



LANDLORD REGISTRATION (PRIVATE HOUSING) BILL 2020

EXPLANATORY NOTES

*These Notes have been produced for the assistance of Members
with the approval of the Member in charge of the Bill,
the Hon T Baker MHK*

INTRODUCTION

1. These Explanatory Notes relate to the Landlord Registration (Private Housing) Bill 2020. They have been prepared by the Department of Infrastructure ("DOI") in order to assist readers of the Bill. They do not form part of the Bill and have not been endorsed by the House of Keys.
2. The Notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. *Ipsa facto*, where a clause or part of a clause does not seem to require any explanation or comment, none is given.

BACKGROUND

3. The Bill will only be applicable to private landlords, as public sector landlords are already known and there is currently legislation in place which specifically regulates public sector housing providers in addition to the housing provisions and property standards which apply equally to the private and public sector.

The purpose of the Bill is limited to creating a register of private landlords, along with their rental properties and introducing the means by which to regulate them. However this is very much perceived to be a necessary first step to the introduction of a wider agenda of reform which it is envisaged will include a wider review of all the extant housing legislation.

The Bill also makes future provision by way of secondary legislation (regulations) in respect of deposit protection.

The Bill will also allow the Department to take appropriate action (i.e. not register, issue improvement notices, or suspend or cancel registration) against a set of minimum standards, which registrable landlords and their properties are required to meet in order to be registered. There are provisions for right of appeal at each stage of the process.

The Bill introduces personal conduct requirements for landlords (i.e. being a fit and proper person) for the purpose of safeguarding vulnerable tenants, and provides that regulations will set out minimum standards for the condition and safety of rented dwellings, which are in the main drawn from existing legislation, as well as operational practices and procedures, such as having terms of occupation in writing.

The minimum standards will be set out in secondary legislation (regulations) under the provisions of the Act. They are mainly drawn from existing legal requirements but also include:

- Minimum letting standards i.e. not discriminating based on race, ethnicity etc. (in line with the provisions of the Equality Act); and
- Minimum property management standards i.e. having standard documents, such as a tenancy agreement, and operating practices in place.

The Bill also makes provision for regulations regarding the registration process. Regulations may be made setting out the information required for registration and the fees payable for registration of landlords and their properties. The Bill also permits regulations to be made setting out how and in what circumstances information on the register may be accessed, which will be in accord with the data protection legislation.

EUROPEAN CONVENTION ON HUMAN RIGHTS

4. In the opinion of the Member moving it the Bill's provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.

FINANCIAL IMPLICATIONS

5. The Bill has Treasury Concurrence and is anticipated not to have significant financial or human resource implications. It is expected that the ongoing administrative requirements and enforcement costs in connection with landlord registration will be met from existing budgets and staffing resources. Additional temporary staffing resources may be required to deal with initial compulsory registrations, but these should be offset by expected revenue from registration fees. The Bill is expected to have a number of social benefits, such as improved standards of rented accommodation and resulting improved health and wellbeing for occupiers, which may indirectly result in financial benefits for Manx taxpayers.

SUMMARY AND STRUCTURE OF THE BILL – NOTES ON CLAUSES

6. The Bill consists of eight parts and a Schedule:

PART 1 – INTRODUCTORY - *clauses 1 to 5*

7. **Clauses 1 & 2** provide the short title of the Act, and the commencement provisions, namely that the Act will come into operation by one or more Appointed Day Orders at an appropriate time following the announcement of Royal Assent to Tynwald.
8. **Clause 3** provides definitions which apply throughout the Bill.

9. **Clause 4** defines “property management activity” for the purposes of the Bill.
10. **Clause 5** provides a power for the definitions in Clauses 3 and 4 to be amended by order with the approval of Tynwald.

