



Isle of Man Office of Fair Trading

Proposed Moneylenders (Registration Fees) Order 2013

Consultation Paper

March 2013

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1. Introduction

This consultation sets out a proposed amendment to the fee payable to the Isle of Man Office of Fair Trading ('the Office') for the registration of a moneylender under the Moneylenders Act 1991.

The fee shall be such an amount as is prescribed by Order under the Fees and Duties Act 1989 and is subject to approval by Tynwald.

2. Background

The Office maintains a register of persons carrying on the business of lending money in the Island under the Moneylenders Act 1991 ('the Act').

Only those persons who can satisfy the Board of the Office that they are 'fit and proper' to operate a money lending business will be registered.

The Act makes it an offence for an unregistered person (except an 'exempt person') to carry on the business of lending money in the Isle of Man.

Registration as a moneylender is effective for a period of three years from the date of issue unless either cancelled or revoked in accordance with the provisions of the Act.

The registration fee was last increased in August 2011.

Since the introduction of the Act, the workload and risk involved in registering moneylenders has risen significantly with increasingly complex and sophisticated businesses providing moneylending services. The current fee of £410 for a three year registration does not cover the cost of the administration process.

3. Proposal

The Board of the Office proposes that the current fee of £410 be increased to £500 for a three year registration to reflect the costs of administration and the increasing risk to the Office.

It is anticipated that the fee will become effective for all new applications and renewals with effect from 1st August 2013.

4. Consultation Process

The Board of the Office would welcome your views and any comments you wish to make on the proposed Moneylenders (Registration Fee) Order 2013 as set out in [Appendix 1](#). In addition should you suggest any amendments, additions or deletions to the draft regulations, please give reasons for your proposals.

Comments should be submitted in writing by post, fax or email no later than 5.00pm on Monday 13th May 2013 to:

Nina Lowney
Legislation & Finance Officer
Isle of Man Office of Fair Trading
Government Building
Lord Street
Douglas
Isle of Man
IM1 1LE

Tel: (01624) 686507
Fax: (01624) 686504
Email: nina.lowney@gov.im

Additional copies of this document can be obtained from the Isle of Man Office of Fair Trading by telephoning (01624) 686507. Electronic copies of this document are also available at www.gov.im/oft.

When submitting your views please indicate if you are responding on behalf of an organisation. A list of Direct Consultees can be found at [Appendix 2](#) of this document. If there is anyone not on the list who you think should be consulted please contact the officer named above.

To ensure that the process is open and honest and in line with the Government's Code of Practice on Consultation, as attached at [Appendix 3](#), responses can only be accepted if you provide your name with your response.

Unless specifically requested otherwise, any responses received may be published either in part or in their entirety. **Please mark your response clearly if you wish your response and name to be kept confidential.** Confidential responses will be included in any statistical summary and numbers of comments received.

A summary of responses will be published within three months of the closing date for this consultation and will be available on the Isle of Man Office of Fair Trading website (www.gov.im/oft) or by contacting the above named officer.

The purpose of consultation is not to be a referendum but an information, views and evidence gathering exercise from which to make an informed decision on the proposed Moneylenders (Registration Fees) Order 2013. In any consultation exercise the responses received do not guarantee changes will be made to what has been proposed.



Fees and Duties Act 1989

MONEYLENDERS (REGISTRATION FEES) ORDER 2013

Approved by Tynwald:

Coming into Operation:

1 August 2013

The Isle of Man Office of Fair Trading with the concurrence of the Treasury makes the following Order under section 1(1) of the Fees and Duties Act 1989¹.

1 Title

This Order is the Moneylenders (Registration Fees) Order 2013.

2 Commencement

If approved by Tynwald², this Order comes into operation on 1 August 2013.

3 Registration Fee

The fee of £500 is payable -

- (a) on an application for registration under section 2(1) of the Moneylenders Act 1991³; and
- (b) on an application for renewal of registration under section 3(2) of that Act.

4 Revocation

The Moneylenders (Registration Fees) Order 2011⁴ is revoked.

¹ 1989 c.12

² As required by section 1(4) of the Act

³ 1991c.6

⁴ SD 0538/11

MADE

CHAIRMAN

Isle of Man Office of Fair Trading

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the fee payable on an application for registration or renewal of registration under the Moneylenders Act 1991.

List of Direct Consultees

- Tynwald Members
- Attorney General
- Local Authorities
- Chief Officers of Government Departments, Boards and Offices
- Isle of Man Chamber of Commerce
- Isle of Man Bankers Association
- Moneylenders currently registered under the Moneylenders Act 1991

Code of Practice on Consultation

This consultation follows the Code of Practice on Consultation the criteria for which are set out below.

The Six Consultation Criteria:

1. Consult widely throughout the process, allowing a minimum of six weeks for a minimum of one written consultation at least once during the development of the legislation or policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your Department's effectiveness at consultation.
6. Ensure your consultation follows best practice, including carrying out an Impact Assessment if appropriate.

The full Code of Practice is available at www.gov.im/cso.