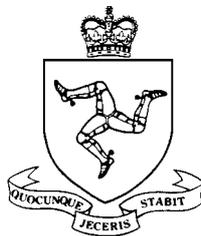


# LEGISLATIVE COUNCIL Y Choonceil Slattyssagh



## ORDER PAPER Claare Obbyr

DOUGLAS  
Tuesday 7<sup>th</sup> May 2019  
at 10.30 am

**1. Communications Bill 2018**  
For Clauses stage

– HM Attorney General

*Tabled Amendments*

Clause 2	Mrs Lord-Brennan
Clause 3	Mrs Sharpe
New Clause 1	Mrs Lord-Brennan
Clause 108	Mr Crookall
Clause 152	Ms Sharpe

**2. Council of Ministers (Amendment) Bill 2019**  
For Second Reading and Clauses stage

– HM Attorney General

**3. Town and Country Planning (Amendment) Bill 2019**

*This Bill was amended in the Keys. An updated version including the Keys amendments is available.*

For Second Reading and Clauses stage

– Mr Cretney

**JONATHAN KING**  
**Clerk of the Legislative Council**  
**Cleragh y Choonceil Slattyssagh**

COMMUNICATIONS BILL 2018

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**CONSIDERATION OF CLAUSES**  
**CONCATENATED LIST OF AMENDMENTS**

**AMENDMENT TO CLAUSE 2**

1. Page 17, after line 21 insert—

“(c) section [NC1] (Chair of the Commission);”.

*Renumber the subsequent paragraphs of subsection (3) of the Clause accordingly.*

(Mrs Lord-Brennan)

**AMENDMENT TO CLAUSE 3**

2. Page 23, for lines 10 to 13 substitute—

“**public service broadcaster**” means one or more licenceholders upon whom public service broadcasting obligations are imposed, being—

- (a) Radio Manx Limited, a company incorporated under the Companies Acts 1931-2004 with the company number 001486C;
  - (b) another licenceholder specified in an order made by the Council of Ministers;
  - (c) both the company mentioned in paragraph (a) and one or more licenceholders specified as mentioned in paragraph (b); or
  - (d) two or more licenceholders specified as mentioned in paragraph (b);”.
- (Mrs Sharpe).

## INSERTION OF NEW CLAUSE 1

3. Page 29, after line 33 insert —

### “NC1 Chair of the Commission

- (1) The Council of Ministers must, not later than 30 April 2021, by order under this section amend the Communications Commission Order 1989<sup>1</sup> to provide that —
  - (a) the chair of the Commission is to be a person who is not a member of Tynwald; and
  - (b) in recommending members of the Commission for appointment the Appointments Commission and the Council of Ministers must have regard to the importance of demonstrating compliance with the 7 principles of public life (commonly known as “the Nolan principles”<sup>2</sup>) and that members of the Commission are —
    - (i) politically independent; and
    - (ii) commercially independent.
- (2) After the coming into operation of the order required by subsection (1) the powers in section 5 of the *Statutory Boards Act 1987* as read with paragraph 2 of Schedule 1 to the *Government Departments Act 1987* may not be exercised so as to reverse the effect of that subsection.”.

*Renumber the succeeding Clauses of the Bill and adjust cross-references accordingly.*

(Mrs Lord-Brennan)

## AMENDMENTS TO CLAUSE 108

4. Page 87 for lines 21 to 25 substitute —

- “(2) In proceedings for an offence under subsection (1) in respect of a message or other matter which is menacing in character, it is a defence for the person sending it, or causing it to be sent, to show that he or she did so in the belief—
- (a) that he or she had reasonable grounds for sending the message or other matter; and
  - (b) that the use of the menaces in the message or other matter is a proper means of reinforcing the message or other matter.

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<sup>1</sup> GC 74/89

<sup>2</sup> See the guidance published by the UK Committee on Standards in Public Life on 31 May 1995.

- (3) It is immaterial whether the menaces relate to action to be taken by the person sending the message or causing the message to be sent.”.

*Renumber the succeeding subsection and adjust cross-references accordingly.*

(Mr Crookall)

5. Page 88, in line 8 omit “(5)(b) or”. (Mr Crookall)

### **AMENDMENT TO CLAUSE 152**

6. Page 121, for lines 19 to 23 substitute—

“(3) Before making any regulations or order under this Act, the Council of Ministers or the Commission (as the case requires) must consult—

- (a) every licenceholder that may be affected by the regulations or order; and
- (b) such other persons or bodies as the body proposing to make the regulations or order considers appropriate.”. (Mrs Sharpe)