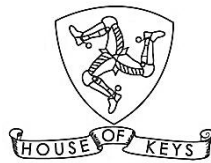


HOUSE OF KEYS Y Chiare as Feed



ORDER PAPER Claare Obbyr

DOUGLAS
Tuesday 8th December 2020
at 10.00am

1. Questions for Oral Answer

1. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for the Treasury –

How many VAT-registered businesses and individuals submitted VAT returns using the traditional paper option in the first quarters of (a) 2019 and (b) 2020?

2. The Hon. Member for Middle (Mr Shimmins) to ask the Minister for Policy and Reform –

How many people have gained residency since 4th March 2020 by purchasing property on the Island?

3. The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Policy and Reform –

Pursuant to his Answer in Tynwald in July, when the proposed first point customer contact centre will be established; and if he will make a statement about the scope and nature of the Government Services Strategy?

4. The Hon. Member for Onchan (Ms Edge) to ask the Minister for Enterprise –

When an Employment Law Amendment Bill will be brought to the branches; and what the planned scope of the revision of employment law will be?

5. The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Enterprise –

What the findings of his Department's 2018 local economy resilience report and subsequent investigations of the retailing sector were; and what support is (a) in place and (b) planned, to support town and village centre retailing?

6. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Enterprise –

What consultation took place between the Manx Utilities Authority and other utilities providers about co-ordinating the replacement works for water pipes, cables, electricity infrastructure at Ballacriy Park in the last eighteen months?

7. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Environment, Food and Agriculture –

If he will publish the list of buildings on the proposed list of the Register of Protected Buildings?

8. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Environment, Food and Agriculture –

Whether Permitted Development Orders for the siting of poles, aerials and associated equipment as part of the National Telecommunication strategy supersede all other planning restrictions?

9. The Hon. Member for Onchan (Ms Edge) to ask the Minister for Health and Social Care –

How many secondary cancer nurse specialists are working under contract?

10. The Hon. Member for Ramsey (Mr Hooper) to ask the Chairman of the Post Office –

How Isle of Man Post Office pricing for commercial operations compares to neighbouring jurisdictions; and what steps are taken to ensure such pricing remains competitive?

11. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Chairman of the Manx Utilities Authority –

What plans there are to replace water pipes, cables, electricity infrastructure and other underground infrastructure at Ballacriy Park in Colby in the next 10 years?

2. Questions for Written Answer

1. The Hon. Member for Douglas Central (Mr Thomas) to ask the Chief Minister (Minister of the Cabinet Office) –

How his Department worked with the Welcome Centre and Post Offices to take forward its June 2015 Digital Strategy multi-channel customer service through contact centres?

2. The Hon. Member for Douglas Central (Mr Thomas) to ask the Chief Minister –

When the Limitation (Childhood Abuse) Act 2020 will come into operation; and if he will make a statement in respect of the timing of the Appointed Day Order?

3. The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for the Treasury –

Which alternatives for the collection of state pension and social security payments in cash he is reviewing and assessing; and if he will make a statement about the trends in collection of these payments since September 2016?

4. The Hon. Member for Onchan (Ms Edge) to ask the Minister for the Treasury –

How many companies are registered for VAT, broken down by type of business?

5. The Hon. Member for Onchan (Ms Edge) to ask the Minister for Health and Social Care –

Pursuant to his Answer of 24th November, if he will make a statement on the current pathway for cancer services; and when the new pathway will be implemented?

6. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Health and Social Care –

What the proposed governance and management staff structure of Department of Health and Social Care and Manx Care will be; and what the total additional cost is?

7. The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Infrastructure –

Pursuant to his Answer in Tynwald in July, a) of what the full suite of on-line services for driver and vehicle licensing services will comprise and b) how telephone, postal, sub-post office and other community business options for those who are not able or do not want to use the online option will be provided and financed; and if he will make a statement about the trend in demand since September 2016 for online and alternative access to these services?

