

4. BILLS FOR SECOND READING

4.1. Consumer Protection (Amendment) Bill 2015 – Second Reading approved

Mr Quirk to move:

That the Consumer Protection (Amendment) Bill 2015 be read a second time.

The Speaker: Item 4: Bills for Second Reading.

The Consumer Protection (Amendment) Bill. I call on the mover, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Members, whilst this Bill has 23 clauses and may, at first sight, seem a fairly complicated piece of legislation, in reality it is actually straightforward in terms of the policy aims it seeks to achieve.

The Consumer Protection Act 1991 is the principal piece of legislation protecting the rights and interests of the consumer of the Island. This Bill seeks to modify the 1991 Act to achieve two policy aims.

The first policy aim is to ban cold calling in the Isle of Man. This is not a new idea and prior to the last General Election the Department of Home Affairs, at the request of the OFT, included such provision in the Criminal Justice (Miscellaneous Provisions) Bill 2010. Whilst the provision relating to cold calling was welcomed, the Bill as whole was more complex and ran out of time.

So, what is cold calling? Basically, there are three types of cold calling. Firstly, there is doorstep cold calling: a builder knocks on a door and offers to replace some missing tiles. That is cold calling. Doorstep cold calling is a bit concerning because the target often selected is old, frail and vulnerable. This work often is unnecessary and ridiculously expensive. The victims – and exactly what they are is victims – are persuaded into making a quick decision. There are a small number of builders, namely builders who operate using cold calling and pressure selling. They can do this by devastating the effect on their victim. The OFT gets involved in these issues after the event, usually when a relative or friends discover what has happened. This Bill will make it illegal for a trader to enter into a contract as a result of doorstep cold calling.

Secondly, there is telephone cold calling. Our consultation showed the Manx public are absolutely fed up of being pestered by telephone. (**A Member:** Hear, hear.) The Preference Service is ineffective. Whilst that is annoying and bad enough, it really is a problem that consumers are persuaded to purchase unwanted and expensive goods and services. Again, the victims are often the more vulnerable members of our society. It can, of course, be pointed out that most of the telephone cold calling comes from off Island, so it will be impossible to pursue prosecutions. That is accepted, but the Bill has a sting in the tail. If the consumer enters into a contract as a result of cold calling, the contract will be under Manx law and enforced in Manx courts, so if the consumer breaks the contract the trader has a big problem. This Bill will make it illegal for the trader to enter into a contract as a result of telephone cold calling.

Thirdly, the excursion-based cold calling. Here, the trader takes a group of consumers to a venue and gives them incentives. As they start the hard sell ... it used to be a preference technique – for example, timeshare salesmen. Whilst not a current problem in the Island, it is likely to make a comeback some time, especially when we close down other pressure sales avenues, and for this reason we have included it. This Bill will make it illegal for the trader to enter into a contract as a result of excursion-based cold calling.

Overall, what the Bill seeks to do is put control over the intentions of a sales conversation firmly in the hands of the consumer. That is what the Office of Fair Trading believes is fair and that is what, according to the consultation, the public wants.

The second policy aim is to enable the OFT to respond more quickly to emerging issues in relation to consumer protection. I am sure Hon. Members will appreciate a lot of the local trade is with UK companies, which is operating to a standard complying with UK law, equivalent local consumer purchased goods and services online. Significant differences in legal protection can weaken the position of the consumer when things go wrong.

The OFT recognises that we need to keep the law on consumer protection up to date. It also recognises that we need the key elements of the protection fixed in the 1991 Act, and doing so would require a regular stream of bills.

What this Bill seeks to do is to allow the OFT important consumer protection provision from the UK legislation by way of orders. These are effectively scrutinised because the order would require positive approval of Tynwald.

I must emphasise that it is absolutely no intention to import large chunks of complex UK consumer law, which in itself is driven by even more complex European Union requirements and does not even apply to the Island. What we need to do is to be able to cherry-pick important legislation and relevant to local consumers. What we need is to be available to modify the law, tailor it to fit our own situations.

Mr Speaker, the essence of the Bill: these substantial provisions are being fitted into the 1991 Act. These are a significant number of changes required to ensure that they are amended, and the amendment actually works in practice. There are also a number of areas where we have taken the opportunity to update the 1991 Act, for example, extend the scope for documents to include electronic documents.