PART 2 – THE REGISTER AND REGISTRATION

11. **Part 2** of the Bill relates to the register of relevant landlords and the process of registration and comprises of *clauses 6 to 22*
12. **Clause 6** makes the provision for the Department to establish and maintain a register of relevant landlords, in any form considered appropriate. Each entry must be kept for a period of six years after the registration expires, after which it must be deleted as soon as is practicable. The Register must contain the information specified in Part A of the Schedule to the Bill and may contain information in Part B of the Schedule. The Schedule to the Bill may be amended by order by the Department with the approval of Tynwald. The Register will allow the extent and nature of the private rented sector on the Island to be properly determined for the first time.
13. **Clause 7** provides the requirement for a landlord and each rented dwelling to be registered with the Department. It also provides for periods during which the requirement to be registered is not contravened by a relevant landlord.
14. **Clause 8** provides the circumstances in which a landlord would not be considered to be a relevant landlord for the purposes of the Bill and is therefore exempted from the requirement to be registered. These include landlords of certain types of premises and situations of a temporary nature such as the winding up of estates and businesses. As has already been mentioned, the public sector is not included (as only landlords of “private dwellings” as defined in the Bill are relevant landlords). The extent of public sector housing is already known in some detail and is already subject to the same fitness standards as the private sector but with additional monitoring and controls applied by way of Housing and Local Government legislation.
15. **Clause 9** provides the permitted timeframes for making an application for registration. To provide sufficient lead in time, all existing relevant landlords will have up to 6 months to register, including each of their rented dwellings, after the date that the requirement for a relevant landlord to be registered (clause 7(1)) of the Bill comes into effect. Persons who become relevant landlords after this clause takes effect have 3 months from the date they become landlords to register.
16. **Clause 10** enables landlords who are already registered under the existing voluntary registration scheme to transition to the statutory register, provided that within 6 months of the requirement for a relevant landlord to be registered coming into effect, they complete the required declarations regarding their relevant landlord status and each dwelling to be registered. Clause 10 also defines the voluntary scheme, provides for the expiry of registrations continued under this clause and reapplication, and revokes the voluntary scheme on the coming into operation of the requirement to be registered.
17. **Clause 11** specifies the registration requirements for both a relevant landlord and a rented dwelling. There are stepped enforcement processes for meeting the registration requirements.
18. **Clause 12** sets out the application requirements for registration of a relevant landlord. In order to be as easy as possible the process of registration is by way of self-declaration. The relevant landlord must make declarations to confirm that the information they have provided is to the best of their knowledge and belief true and

accurate, and that they comply with the minimum standards. Where a representative is to be nominated, the application must also contain information and declarations concerning the landlord's representative.

19. **Clause 13** sets out the application requirements for the relevant landlord's rented dwellings. A rented dwelling registered under this section forms part of the registration of a relevant landlord and a rented dwelling cannot be registered if the landlord is not also registered. The relevant landlord must make a declaration that each property complies with the minimum standards. Where a landlord acquires further properties during the course of his registration, they must make their application for registration of those dwellings within a 42 day period from acquisition.
20. **Clauses 14 and 15** provide for the determination of applications for registration in relation to the landlord (clause 14) and each rented dwelling (clause 15). The Department must consider each application that has been properly made and decide whether to grant registration. The Department may refuse to register a landlord or a rented dwelling if it has reasonable grounds to consider that any of the relevant registration requirements are not met or are unlikely to be met during the registration period. The Department may apply such conditions to a registration, as it considers appropriate, to ensure that the registration requirements are satisfied, and must not register a relevant landlord or a dwelling if it is not satisfied that the landlord or the dwelling meet the requirements for registration. When the Department grants registration the landlord must be entered on the register, along with all applicable information relating to their rented dwellings (required under the Schedule to the Bill), and advised of any conditions of registration. Before refusing a landlord's registration or the registration of a rented dwelling, the Department must give notice to the landlord of the relevant issues and allow them 14 days to make representations to the Department. If the Department refuses an application it must give notice to the relevant landlord, copied to the occupier of each rented dwelling and the landlord's representative (if any), of the reasons why the application has been refused, the effect of being an unregistered landlord, when the decision takes effect and the landlord's right of appeal. A decision by the Department to refuse registration under this section does not take effect until the expiry of the period (21 days) within which an appeal may be made, subject to a stay of the decision by the Rent and Rating Appeal Commissioners under clause 49(4).
21. **Clause 16** makes provisions for the personal conduct requirements of a relevant landlord (and their representative, if any) and sets out how this may be determined by the Department. The Department must consider any relevant evidence as to the matters indicated in this clause, and must have regard to any conduct outside of the Island, which would, if it had taken place in the Island, be conduct the Department would consider in making their determination. If the landlord or the landlord's representative is a body corporate, the Department must be satisfied that the personal conduct requirements are met by the landlord or the landlord's representative and key officers. The Department may amend this section by order with the approval of Tynwald. The purpose of this clause is to safeguard vulnerable tenants and is similar to provisions in other jurisdictions although, unlike some others, the Bill allows a landlord who does not meet the personal conduct requirements to continue to operate in the sector provided that they have a representative to carry out all property management activity so that they have no personal contact with tenants.

