



Isle of Man Office of Fair Trading

Proposed Non-Resident Traders (Licence Fees) Regulations 2013

Consultation Paper

March 2013

Contents

1. Introduction
2. Background
3. Proposal
4. Consultation Process

Appendix 1: Draft Non-Resident Traders (Licence Fees) Regulations 2013

Appendix 2: List of Direct Consultees

Appendix 3: Code of Practice on Consultation

1. Introduction

This consultation paper sets out proposed increases to the fees payable to the Isle of Man Office of Fair Trading ('the Office') for the issuing of Non-Resident Traders licences. The fees shall be such amounts as are prescribed by regulations made under the Non-Resident Traders Act 1983. The revised fees will come into effect on 1st August 2013 if approved by Tynwald.

2. Background

Traders who reside off-Island but choose to do occasional business in the Isle of Man are considered to be non-resident traders for the purpose of the Non-Resident Traders Act 1983 ('the Act').

The Act was originally introduced to "... **protect Isle of Man resident traders against unfair competition, not merely against competition...**" thus the licence fees due under the Act should assist in the creation of a 'level playing field' for local traders.

The Act requires any trader who is not resident in the Isle of Man and who intends to sell or expose, or offer for sale or seek orders for the sale of any goods to members of the public in the Island to obtain a Non-Resident Traders licence from the Office. No advertising is permitted until a licence has been granted.

A fee is charged for the licence depending on how long they are planning to do business in the Island. The full fee is £2,120 for the first three days and £320 for each subsequent consecutive day.

A lower fee is charged if the trader is attending an event certified by the Department of Economic Development as being of importance to the tourist industry AND the goods are DIRECTLY RELATED to the event. The current fee is £370 for the duration of the event.

The fees were last increased in August 2011.

3. Proposal

A draft copy of the Non-Resident Traders (Licence Fees) Regulations 2013 can be found at [Appendix 1](#). To meet the objective of maintaining a 'level playing field' for local traders it is proposed that the full fee for selling goods not directly connected with a certified tourist event will be increased from £2,120 to £2,220 for the first three days for which the licence is valid and from £320 to £335 for each succeeding consecutive day.

The current fee for a 'tourist event' licence represents a saving on the full fee of 82.5%. The Board of the Office considers this to be a generous reduction in light of the original purpose of the Act and believes that such traders could tolerate a higher fee. It is therefore proposed that the 'tourist event' licence fee be set at 20% of the full fee (for the first three days) - a saving of at least 80% - which results in an increase of £80 per licence taking the licence fee to £450 for the duration of the event.

4. Consultation Process

The Board of the Office would welcome your views and any comments you wish to make on the content of the proposed Non-Resident Traders (Licence Fees) Regulations 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
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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 Conduct 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 made 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 Non-Resident Traders (Licence Fees) Regulations 2013. In any consultation exercise the responses received do not guarantee changes will be made to what has been proposed.

Statutory Document No. XX/20XX



Non-Resident Traders Act 1983

THE NON-RESIDENT TRADERS (LICENCE FEES) REGULATIONS 2013

Approved by Tynwald:

Coming into Operation:

1 August 2013

The Isle of Man Office of Fair Trading makes the following Regulations under sections 5 and 8(1) of the Non-Resident Traders Act 1983¹, after consulting the Treasury and such organisations that it considers affected by them².

1 Title

These Regulations are The Non-Resident Traders (Licence Fees) Regulations 2013.

2 Commencement

If approved by Tynwald³, these Regulations come into operation on 1 August 2013.

3 Licence Fee

The fee for a licence under the Non-Resident Traders Act 1983 is -

- (a) £2220 for the first 3 days for which the licence is valid and £335 for each succeeding consecutive day it is valid; or
- (b) where a non-resident trader is providing goods directly connected with an event certified by the Department of Economic Development as being an event calculated to assist the tourist industry, £450 for the period for which the licence is valid.

4 Revocation

The Non-Resident Traders (Licence Fees) Regulations 2011⁴ are revoked.

¹ 1983 c.26

² In accordance with section 8(1)(a) and (2) of the Act

³ As required by section 8(3) of the Act

⁴ SD 0058/11

MADE

CHAIRMAN

Isle of Man Office of Fair Trading

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the fee payable for the issuing of a licence under section 1 of the Non-Resident Traders Act 1983.

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 Law Society
- Previous Regular Licence Holders

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.