This is an important piece of consumer protection legislation, and as such I commend this Bill to the House.

Mr Speaker, I beg to move the motion standing in my name.

The Speaker: Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

It gives me great delight to second this Bill. Just over two years ago now, I raised this very issue on this floor. I then met with the Chairman of the OFT, Mr Quirk at the time, to discuss problems that I had come across in my constituency, where rogue builders had gone round knocking on the doors of the elderly and saying – after a storm, which is quite topical at the moment – that there were slates off their roof and that they would go up and fix them; then lo and behold, sucking through the teeth and whistling, ‘ Oh, there’s a lot more damage than we thought’, and another £500 appeared.

I also have come across, across the whole of the Island, a father and son building team who have left a trail of destruction and debt across the Island. Their operating memorandum is to ring up people and say, ‘We see you have put in a planning application, and we’ve just had a cancellation on some building work we’re doing. We can then take on the work.’

So whilst this Bill does not go the full way that I had initially wanted – I can understand there are certain reasons you cannot stop everything, because some genuine businesses have to be able to survive – I think this goes a decent step in the right direction, Mr Speaker, in trying to stop the abuse of vulnerable people by a small minority of rogue elements on this Island.

I hope that the building and construction industry do not feel that I am picking on them. I am just describing a very small number of people who take advantage of vulnerable, and not-so-vulnerable, people.

I therefore beg to move.

The Speaker: Hon. Member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. I will be supporting the Bill, of course I will.

Just picking up from what the seconder has stated, he is quite right in what he said: there have been many, many waves of cowboy builders, over many years, and during my time under the chairmanship of the then Madam Pamela Crowe, whom some of the officers will remember from those days, we were pursuing cowboy builders even then – and even *before* then.

I am very sorry to see that that has not been properly targeted by the Office. I am pleased to hear – and I have said it also – the Member for West Douglas, in trying to drive something forward in that area with a Private Member's Bill as soon as possible. Not an easy subject to combat because you have got to obviously protect those genuine people doing genuine works, and that was alluded to, too, by the seconder.

I do agree also that this Bill does not go far enough – and those are the reasons that I have outlined on cowboy builders in particular: we *have to* find some form of mechanism of dealing with that, and as I say, that is being looked into.

What I would ask, mentioned in the Bill, as the mover had stated about, 'This will stop timeshare salesmen' – I did not think we had a problem with timeshare salesmen on the Isle of Man, and although nobody wants to see those people calling at doors etc., why are we wasting time putting clauses in, dealing with nebulous things like that? Why are we not hitting the nail on the head and dealing with the more major issues? Unless I am unaware, but I am pretty sure that I would be aware if our people were being attacked by vociferous timeshare salesmen who were out and about to con people. I just do not see that.

Now, he did hit the nail on the head when of course he mentioned about how the Bill will hopefully deal with telephone cold calls. That is the one, more than doorstep ... Even these fraudsters and conmen are too lazy now these days, they do not come to your door so much; they ring you up, and of course they ring people up in the daytime. I have a telephone answerphone at home, and I am sure many other members do: there are many calls on there at night, most of them from cold callers across, selling you anything they possibly can with the automatic voice – 'Ring this number' or 'Press 5 on the phone'; you ring them back and get conned ringing them back on a premium number, etc. That is the one that I have *very* full support of, and I do commend the Hon. Member for bringing that forward.

I wonder if he can take us through, in his reply, the mechanism – the absolute walk-through mechanism – of dealing, once the Bill is enacted, with those cold callers; how it is that they are going to be dealt with. The Office of Fair Trading puts an awful lot of information out about people trying to con you on the phone. There is a lot of that, and a lot of people who have lost *many* tens of thousand of pounds on that, that we all know about. So if he could walk us through the mechanism – the A-to-Z mechanism – I would be very grateful on that.