22. **Clause 17** makes provisions for the Department to carry out further investigation to determine whether a person meets or no longer meets the personal conduct requirements, including the requirement for the person to provide the Department with a criminal record certificate if the Department has reasonable grounds to suspect that any information provided in relation to their registration is, or has become, inaccurate.
23. **Clause 18** provides that the registration period on application is five years. Dwellings may be added to or removed from the Register by the landlord during that term with the term of registration of dwellings being directly linked to the remaining term of the landlord's registration. The Department may by order amend the registration period subject to the approval of Tynwald. The registration of a relevant landlord and all of their rented dwellings expires at the end of the registration period. The landlord may apply for a new registration during the three months before their registration is due to expire. Provided that the application is properly made within this timeframe the new registration will be granted, if their application meets the requirements for registration, from the day after expiry of the previous registration. This clause also provides for the expiry of registration where an individual relevant landlord dies or a company or similar body ceases to exist.
24. **Clause 19** requires notification to the Department by the relevant landlord or their representative, as applicable, of any changes relating to the registration, as set out in this clause, during the registration period.
The notice must be given within one month beginning on the day on which they became aware of the change. Non-compliance with these provisions is an offence. Provision is made that the Department may by order amend these notice requirements, subject to the approval of Tynwald.
25. **Clause 20** requires that a registered landlord must in all notices, advertisements or other relevant documents, state the fact that they are registered, their designated registration number, and where applicable that the rented dwelling is registered as part of the landlord's registration. Non-compliance with these provisions is an offence.
26. **Clause 21** provides that the Department must make regulations, subject to Tynwald approval, to specify the information required from a relevant landlord and their representative (if any) on registration, and any documents that must accompany a registration application. The Department may make regulations regarding any other matters the Department considers necessary for the effective functioning of the register and registration requirements. This clause also provides that the Department must publish any fees provided in regulations made under this clause on its website or in any other manner it considers will bring them to the attention of those affected by them.
27. **Clause 22** makes the provisions for access to information on the register. A landlord may be given access to all information on the register that concerns his or her entry, and a landlord's representative may be given their own personal information as well as information concerning a landlord's rented dwelling/s for which they act on behalf of the landlord. The Department may make regulations, subject to Tynwald approval, to provide for the terms of access for any other persons, including the means by which the register may be searched and the form of the provision of information, any

exceptions that may apply, any procedures for appealing against a refusal, and any fees that may be payable.

PART 3 – MINIMUM STANDARDS

28. **Part 3, clauses 23 and 24** make provisions for Minimum Standards
29. **Clause 23** provides that the Department must make regulations, subject to Tynwald approval, to set out the minimum standards required of a relevant landlord in relation to the management and operational matters involved in being a relevant landlord, and minimum standards with respect to the condition and safety of the landlord's rented dwellings. This clause enables the regulations to make provision that any lease in connection with a rented dwelling must be in writing, despite the existing provisions of the Landlord and Tenant Act 1954. This ensures that all occupiers can have access to written terms of occupancy. The clause further provides that the minimum standards are additional to, and do not otherwise affect, any existing statutory provisions concerning a landlord or tenant, or safety or other standards for dwellings or any type of housing, all of which continue to apply. The Department must bring the regulations to the notice of those likely affected by them in a manner the Department considers appropriate.
30. **Clause 24** provides that a relevant landlord complies with the minimum standards only if they and the landlord's rented dwellings comply with all the requirements of the minimum standards which apply to the landlord, and the landlord's rented dwellings.