8. The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Infrastructure –

Pursuant to his Answer of 10th November, what value of section 13 sum a) applies and b) has been paid for each of the twenty four agreements identified in the schedule; and how much has been paid from the Housing Reserve Fund commuted sum total to each of the identified receiving affordable housing schemes?

9. The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Infrastructure –

When the most recent independent survey was of whether taxi and private hire operator provision is sufficient to fulfil all reasonable needs at all times and places as envisaged in schedule 2 of the Road Transport Act 2001; and what unmet need was identified in that survey?

10. The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Infrastructure –

If he will list all section thirteen agreement sums payable and paid for any other purpose other than affordable housing since September 2016?

11. The Hon. Member for Douglas Central (Mr Thomas) to ask the Chairman of the Office of Fair Trading –

If he will make a statement about activity and findings of the Board's preliminary investigation under section 9(1) of the Fair Trading Act 1996 into whether Bus Vannin, in the provision of demand responsive services, has been or is pursuing a course of conduct which amounts to an anti-competitive practice?

3. Bills for First Reading

3.1 Beneficial Ownership (Amendment) Bill 2020

Mr Cannan

3.2 Companies (Amendment) Bill 2020

Mr Shimmins

3.3 Gas Regulation (Amendment) Bill 2020

Mr Harmer

The Hon Member for Glenfaba and Peel (Mr Harmer) to move –

That Standing Orders, and in particular Standing Order 4.6, be suspended to permit the Second Reading of the Gas Regulation Amendment Bill 2020 be taken at this sitting.

3.4 Sky Lanterns and Balloons (Prohibition) Bill 2020

Mr Perkins

4. Bills for Second Reading

4.1 Council of Ministers (Amendment) Bill 2020

Mrs Caine

4.2 Landlord Registration (Private Housing) Bill 2020

Mr Baker

5. Further Consideration of Clauses

5.1 Justice Reform Bill 2020

Mrs Barber

Tabled Amendments

Clause 95 *Mr Hooper*

Heading Part 9 *Mr Hooper*

New divisions part 9 *Mr Hooper*

Clause 97 *Mr Hooper*

<i>Clause 6</i>	<i>Mr Hooper</i>
<i>Clause 99</i>	<i>Mr Hooper</i>
<i>Clause 101</i>	<i>Mr Hooper</i>
<i>New Clause 7</i>	<i>Mr Hooper</i>
<i>Clause 102</i>	<i>Mr Hooper</i>
<i>New Clause</i>	<i>Mr Shimmins</i>

(If Clauses are completed)

The Hon. Member for Douglas East (Mrs Barber) to move –

That Standing Orders, and in particular Standing Order 4.11 (1), be suspended to permit Third Reading of the Justice Reform Bill 2020 to be taken at this sitting.

Unless the House otherwise determines, the above business will be considered in the order shown.

Roger Phillips
Secretary of the House

JUSTICE REFORM BILL 2020

CONCATENATED LIST OF AMENDMENTS TO BE MOVED IN THE KEYS

Mr Hooper to move —

AMENDMENT OF CLAUSE 95

1. Page 97, lines 6 to 12, for subsection (3) of the inserted section 7 substitute the following —
 - «(3) A “course of conduct” —
 - (a) in the case of conduct in relation to a single person (see paragraph 1(1)) —
 - (i) must involve conduct on at least two occasions in relation to that person, unless subparagraph (ii) applies;
 - (ii) need only involve conduct on one occasion if —
 - (A) the person undertaking the conduct has been convicted of an offence under either section 2 or 4; and
 - (B) the person towards whom the conduct is directed is a person who was harassed or put in fear by the conduct to which the conviction relates;
 - (b) in the case of conduct in relation to two or more persons (see section 1(1A)), must involve conduct on at least one occasion in relation to each of those persons.».