Also separately, to dealing with those people who just come to the Isle of Man – and there will be an offence for that very soon – cold-calling people on the doorstep. The walk-through mechanism of how that is going to be dealt with: is it going to be a report to the Office of Fair Trading? They are only open office hours. What about outside office hours? Do the Police have a similar ability to deal with these or hold these until the Office takes over? What is the actual walk-through mechanism of these things? Because Mr Speaker, many times we bring legislation through this Hon. House and the small print – the mechanism – has been forgotten. It has not been thought through. 'Oh, it's an offence' – okay, well, then what? Who deals with it? How is it dealt with? Who is the guy that can come and help these elderly and vulnerable people and so on?

Then of course, within that walk-through mechanism, is the recourse. When the conman has been and damaged the property by replacing roof tiles and charging a fortune for them and taking people to the hole in the wall, and making them pay them out of monies from the home owner – all of those things – how can the Office of Fair Trading go back and track people, and nail those colours to the mast, for want of a better word?

So it is the walk-through mechanism of how this works, (a) on stopping it before it starts; and (b) when someone actually complains, and they wish to see their money returned, and the appropriate people, dare I say, locked up. What powers do the Office of Fair Trading have, to have these people

detained, in cases where the boat is likely to sail, in an hour or two's time? The boys know the OFT are on to them, and the Trading Standards, if I can say that, and what powers does the OFT have to go and restrain and detain those people who have run off with our people's money?

That has happened before too, Mr Speaker, whereby they have known about this and they have not been able to stop this offender getting on the boat. And they knew the boat was going to sail, they could have worked in ... The OFT working an awful lot ... Trading Standards and police officers, work together very closely.

But what are the actual links? The links, how it is done, everything else – how does it actually work? I would be very grateful for that.

Thanks very much.

The Speaker: Hon. Member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker.

I am fully supportive of the Bill. I think what we have to be sure of, and make quite clear, is what cold-calling actually is so that there is no excuse, after the Bill is passed, that there was a lack of definition and clarity. (**A Member:** Hear, hear.)

So there are three points and I would like, first of all, the mover to tell me if he agrees that I am correct: firstly, if someone was to deliver a leaflet and then follow it up with a call, but the consumer has not instigated any involvement – is that cold-calling?

Secondly, if we look at catalogue selling: I accept that somebody can sell from a catalogue to friends – people they know, neighbours; but if someone calls at a door with a catalogue, a person they do not know, is that also cold-calling? And even if someone buys something from that first call, is that still cold-calling?

The third one is clearing up the legal situation, if he could, with charity collections. Can he assure me that charity collections are not cold-calling?

And the final point I would like to make is on this item of exemptions from cold-calling, and I refer particularly to the section of the Bill, I think it is clause 23, schedule 2B(6), what is described as a 'low value contract'? It has not got a figure in there but when we had our briefing it was put, maybe, at a figure of possibly £100.

That is still a considerable amount for many people. So if someone calls on a vulnerable person and charges them £99 for something which would be an offence at £101, I do not accept that, because that person could well be the victim several times from the same person going back each time and charging them £99.

So I would ask that this part of the Bill on low value contracts is actually removed from this Bill, because I believe that cold-calling is cold-calling whatever the value and we have to protect people, particularly vulnerable people, in our society. And by putting this clause in, if it was £100, even £50, that is not protecting those vulnerable people.

Thank you, Mr Speaker.

The Speaker: The Hon. Member for Douglas South, Mr Malarkey.

Mr Malarkey: Thank you, Mr Speaker.

Following on from the last speaker, on the subject of the definition of cold-calling, certainly when it comes down to religion ... The last speaker mentioned collections on the doorstep, and it has been policy in the past where certain charities will go round putting envelopes through doors, and then following up a few weeks later to collect the filled envelopes. To me that is actually cold-calling and that is putting people under pressure to put money in that envelope – and if they do not do it at times, does the Bill cover this?

Further calls are people from various religions who call and who want to persuade you of their religion – we all have them on our doorsteps; they come round talking all the time and sometimes

they are very difficult to get off the doorstep, but they are cold-calling. They might not be selling anything or fixing your roof, but they are trying to persuade you of their religion. Does this Bill cover that, or is it outside that?

I would like the mover of the Bill to come forward with this clarification.

I quite agree that cold-calling these days has become a blight, really, because I certainly get lots of people coming to the door wanting to do everything from cleaning your drive and telling you that you have got roof tiles that are missing. I have actually witnessed them calling on elderly people and, as Mr Houghton said, taking them personally to the cash machine to get money out to pay for the repairs.

