definition of “Review Committee” and substitute -

“Retirement Benefits Schemes Tribunal” means the tribunal established under section 38 of the Retirement Benefits Schemes Act 2000;”.

Mr Bell

Amendments passed
Clause 54 as amended ordered to stand part

Clause 56 & Schedule 8 – amendments made

SCHEDULE 8

Pages 62 and 63 : in paragraph 6 (the amendment to the Legal Aid Act 1986),
for new section 5D substitute—

“5D. Proceedings before the Retirement Benefits Schemes Tribunal under section 38 of the Retirement Benefits Schemes Act 2000 or before the Insurance Tribunal under section 45 of the Insurance Act 2008 which shall be proceedings in a court for the purposes of this Act.”.

Page 65: after paragraph 34 (an amendment to the Retirement Benefits Schemes Act 2000) insert—

“35. For section 38 substitute—

“Appeals to the Retirement Benefits Schemes Tribunal

38. (1) For the purposes of this Act there shall be a tribunal known as the Retirement Benefits Schemes Tribunal (in this Act referred to as “the Tribunal”).

(2) The Tribunal shall consist of—

(a) a chairman appointed in accordance with the Tribunals Act 2006; and

(b) 2 members selected in accordance with regulations made under section 9(b) of the Tribunals Act 2006 from a panel appointed in accordance with that Act.

(3) Any person who is aggrieved by a decision of the Supervisor to -

(a) refuse to register a scheme under section 3;

(b) register a scheme subject to conditions under section 3(3);

(c) make an authorisation subject to new conditions under section 3(3)(a);

(d) vary any existing conditions under section 3(3)(b);

(e) revoke an authorisation under section 4;

(f) refuse to extend (or further extend) a period under section 9(7), 13(7) or 14(5);

(g) issue a direction under section 14(2);

(h) refuse to give approval under section 18(3);

(i) issue a direction under section 19(1) or (2);

(j) vary or revoke a consent under section 19(4)(b) or (c);

- (k) issue a direction under section 22(1);
- (l) issue a notice or direction under section 23(2) or (3);
- (m) issue a direction under section 31;
- (n) refuse to withdraw or vary a direction under section 31(1);
- (o) refuse to register an administrator under section 36(4)(a);
- (p) cancel the registration of an administrator under section 36(4)(b);
- (q) disqualify a person under section 41; or
- (r) refuse to revoke a disqualification order under section 41,

may appeal, in accordance with rules made under section 8 of the Tribunals Act 2006, to the Tribunal.

(4) On the determination of an appeal under this section the Tribunal shall confirm, vary or revoke the decision in question.

(5) Any variation or revocation of a decision shall not affect the previous operation of that decision or anything duly done or suffered under it.

(6) Without prejudice to subsection (7), any decision of the Tribunal on an appeal under this section shall be binding on the Supervisor and the applicant.

(7) An appeal shall lie to the High Court, in accordance with rules of court, on a question of law from any decision of the Tribunal.”.”,

and re-number the subsequent paragraphs accordingly.

Page 66: For paragraph 47 (the amendment to the Tribunals Act 2006) substitute -

“47. For paragraph 6 of Part 2 of Schedule 2 substitute -

“6. The Retirement Benefits Schemes Tribunal established under section 38 of the Retirement Benefits Schemes Act 2000.”.

48. After paragraph 7 of Part 2 of Schedule 2 insert -

“8. The Insurance Tribunal established under section 45 of the Insurance Act 2008.””,

and re-number the subsequent paragraphs accordingly.

Mr Bell

Amendments passed

Clause 56 & Schedule 8 as amended ordered to stand part

Clause 57 & Schedule 9 – amendment made

SCHEDULE 9

Page 68: in the entry relating to the Retirement Benefits Schemes Act 2000, in the third column (above the reference to “Schedule 1”) insert -

“In section 54, the definition of “Review Committee.”.

Mr Bell

Amendment passed

Clause 57 & Schedule 9 as amended ordered to stand part

5. BILLS FOR THIRD READING

5.1 Financial Services Bill

Motion made

That the Financial Services Bill be read the third time and be sent to the Council

Mr Bell

Motion carried

5.2 Insurance Bill

Motion made

That the Insurance Bill be read the third time and be sent to the Council

Mr Braidwood

Motion carried

5.3 Collective Investments Schemes Bill

Motion made

That the Collective Investment Schemes Bill be read the third time and be sent to the Council

Mr Bell

Motion carried

6. LEAVE TO INTRODUCE

6.1 Midsummer Tynwald Court

Motion made

That leave be given to introduce a Bill to provide that the Midsummer Tynwald Court shall be held on 5th July in every year.

Mr Quirk

House divided

Motion carried

The House rose at 12.43 pm and adjourned to 4th March 2008 at 10.00 am in Douglas.

Malachy Cornwell-Kelly

Secretary of the House