AMENDMENT OF HEADING OF PART 9

2. Page 97, for line 25 substitute “**PART 9 – MISCELLANEOUS AND GENERAL**”.

INSERTION OF NEW DIVISION 1 INTO PART 9

3. Page 97 after line 25 insert —

“DIVISION 1 – JUDICIAL RETIREMENT

NC3 Judicial retirement at 75

- (2) The following must vacate office on reaching the age of 75—
 - (a) the Judge of Appeal, appointed under section 3A of the *High Court Act 1991*;
 - (b) the First Deemster, appointed under section 3A of the *High Court Act 1991*;
 - (c) the Second Deemster, appointed under section 3A of the *High Court Act 1991*;
 - (d) a Deemster appointed on a full-time basis under section 3B of the *High Court Act 1991*;
 - (e) the High Bailiff; and
 - (f) a Deputy High Bailiff appointed on a full-time basis under section 1 of the SJA1989.
- (3) After consulting the Deemsters, the Governor in Council may make regulations empowering a person vacating office under subsection (1) to continue to act to conclude proceedings in which he or she is engaged on reaching the age of 75.
- (4) Subsections (4) and (5) amend other enactments in connection with subsection (1).
- (5) In section 1 of the SJA1989 at the end of subsection (3) add “, but if appointed on a full-time basis shall in any event vacate office on attaining the age of 75.”.
- (6) In the *High Court Act 1991* —
 - (a) in section 3A(3), for “70 years” substitute “75 years”;
 - (b) at the end of section 3A(4) add “and shall in any event vacate office on attaining the age of 75 years.”;
 - (c) at the end of section 3B(2) add “, but, if appointed on a full-time basis, shall in any event vacate office on attaining the age of 75 years.”.

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

INSERTION OF NEW DIVISION [2] INTO PART 9

4. Page 97, after line 25 (and after the preceding amendment, if successful) insert the following new Division, numbered sequentially—

“DIVISION [2]¹: APPLICATION OF SENTENCING GUIDELINES

NC4 Application to the Island of sentencing guidelines

- (1) The Department may, after consulting the Deemsters and such other persons as the Department may consider appropriate, by order (referred to in this section as “an application order”) apply to the Island as part of the law of the Island, to such extent and subject to such exceptions, adaptations and modifications as may be specified in the order, any sentencing guidelines to which this subsection applies.

Tynwald procedure — negative.
- (2) Subsection (1) applies to any sentencing guidelines issued under section 120 of the Coroners and Justice Act 2009 (of Parliament) from time to time or a re-enactment of that provision.
- (3) An application order may provide that a court, in sentencing an offender, must have regard to any sentencing guidelines applied by the order which are relevant to the offender’s case, unless the court is satisfied that it would be contrary to the interests of justice to do so.
- (4) An application order must have annexed to it the text of the sentencing guidelines applied by the order, incorporating the exceptions, adaptations and modifications specified in the order.
- (5) An application order may provide that a reference in it to sentencing guidelines or a provision of sentencing guidelines is to be construed as a reference to the guidelines or provision as amended from time to time.
- (6) An application order which applies to the Island any sentencing guidelines which relate to offences involving indecent images of children to the Island must provide that the decision in *R v Oliver, Hartrey and Baldwin* [2003] 1 Criminal Appeal Reports 28 is to be disregarded.
- (7) On the coming into operation of this section, section 229 of the *Sexual Offences and Obscene Publications Act 2020* is repealed.”.

INSERTION OF NEW DIVISION [3] INTO PART 9

5. Page 97, after line 25 (and after the insertions made by the preceding two amendments, if successful) insert—

¹ The actual number for this Division will be either Division 1 or Division 2 of Part 9, depending upon the success or failure of the preceding amendment.

“DIVISION [3]²: ELECTRONIC COMMUNICATIONS IN CONNECTION
WITH LAND REGISTRATION

**NC5 Use of electronic communications in connection with land registration:
Land Registration Act 1982 amended**

After section 3 of the *Land Registration Act 1982* insert—

**“3A Use of live links for proceedings before the Land Commissioner
and the Land Registrar**

- (1) No enactment or other rule of law is to be taken to prevent the relevant officer from using a live video link or live audio link if the relevant officer considers it appropriate to do so for the purposes of proceedings before the relevant officer.
- (2) In deciding whether it is appropriate to use a live audio link or a live video link, the relevant officer must have regard to all the circumstances and in particular whether it is necessary or desirable for securing the just expeditious and economical disposal of proceedings to use such a link.
- (3) A person who participates in proceedings under this Act by means of a live video link or live audio link is to be regarded for all purposes as being present and appearing at the hearing.