So I just want some clarification as to what exactly is covered by this, and that we are not going to go down the road of making some things too silly, like when we have the carol service coming around and singing on the doorstep and shaking the bucket – and to say they are cold-calling because they are looking for money. It is alright us all laughing here at the moment, but we are here to make this legislation work and have the clarity in that legislation. So I would just like the clarification here today.

Thank you, Mr Speaker.

The Speaker: The Hon. Member for Douglas West, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

As the Vice-Chairman I would have been delighted – *former* Vice-Chairman, sorry, of the Office of Fair Trading – to second this Bill, and I congratulate the officers and the politicians and the Board for having brought it forward. It is really a matter of principle over taking gas regulation in the wrong direction too far, which was the principle I stood down on.

And I wanted to say three points: the first one is, I wanted to congratulate the officers and the Board for having insisted on this legislation, because I know how hard it was for them to actually get it into the legislative timetable; and consumer protection is important and the Office of Fair Trading is all about consumer protection. So thank you for having insisted so much with your sponsoring Department, and with Government overall, to actually get this Bill into the legislative programme for this parliament.

The second point is I wanted to congratulate the Board and the officers for actually having published the consultation responses immediately after the consultation was completed, rather than alongside bringing out the final answer; that must be good practice because it gives everybody a chance to actually see what people have said about the Bill. So it is notable that the consultation responses were published back in October, and we are now way beyond October.

And finally, there are some very important dimensions in this Bill which demonstrate that the Office of Fair Trading has recognised how difficult it is to protect consumers; and it has put in place some excellent measures to make sure that it can keep this legislation watertight going forward. And again I congratulate the Office on having done that.

The Speaker: The Hon. Member for Michael, Mr Cannan.

Mr Cannan: Thank you, Mr Speaker.

I just want to pick up on a point. I am very supportive of this Bill and in fact welcome it, but I am just curious to ask the Member moving this Bill – the Chairman of the OFT. He mentioned telephone calls and unsolicited calls, and he mentioned that this of course would be Manx law but would apply equally if the phone call came from the UK.

I am curious and would like him just to expand how exactly that works. So if I am a UK company operating under UK law and I make a telephone call to a vulnerable person – let's say on the Isle of Man, and they enter a contract with me; and that contract includes procurement of goods and exchange of finances, and a continued exchange of finances. Under this legislation I would feel I was

entitled to void that contract, but the UK firm may feel that I was not entitled to void that contract – and indeed as we know, depending on the type of contract, it is entirely possible for a UK firm to register some form of default against the Manx resident, which may affect their credit rating.

Is the Chairman able to inform me – or if he cannot inform me today, just inform me at a later date – and indeed other Hon. Members too, exactly how this works if you feel pressurised to enter a contract by phone, particularly with a UK-based business.

Thank you, Mr Speaker.

The Speaker: The Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, the points I wanted to raise are the situation as far as cold-calling is concerned, and are the points that my colleague for South Douglas raised some time ago. What I would have liked to have seen is something on the lines of a register – like they have in Ireland – where they have some sort of protective system as far as this issue is concerned. This is something that my colleague raised some time ago.

The other point I am concerned about is, we have these jobbing firms which are basically a scourge, not just to the consumer but also to the legitimate competitors who pay their tax and their National Insurance. I think that one of the problems with the Bill is that maybe we should have followed the example of the Irish Republic's system, where people have to be registered in order to be part of that scheme.

I think the point that the Hon. Members have brought out about the issue of taking an individual to a cash machine, whether that definition needs to be put in as harassment as far as the consumers are concerned, so that it becomes a criminal offence. And if the consumer feels threatened, he is quite within his rights to ring the Police in order to get that person off their doorstep. I would be interested to know whether that has been looked at and whether there needs to be some amendment on the basis of that.

It would have been good to see if there is a way of seeing a more joined-up approach on this issue, because most of these people with their vans are not paying National Insurance or tax, and there needs to be a little bit more cohesion on *that* issue, as well as the issue under this piece of legislation.

