



Isle of Man
Government

Reiltys Ellan Vannin



Consultation on the International Co-operation (Protection from Liability) Bill 2020

Cabinet Office
Oik Coonceil ny Shirveishee

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1. Introduction

Compliance with international standards and providing assistance to other jurisdictions are of crucial importance for the Isle of Man's position as an international finance centre and reputation as a co-operative jurisdiction. Existing legislation enables the H.M. Attorney General and certain other Isle of Man public authorities to render assistance in the form of obtaining evidence or information, securing and repatriating assets, conducting investigations, conducting searches or providing assistance in support of foreign legal proceedings. Whilst these respective cases are pursued and prosecuted outside the Isle of Man, the cooperation of the Island's authorities, is often critical to successful outcomes.

The draft International Co-operation (Protection from Liability) Bill 2020 ("the draft Bill") looks to include provisions that will protect public authorities in the Isle of Man against claims for costs, damages or consequential losses when acting in matters of international assistance at the request of foreign jurisdictions. This would ensure that, in cases where public authorities in the Isle of Man act at the request of other jurisdictions under international arrangements underpinned by legislation, those Isle of Man authorities would not face adverse costs orders provided they were acting in good faith: the protection offered does not prevent claims under the Human Rights Act 2001 but does protect the Isle of Man public authorities from claims alleging negligence.

2. Why we are consulting

The purpose of the draft Bill is effectively to require a claimant making a claim in the Island against an Isle of Man public authority for compensation in an international co-operation case to prove that the Manx authority acted in bad faith before being entitled to recover compensation or costs. The Cabinet Office is seeking the views of the public on the provisions proposed by the draft Bill.

3. Consultation process

The consultation commences on 15 October 2020 and will run for a period of 6 weeks. Submissions with respect to the consultation must be submitted by no later than Wednesday 25 November 2020 and can either be:

- Made online via the consultation hub by clicking 'Online survey' below;
- Submitted via email to amlcft@gov.im; or
- Posted to the following address:

Cabinet Office
3rd Floor, Government Offices
Bucks Road, Douglas
Isle of Man
IM1 3PN

4. Storage of Personal Data

Following the publication of the consultation summary, the Department will ensure that data is only retained as required and in line with GDPR.

5. What happens next?

We will review results from the consultation which will be used to inform the final version of the legislation. We will liaise further with respondents as necessary. A consultation summary will be produced and made available on the [Consultation Hub](#).

6. Questions

Please refer to the consultation draft of the International Co-operation (Protection from Liability) Bill 2020 while answering the questions below (available digitally on the Consultation Hub or hard copies can also be requested from amlcft@gov.im).

About You

1. What is your name?

2. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

3. Are you responding on behalf of an organisation?

Yes No

4. If you are completing the survey on behalf of an organisation, please provide the name of the organisation.

Organisations name

What type of organisation do you represent?

5. May we publish your response?

Yes, you may publish my response in full

Yes, you may publish my response anonymously

No, please do not publish my response

6. Questions on which consultees' views are sought

6.1. Do consultees consider it desirable that an Isle of Man public authority, when discharging international obligations to support actions being undertaken by foreign public authorities, should enjoy immunity from liability for costs and compensation unless the authority has acted in bad faith or in a way which contravenes the European Convention on Human Rights?

Yes

No

If no, can you please confirm your reasons?

6.2. Do consultees consider that the Bill reflects a fair balance between the rights of those who may be affected by the actions of Isle of Man public authorities on the one hand and the public authorities on the other, where the latter act in discharge of an international obligation?

Yes

No

If no, can you please confirm you reasons?

6.3. Do consultees have any other comments on the Bill annexed?

Comments



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