PART 4 – ENFORCEMENT

31. **Part 4** makes provisions for enforcement and consists of five Divisions. As is currently the case with environmental health matters, the provisions for enforcement will consist of an incremental process of advice, notification and negotiation and deliberately provide numerous opportunities to remedy any shortfall, before the matter is escalated to formal proceedings.
32. **Division 1 of Part 4, clauses 25 to 27**, makes provisions for enforcement in relation to unregistered relevant landlords.
33. **Clause 25** provides that where the Department has reasonable grounds to believe that a person is an unregistered relevant landlord it may issue a notice to the person containing the reasons for the notice, including the basis of the grounds for suspecting that the person is an unregistered relevant landlord; the consequences of being unregistered if required to be so; and the potential remedies available to the person, that is, within 14 days of the notice, they may submit an application to register or provide evidence to the Department to support their view that they are not required to be registered. The notice will warn the person that it is an offence to be unregistered and that the matter will be escalated to a notice of non-registration if the person fails to register or satisfy the Department that they are not obliged to register by virtue of an exemption under the Bill.
34. **Clause 26** provides that where the Department is satisfied that the person is an unregistered relevant landlord, having issued a notice under clause 25 and received insufficient evidence to prove the person is not required to register, and an

application for registration has not been submitted within 14 days as prescribed by clause 25, the Department may escalate the matter to a formal notice of non-registration. A notice of non-registration must advise the recipient that the Department is satisfied that the landlord is an unregistered relevant landlord; the date the notice takes effect and the consequences of being unregistered, namely that they must cease to act as a unregistered landlord by either seeking registration or by ceasing to be a relevant landlord, and that the occupier has the right to terminate the lease or licence without penalty. The notice must also advise of the landlord's right of appeal, and will be copied to the landlord's representative (if any) and the occupier of a rented dwelling to which the notice relates, with an explanation of its effects and how it affects the occupier. A notice of non-registration takes effect on the date following the expiry of the 21 day period permitted to the recipient of the notice to make an appeal to the Rent and Rating Appeal Commissioners.

35. **Clause 27** applies if a court convicts a person of an offence in relation to the requirement for a relevant landlord to be registered; compliance with an improvement notice; or offences for breach of property management activity restrictions. The court may by order, in addition to imposing a penalty under the relevant offence, disqualify the convicted person from applying for any registration under this Bill for a period not exceeding 5 years. The court must provide the Department with a copy when an order is made. It should be noted that a protracted process of enforcement actions will have already been undertaken to get to this position and this provision allows the court to take into account the history of the offences and to remove the person, for a prescribed period, from operation in the private rented sector where there appears to have been no intention on the part of the person to register or improve their properties or practices. A person may appeal against an order in the same manner as the convicted person may appeal against sentence. If a person makes an appeal, the Department must be notified and the Department must be permitted to make submissions to the court before the appeal is determined. If there is a change of circumstances that justifies the revocation of the order, the person may apply to the court for the revocation of the order. An application for revocation cannot be made during the first 12 months from the date the order was made.
36. **Division 2 of Part 4, clauses 28 to 35**, makes provisions for the enforcement of minimum standards.
37. **Clause 28** provides that when an authorised officer issues a notice, takes enforcement action, or receives any response to enforcement action in relation to the minimum standards, the authorised officer must provide the Department with a copy of the notice, a record of action taken and any response received.
38. **Clause 29** provides that certain relevant provisions of the Local Government Act 1985, as set out, apply for the purpose of this division as referred to in this clause. These provisions relate to power to obtain particulars of owners of land; for authorised officers or members of the Department to prosecute or to defend or to appear in any such proceedings although not qualified as an advocate; and for validated minutes, resolutions, order or report of the Department to be used as evidence in any related proceedings. These provisions facilitate and enable enforcement action. Provisions relating to power to execute works on behalf of owners by agreement; and the recovery by the Department of relevant expenses, including administration costs and overheads, are also applied. This would allow the

Department, should it consider it necessary in any particular circumstances to do so, to assist a relevant landlord in bringing a dwelling up to the required standard of fitness, subject to the Department recovering the costs from the landlord. In addition, power is provided to require an occupier to permit works to be executed by the landlord.