The other thing that I would like to know from the Caairliagh, the Chairman, is at what level can the individual who feels threatened actually get the Police involved? I believe that what is important is, it is no use producing this legislation if we do not have a situation where it is going to be properly policed.

What I think needs to be highlighted in his reply is, when does it become a criminal offence? To be fair to the Office of Fair Trading – as a former Chairman of the Office of Fair Trading, a quarter of a century ago – I think there are less staff there now than there was then; and there will be more pressure on them now than there was then.

I do feel that we need to highlight the issue that, where somebody feels under pressure, they can just simply ring up the Police. And make sure, as part of this legislation, there is a campaign so people know what their rights are in involving the Police. Obviously there are very few staff to do anything, as far as the amount of cold-calling on the Island.

I would also just like to see – which is, maybe, a new procedure – in the Explanatory Notes, that 'the notes need to be read in conjunction with the Bill' and 'they are not meant to be a comprehensive description of the Bill'. Why has that suddenly turned up in the explanatory memorandum as far as the Bill is concerned, as I have not noticed that before in Bills? (*Interjections*)

Mr Quirk: It is in all of them.

A Member: Yes.

The Speaker: The Hon. Member for Onchan, Mr Hall.

Mr Hall: Thank you, Mr Speaker.

Just a few brief comments to add to those of other Members. Whilst I do fully support this Bill being brought forward it is moving in the right direction, but I would like some explanation from the Chairman when he sums up. A few concerns I have – and there is a bit of a fog around this – is, again, the point that the Hon. Member for North Douglas, Mr Houghton, made about the precise mechanisms of going through ... when this first presents itself as a problem; and what that test actually is in order to prove that it has been a cold call.

My understanding is that in the UK it was quite a high test. I think it was something where the words were ... it had to be ‘disturbing’ or ‘distressing’ or something along those lines, in order to prove it was a cold-call – and that created some problems. And I believe that particular element has now been removed to a lower test.

So I would be interested to know, and get some clarity, about what that test is in order to meet and to then pursue it as a cold call. And then the mechanism of how actually you are going to go and follow that through. It does appear to me that, if you have got a cold call by telephone, unless you have got mandatory caller ID, how are you going to go and trace and hunt down the person or company?

And then, also, if you get to the company itself, *who* is going to be liable for the nuisance calls or the nuisance texts? Is it the company – the directors or the chief executive? *Who* is it specifically that is going to be held to be liable? Otherwise, I think we are going to run the risk of having a piece of legislation here which is going to be *very* difficult to pursue – as good as its actual intentions are, and the principles that it is laying out.

It seems to me that to be able to prove it – which is what it is all about – that it will need to be shown that it was deliberate; that somebody, or a company, knew the risks that would occur, and the damage or the distress ... and the reasonable steps that they are going to take in order to prevent it.

So I am just a little bit concerned at the moment about how this is really going to pan out in reality, because I do fear that it is going to be quite difficult; and I think the Chairman needs to sum this up in some sort of precise detail to address these issues.

I think that is pretty much all the points I would like to make for now and I will listen to the Chairman’s response.

Thank you, Mr Speaker.

The Speaker: I call on the mover to reply. Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

First of all, if I could just thank my seconder, Mr Quayle. I know it has been some time since we actually discussed this particular issue and hopefully, with a fair wind, we can get this legislation pushed forward.

Could I just say, on Minister Quayle’s response, if I could put the message out there. What we are trying to do is instigate the use of professional organisations like the Employers’ Federation – which has a set-up. We are talking on the Island about people who take advantage of those that are vulnerable. And I know myself, in the last month or so somebody rang me up on a Sunday and said they had had somebody at the doorstep; and I referred them back to the individual, and said ‘Ring them up and tell them you want your money back straightaway’ – and informed the office on the Monday. On the Tuesday the individual actually returned the money.

So I see this as part of a PR exercise as well for us in the Island to say that, as far as we are concerned in the Isle of Man, cold-calling is an illegal offence. And if people do cold-calling there are provisions under the clauses which will come in the next couple of weeks – and regarding clause 9

where they can, upon conviction, be fined up to £10,000 and even six months imprisonment, or both.

So the message we are going to put out there is, as far as we are concerned, if you want to try cold-calling in the Isle of Man it is not going to happen.

