

3.6. Payment Services Bill 2015 – Clauses considered and Third Reading approved

The Speaker: Mr Teare.

Mr Teare: Thank you, sir.

I would like to thank Hon. Members for their support for this Bill, which is technical and, I would suggest, not contentious.

Going through the individual clauses, sir, clause 1 provides the resulting Act with its short title. Mr Speaker, I beg to move that clause 1 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

The Speaker: I put the question: clause 1, those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 2.

Mr Teare: Clause 2 provides for the commencement of the resulting Act. Other than clause 1, this clause will come into operation by virtue of an order made by the Council of Ministers on one or more appointed days.

Mr Speaker, I beg to move that clause 2 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

The Speaker: I put the question: clause 2, those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

Mr Teare: Clause 3 provides for the interpretation of key terms used in the Bill, which will also appear in the related secondary legislation.

In order to avoid the need for further amendments in the future if there are changes in the EU legislation involving payment services and competition law, subsection (2) of the clause provides for references in the Act or secondary legislation to 'the Directives' and 'the relevant competition provisions' to be construed as references to the Directives and the competition provisions as they have effect from time to time.

Mr Speaker, I beg to move that clause 3 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks

The Speaker: I put the motion. Clause 3: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

Mr Teare: Clause 4 authorises the Financial Supervision Commission to make regulations giving effect in the law of the Island to the two Directives, transposition of which is critical to the Island being recognised as a SEPA jurisdiction.

Regulations under this clause, and clause 5, can make any provision that might be made by an Act of Tynwald. Once again this is intended to avoid the need for further primary legislation and to ensure the Island can react rapidly to any changes in the regulatory framework for payment services. This point is dealt with in clause 8.

Mr Speaker, I beg to move that clause 5 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks

The Speaker: Hon. Member, you did say you were moving clause 5? We are on clause 4.

Mr Teare: Clause 4, I beg your pardon, sir.

The Speaker: Clause 4: those in favour, say aye; against, no. The ayes have it. The ayes have it. Clause 5.

Mr Teare: Clause 5 enables the Isle of Man Office of Fair Trading to make regulations to secure effective competition between the SEPA participants in the Island and those elsewhere.

This is, as I mentioned in the Second Reading, a requirement for the Island to become a SEPA jurisdiction. As I mentioned then because EU competition law is largely contained now in the Treaty on the Functioning of the European Union the necessary legislation can be put in place under the European Communities (Isle of Man) Act 1973 which is the reason for the need for the present Bill.

Mr Speaker, I beg to move that clause 5 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks

The Speaker: I put the question. Clause 5: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 6.

Mr Teare: Clause 6 provides, as I mentioned earlier, that regulations under clauses 4 and 5 can make any provision that can be made by an Act of Tynwald. This reflects the position in relation to regulations under section 2B of the European Communities (Isle of Man) Act 1973.

Subsection (2) of the clause requires the makers of regulations under the Act to consult with such persons as appear appropriate. This is deliberately flexible because, whilst the regulations will normally only be of concern to the payment service providers themselves, the Competition Regulations will confer benefits on consumers, and wider consultation may therefore be appropriate in that situation.

Mr Speaker, I beg to move that clause 6 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks

The Speaker: Clause 6: those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 7.

Mr Teare: Clause 7 is intended to provide an element of future-proofing for the legislation. It empowers the Council of Ministers by order to amend this Act if it appears necessary or expedient to do so in the light of developments in the operation of payment services regulated by the European Payments Council or any change in EU law relating to payment services.

Mr Speaker, I beg to move that clause 7 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks

The Speaker: Clause 7: those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 8.

Mr Teare: Clause 8 provides that regulations and orders under this Act do not have effect unless approved by Tynwald.

Mr Speaker, I beg to move that clause 8 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

The Speaker: Mr Teare.

Mr Teare: Thank you, sir.

I beg to move the Standing Orders and in particular Standing Order 4.11(1) be suspended to the extent necessary to permit the Payment Services Bill to be read a third time. (*Interjections*)

The Speaker: Hon. Member, we have suspended Standing Orders to allow the Third Reading to be moved. I simply require you to move the Third Reading

Mr Watterson: Have we voted on clause 8?

The Speaker: Mr Teare.

Mr Teare: I am now in a position to move the Third Reading –

The Speaker: Indeed, we have completed the clauses stage and permission has been given to move to the Third Reading by suspension of Standing Orders.

Mr Teare: Thank you for that clarity, sir. I apologise.

I would like to repeat my thanks to all those who have supported the moving of this legislation today. As I said before, it is technical, it does enable our financial services industry banks to enter into, if they so require, the European payment system and it helps to support the development of their business.

So, with that, Mr Speaker, I would like to thank my seconder, and everybody else for their support today.

I would now like to move:

That the Payment Services Bill be read the third time.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks

The Speaker: I put the question that the Payment Services Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.