39. **Clause 30** provides that an authorised officer may, on giving notice under section 57 of this Bill, require a landlord or their representative to produce any documents and information necessary to determine whether the landlord or their rented dwelling complies with the minimum standards.
40. **Clauses 31 and 32** relate to a notice of non-compliance. A notice of non-compliance may be issued to a relevant landlord by an authorised officer if the officer considers that a landlord or a rented dwelling does not comply with one or more of the minimum standards, and is unable to reach agreement with the landlord the remedial action to be taken or the time period within which it should be completed. The notice, copied to the landlord's representative, if any, and any occupier affected by it, must inform the landlord of the consequences of failing to comply with the minimum standards, and of not responding, or not carrying out any proposal to remedy that is made within the period agreed with the authorised officer. The authorised officer must consider any response made by the landlord to a notice of non-compliance and may consider any response from an occupier affected by the notice. The officer may accept the landlord's proposals to remedy and agree a reasonable time period for the works to be carried out, or in the absence of an acceptable remedy, issue an improvement notice to the landlord. The officer must inform the landlord and the landlord's representative, if applicable, as well as any occupier of the rented dwelling, of the decision.
41. **Clause 33** allows an authorised officer to issue an improvement notice to a relevant landlord if a notice of non-compliance has been issued and the landlord has failed to respond; failed to carry out the remedial action as agreed; or the authorised officer is not satisfied with the landlord's response to the notice of non-compliance. Clause 33 sets out the information that an improvement notice must include, which includes the reason why the notice has been issued and the period within which the landlord must comply. The Department may by order and subject to the approval of Tynwald amend what is required to be included in an improvement notice. An improvement notice may also include the action the authorised officer recommends for remedying the contravention, and a copy must be given to any occupier of the dwelling and the landlord's representative, as applicable. A relevant landlord has a right of appeal against an improvement notice.
42. **Clause 34** provides that a landlord has complied with an improvement notice if the landlord takes the recommended action within the required period, or has taken alternative action that achieves remedy within the specified period. If the notice is in relation to the standard of a dwelling, the notice is effective against the relevant landlord and any subsequent relevant landlord unless the notice is withdrawn. This means that the effect of the notice and the requirement to improve remains tied to the dwelling and cannot be negated by, for example, disposal of the property to another party. Failure to comply with an improvement notice is an offence.
43. **Clause 35** provides that where a landlord fails to comply with a notice to execute works in respect of a rented dwelling, issued under any other statutory provision, the

failure to comply is taken as grounds for revocation for the purposes of section 41 as if it were a failure to comply with an improvement notice under this Bill.

44. **Division 3 of Part 4, clauses 36 to 40**, makes provisions for breaches of registration requirements.
45. **Clause 36** applies the Division to the registration requirements and conditions imposed on a relevant landlord's registration.
46. **Clause 37** sets out the offences and penalties in relation to breach of property management activity restrictions.
47. **Clause 38** creates a duty for the relevant landlord to notify the Department of matters that affect the landlord's registration, including where a representative has ceased to act for the landlord and having a representative is a condition of the landlord's registration. It also creates a duty for the landlord or landlord's representative to notify the Department of any change in circumstances which means that the information provided by them in relation to the personal conduct requirements has become inaccurate. The landlord's representative must also notify the landlord of any relevant change of circumstances relating to the personal conduct requirements. Notice must be given with 7 days from the date on which the landlord or landlord's representative became aware of the change of circumstances. Failure to comply with the duty to notify changes is an offence. If the landlord does not have a representative when they are required to do so because they do not meet the personal conduct requirements in their own right then occupiers may be placed at risk due to unauthorised contact by the landlord. The notice period of 7 days reflects the potential risk posed by allowing this situation to continue unnecessarily.
48. **Clause 39** allows the Department to issue a notice to the relevant landlord where the landlord does not have a nominated representative when they are required to do so, advising the landlord that failure to rectify the breach within the specified period may result in the revocation of the landlord's registration.
49. **Clause 40** provides for the circumstances whereby the Department must decide whether it is satisfied that the personal conduct requirements continue to be met by the landlord or their representative, and sets out the procedural and notice requirements in connection with this decision. A decision by the Department that it is not satisfied that the personal conduct requirements continue to be met can be appealed by the relevant landlord. The decision takes effect following the expiry of the period permitted to make an appeal subject to any stay of the decision pending the outcome of the appeal by the commissioners.
50. **Division 4 of Part 4, clauses 41 to 43**, makes provisions for revocation of registration.
51. **Clause 41** sets out the list of reasons the Department may revoke a relevant landlord's registration.
52. **Clause 42** enables the Department to revoke a relevant landlord's registration, either in its entirety or for a particular rented dwelling. This clause sets out the procedural, notice and other requirements concerning the revocation of registration. The decision to revoke a registration is subject to appeal. The decision does not take

effect until the expiry of the period permitted to make an appeal, subject to any stay of the decision pending the outcome of the appeal by the Commissioners.