Can I just refer to Mr Hall, and several others, in dealing with cold-calling. We will not totally stop cold-calling, but what we will actually do is make it *really* difficult to have cold-calling. We will be able to use our other agencies that are on the Island – that is VAT, Tax, Police or Work Permits – as the agencies that will help us on that.

I know for a fact that our counterpart organisations in the UK and in other jurisdictions, do give us intelligence, and we can use that. So hopefully coming forward in the future – if other measures are put in place as well, as I see they should be ... We only have two points of entry, and for most people coming with vehicles it is at the harbour where we need to do some of this hard stuff and intelligence work with automatic number plate recognition; that would really help.

Can I say to the Hon. Members too, it is an educational issue. We need to educate the people out there – the consumers that we are trying to protect. If somebody is trying to cold-call you ... if you do not make conversation with somebody, if they just knock on your door ... Sometimes we can produce the little cards – and sometimes you see them when you are out canvassing – ‘No doorstep traders’. Actually they were instigated by the Office of Fair Trading years ago, we printed those and some of them are still in existence. But we will get the message out.

Just referring back to Mr Karran: a registration going down another way would be a lot more expensive. We do have the Employers’ Federation list which I would recommend people should use; and people should say, verbally, ‘Well, I had Mr Jones doing some work for me ... he was a legitimate company, with a legitimate vehicle with the name and address on the vehicle he came up in ...’ What was he like and what did he do – and was it good?

The OFT is not aware of any denials from any other agencies, whether that be the Police themselves declining to help ... In fact we find that the Police – when they do get a call if somebody is frightened or concerned about something that has happened, or they are being pressurised – the Police will get in touch. And there are ways and mechanisms to do that out-of-hours service. And as I did say before, it is a joined-up working arrangement with the Customs and Excise, Vat, Tax, Police and the Work Permit system.

Mr Karran’s other issue was a ‘campaign of information’. And I see that as part of a long journey, once the Bill is actually progressing through the media and the information that we give out, and the campaigns that we will run – and we know which times of the year to run them. Certainly as we come up to the winter storms we do have concerns about cowboy builders ... those that are pushed out and other operations that do take place.

With Mr Cannan, regarding telephones to the UK contract companies: they will be subject to Manx law and they will be enforceable in our courts, with help from the OFT to those individuals. If somebody has been made a cold call, it will be illegal in the Isle of Man to do that. And if a company or an individual wants to take some action against an individual in the Isle of Man, they will have to come here and prove it themselves ... And as a result, if the person turns round, in *my* opinion – I am sure it is the Office of Fair Trading’s too – and it was the result of a cold call, which is illegal in the Isle of Man, they can do nothing about it. The courts will then look at it and with support from the Office of Fair Trading and the other agencies, I think a strong message will go out.

Regarding Mr Malarkey ... and in the consultation if anybody has read that, there was concern about ... it was not about charities, it was about religious groups knocking on doors. It is not covered under the Act. And it is, like anybody says to them, ‘I am sorry, I am x, I am y, I am not that particular religion’ – because it is to do with the sale of goods and services, which it does not cover. The sale of goods and services, in my opinion, is not religion – it is probably a choice.

Carol singers ... and for the Member for South Douglas, too, because I know they do ‘Hunt the Wren’ – (*Interjections*) It is Hillside Avenue, though. Carol singers are excluded as well, so the carol

singers that go round and do that, will be okay. (**Two Members:** Hop Tu Naa?) (*Interjections*) And all those other Manx traditions. I will not mention it, I was going to get caught on something else.

Mr Singer's reference to leaflets: if a leaflet is dropped through your door and that same person then comes back and says, 'I have got a wonderful offer on Magic Carpets' – I should not say that but, anyway ... (*Interjections and laughter*)

Mr Watterson: Other brands are available!

Mr Quirk: It is to do with Persian carpets and they are for one day only, 'but you have got to buy it in the next 10 minutes and I can give you a 50% reduction on it' – that is cold-calling, that is a *clear* offence.

Catalogues ... and I will not mention them, because we all know the ones that sell perfume, the ones that sell brushes and shovels, and bits and pieces like that ... I am being a bit vague on that because I do not want to advertise, (**A Member:** Ding dong!) because there may be others. That is not cold-calling, because you actually get a catalogue that comes through your door and then it is the consumer's choice. You look at something and say, 'Oh yes, that is a nice little brush' – or whatever ... or a shovel, or a snow-clearing machine, or whatever you want to buy for the future.

Charity collections: no, that is not cold-calling.

With reference to Mr Singer regarding the £100, that was a figure that we came up with ourselves. But can I say to the Hon. Member, if anybody has concerns about that the officers are here today and are available to talk about that particular issue, and are prepared to look at that on a small amount. And I know the Member himself wants it at nothing, but I think we could have a conversation regarding that. But if Members feel strongly enough we could look at it.

On Mr Houghton's points, dealing with it by officers of the Office of Fair Trading: we do work in conjunction with the Police and all those other organisations and we will ... because at the end of the day all Members of Tynwald will be able to help as well when those people start ringing you up and saying, 'I have had somebody knocking on my door'.

And I can tell you a scenario that happened about four or five years ago in Onchan. Somebody rang me up one night and said there were people knocking on her door trying to sell paintings; and I said, 'That is a bit strange, who are they?' And they were a certain group that were on the Island. The Police were informed and within about half an hour, in conjunction with the OFT and Customs and Excise, those individuals were on the boat the next day and sent away.

Mr Houghton said about why are we looking at timeshare. Well, I think these individuals, once we close one avenue down there is always somebody who will look for another avenue, or an angle, at the end of the day. And we wanted this particular clause in there and then we can actually look at it. We want the flexibility in there; if something comes along, instead of going to primary legislation, we can actually look at the things that come along. But I think we are very good on the Island because we get things drawn to our attention fairly quickly and we can look at it. If there is a concern we can get together; if we are parliament, that is what we actually do the best, and we can stop these things from happening.

Like I say – in my experience being in national politics anyway – I have seen operations happen with Customs and Excise, individuals are sent away ... white vans coming to the Isle of Man to try and sell tools out of the back of a van with batteries, and when you charge them once they die. We need to stop those sorts of things.

If I have missed anybody out I am sure I will be able to get back to you –

Mr Houghton: Do you want to walk us through, David?

Mr Quirk: Walk you through? Well, I thought I had walked you through. (*Interjection by Mr Houghton*)

Well if anybody approaches you on a particular doorstep ... the classic one is the builder, the person that comes and knocks on your door and says, 'We are working next door, I noticed on your roof there are three or four tiles on ...'. That is a cold call.

Mr Houghton: No, no, the *process* of complaint – how do they do it –

The Speaker: Not across the Chamber, through the Chair, *please*.

Mr Quirk: Sorry, Mr Speaker.

The process would be the education of the people out there, that when we ... and I am hoping this legislation will be approved in the next month or so ... and then we will be able to ramp up the exercise on PR, to say to people out there ... And give the confidence to charities, organisations and say to them that if somebody calls at your door and says to you there is a little bit of work to be done, it *is* cold-calling and it is an offence in the Isle of Man. And we will be relying on Members to put that message out as well.

I thank my former Vice-Chairman for West Douglas, Mr Thomas, too. It *was* a challenge to get this into the legislative programme, so I am hoping that with a fair wind today we can absolutely move this along.

I think I have covered everybody, but if I have missed anything, or once the issues come out, I am quite happy to have a discussion with Members.

Therefore, Mr Speaker, I beg to move.

The Speaker: Hon. Members, the motion is that the Consumer Protection (Amendment) Bill be read for the second time. Those in favour, please say aye; against, no. The ayes have it.

A division was called for and electronic voting resulted as follows:

FOR	AGAINST
Mr Bell	None
Mr Boot	
Mr Cannan	
Mr Cregeen	
Mr Gawne	
Mr Hall	
Mr Harmer	
Mr Houghton	
Mr Joughin	
Mr Karran	
Mr Malarkey	
Mr Peake	
Mr Quayle	
Mr Quirk	
Mr Robertshaw	
Mr Ronan	
Mr Shimmin	
Mr Singer	
Mr Skelly	
Mr Teare	
The Speaker	
Mr Thomas	
Mr Watterson	

The Speaker: With 23 votes for, and none against, the motion carries.