53. **Clause 43** provides for the effect of revocation of registration. A registration that is revoked ceases. If a registration is revoked only with respect to a particular rented dwelling, it ceases for the rented dwelling to which it applies. Time restrictions are imposed on making a fresh application to be registered in a case where a person has had a registration revoked in its entirety; however a registered relevant landlord who has had a registration for a particular rented dwelling revoked is permitted to apply for the dwelling's registration at any time following the revocation if the required standards for registration are addressed so that the property can be returned to the market.
54. **Division 5 of Part 4** concerns other enforcement provisions and comprises *clauses 44 to 47*.
55. **Clause 44** permits an occupier to terminate a lease or licence in respect of a rented dwelling with immediate effect without penalty where the landlord is an unregistered relevant landlord and sets out the circumstances where this right to terminate may be exercised.
56. **Clause 45** sets out particular circumstances where an occupier of a rented dwelling does not have to pay rent to a relevant landlord. This is where the Department has issued a relevant notice, which has taken effect, and on it taking effect the relevant landlord has become an unregistered relevant landlord who is therefore contravening the registration requirement in *clause 7(1)*. Clause 45 ceases to apply from the date on which the relevant landlord becomes registered in respect of the rented dwelling or ceases to be a relevant landlord for it. The definition of "rent" is modified for the purposes of this clause to exclude amounts due for the provision of a service where these are specified separately in a lease or licence.
57. **Clause 46** provides that rent received by the relevant landlord, when they are not entitled to it under *clause 45*, can be recovered under a statutory provision enabling its recovery, or otherwise as a debt.
58. **Clause 47** allows the Department to make regulations, subject to Tynwald approval, necessary to enable the provisions in Part 4 of the Bill, in particular to provide for information to be included in notices and for procedural requirements regarding the service of notices.

PART 5 – APPEALS

59. **Part 5** concerns appeals and comprises of *clauses 48 to 51*.
60. **Clause 48** sets out the decisions of the Department which are subject to an application and appeal by a relevant landlord under this Part (an "appealable decision").
61. **Clause 49** allows a relevant landlord who is not satisfied with an appealable decision to appeal to the Rent and Rating Appeals Commissioners (the Commissioners). This clause sets out the procedure for making such an appeal and notice requirements. The period for making an appeal is 21 days, unless there is contrary provision in rules of procedure. *Clause 49(4)* provides that the Commissioners may stay the effect of an appealable decision pending the outcome of the appeal. The Commissioners may confirm, vary or revoke a decision on appeal.

62. **Clause 50** provides that unless the Commissioners specifically order otherwise, the making of an appeal does not stay the effect of the decision pending the outcome of the appeal and a variation or revocation of a decision by the Commissioners does not affect the previous operation of the decision. If the Commissioners vary or revoke a Department decision to issue a relevant notice which, if not stayed pending the outcome of the appeal, will have resulted no rent being due and payable with respect to a rented dwelling under *clause 45*, the Commissioners may determine the date from which rent is due and payable for the purposes of that clause. This date may be during the period that the relevant notice was in operation.
63. **Clause 51** provides that where decisions directly affecting a relevant landlord's registration are appealed against but not revoked, the Commissioners may stay the effect of the outcome of their decision for a period of up to 3 months if it is equitable in all the circumstances of the case to do so. In determining to grant a stay under this clause, the Commissioners must have regard to the matters set out in *clause 51(3)*, which allows the particular circumstances of the occupier and/or the landlord and the length of the remainder of the lease to be taken into account in any particular case.

PART 6 – OCCUPANCY DEPOSIT REGULATION AND PROTECTION

64. **Part 6** makes provision for occupancy deposit regulation and protection and comprises *clauses 52 to 55*.
65. **Clause 52** defines "occupancy deposit" for the purposes of the Part.
66. **Clause 53** allows the Department, with the concurrence of the Treasury, and Tynwald approval, to make a scheme to safeguard occupancy deposits. The Department may make arrangements, with the concurrence of the Treasury, for such a scheme to be maintained and administered by a provider other than the Department.
67. **Clause 54** provides that an occupancy deposit scheme may contain such provisions as the Department considers necessary for the proper functioning of the scheme and sets out a non-exhaustive list of provisions a scheme may contain.
68. **Clause 55** enables the Department, with Tynwald approval, to make regulations to provide that a relevant landlord or person acting on the landlord's behalf must not require an occupier to provide an occupancy deposit in excess of an amount specified in the regulations. This clause provides a term in a lease or licence which requires an occupier to pay an amount for an occupancy deposit in excess of the amount permitted under the regulations is not binding on an occupier in respect of the excess amount.

PART 7 – INFORMATION

69. **Part 7** deals with providing and obtaining information for the purposes of the Bill and comprises *clauses 56 to 58*.
70. **Clause 56** sets out that the Department has the function of monitoring the private rented sector (as defined) in the Island for specified purposes. In order to do so, the Department may require information from relevant landlords, landlord's

representatives and persons who have an estate or interest in a rented dwelling, and may request information from such other persons as it considers necessary for this purpose. Information obtained under this clause may only be used for purposes set out in this clause and must be processed in accordance with data minimisation principles.

71. **Clause 57** sets out the powers of the Department to obtain documents and information for the purposes of the Bill. The Department may require information from a relevant person (a relevant landlord, landlord's representative and a person having an estate or interest in a rented dwelling) by issuing a notice to the person in accordance with this clause.
72. **Clause 58** deals with the disclosure and sharing of information between the Department and specified (public) bodies. It permits the Department to obtain information from a specified body and to disclose information it or an authorised officer obtains under the Bill to a specified body for stated purposes.

PART 8 – GENERAL

73. **Part 8** deals with general matters and comprises *clauses 59 to 66*.
74. **Clause 59** provides that nothing in the Bill authorises a disclosure of personal data in contravention of the data protection legislation.
75. **Clause 60** makes the Bill a relevant enactment for the purposes of section 35 of the *Local Government Act 1985*, meaning that section 35, which makes provision for powers to enter on land, applies to this Bill. Section 36 of that Act, which is connected to section 35, is also applied. These powers are applicable for the enforcement of the requirements under the Bill.
76. **Clause 61** sets out the powers that may be exercised by an authorised officer using the power to enter on land provided by the application of section 35 of the *Local Government Act 1985* when monitoring or enforcing compliance with the Bill.
77. **Clause 62** provides that, unless otherwise expressly provided for in the Bill, nothing in the Bill affects the operation of other statutory provisions or the rule of law applying to a relevant landlord, landlord's representative, tenant or licensee, or other specified rights and obligations. *Clause 62(2)* clarifies that a relevant landlord is not entitled (subject to any rule of law or contract or agreement with the occupier) to require an occupier to give up occupancy of a rented dwelling in order that the landlord may take action to ensure that the dwelling complies with the minimum standards or to comply with any requirements in the Bill on the enforcement of minimum standards.
78. **Clause 63** makes general provisions concerning secondary legislation made under the Bill and provides that any fees received under a scheme, order or regulations made under the Bill form part of the General Revenue. It requires the Department to consult the Department of Environment, Food and Agriculture before making any regulations under the Bill (apart from regulations made under *clause 55(1)* – amount of occupancy deposits).
79. **Clause 64** provides that it is an offence to make declarations or provide information or documents that are false, misleading or deceptive in a material particular.

80. **Clause 65** provides a protection from liability for an officer of the Department or an authorised officer from claims in damages for acts or omissions in performing functions under the Bill except where bad faith is shown or the act or omission is unlawful under the *Human Rights Act 2001*.
81. **Clause 66** enables the Department to issue guidance about any provision of the Bill or any regulations, schemes or orders made under the Bill to assist those affected. Any guidance issued must be published.
82. **The Schedule** sets out in Part A the information which must be included on a register entry for each relevant landlord. Part B is to contain any additional information which the register may contain.