(4) In this section—

“live audio link”, in relation to a person (“P”) taking part in proceedings means a live telephone link or other arrangement which—

- (a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and
- (b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P; and

“live video link” in relation to a person (“P”) taking part in proceedings, means a live television link or other arrangement which—

- (a) enables P to see and hear all other persons taking part in the proceedings who are not in same location as P, and
- (b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P;

“relevant officer” means the Land Commissioner or the Land Registrar (as the case requires).

(5) For the purposes of subsection (4) disregard—

- (a) the extent (if any) to which a person is unable to—

² The actual number for this Division will be either Division 1, 2 or 3 of Part 9, depending upon the success or failure of the preceding amendments inserting other Divisions.

- (i) see by reason of any impairment of eyesight, or
- (ii) hear by reason of any impairment of hearing;
- (b) the effect of any direction or order which provides for one person taking part in proceedings to be prevented by means of a screen or other arrangement from seeing another person taking part in the proceedings.”.”.

AMENDMENT OF CLAUSE 97

6. Page 100, after line 16 insert—

“(4) In section 21(1A)—

(a) omit “or” following paragraph (a); and

(b) after paragraph (b) insert—

«; or

(c) subject to a grant of bail with conditions under section 50A of that Act.».”.

NEW CLAUSE 6

7. Page 102, after line 9 insert—

“NC6 Fatal Accidents Act 1981 amended

(1) Section 1A of the *Fatal Accidents Act 1981* is amended as follows.

(2) After subsection (2)(a) (and before the “and”) insert—

“(aa) of the cohabiting partner of the deceased;”.

(3) After subsection (2) insert—

“(2A) In subsection (2) “cohabiting partner” means any person who—

(a) was living with the deceased in the same household immediately before the date of the death;

(b) had been living with the deceased in the same household for at least 2 years before that date; and

(c) was living during the whole of that period as the spouse or civil partner of the deceased.”.

(4) In subsection (4)—

(a) for “this section” substitute “one or more of the paragraphs of subsection (2)”;

(b) for “both the parents of the deceased” substitute “more than one person”.”.

AMENDMENT OF CLAUSE 99

8. Page 102, for line 12 substitute—
- “(2) In section 2 —
- (a) for subsection (4)(d) substitute—”.
9. Page 102, in line 26 at the end insert—
- ”; and
- (b) at the end of the section insert—
- “(7) For the purposes of subsection (4)—
- (a) subject to paragraph (b), a person is in state detention if the person is compulsorily detained by a public authority within the meaning of section 6 of the *Human Rights Act 2001*; but
- (b) a person is not in state detention at any time when the person is detained under section 2, 3 or 4 of the *Mental Health Act 1998*.”.
10. Page 102, after line 26 insert—
- “(3) In section 8(1) after “the deceased died” insert “, otherwise than from natural causes,”.

AMENDMENT OF CLAUSE 101

11. Page 103, in line 29 omit “**and ss. 53 and 54 repealed**”.
12. Page 103, for lines 31 and 32 substitute—
- “(2) In section 35—
- (a) omit subsection (4)(b) (which prohibits the making of reparation and compensation orders in combination) and the word “or” preceding it; and
- (b) in subsection (6)(a) (maximum number of hours to be worked under a reparation order) for “24” substitute “100”.

NEW CLAUSE 7

13. Page 104, at the beginning of line 1 insert—

“NC7 Human Rights Act 2001 amended

- (7) The *Human Rights Act 2001* is amended as follows.
- (8) In section 9, for subsection (3) substitute—
- «(3) In proceedings under this Act in respect of a judicial act done in good faith, damages may not be awarded otherwise than—
- (a) to compensate a person to the extent required by Article 5(5) of the Convention, or
- (b) to compensate a person for a judicial act that is incompatible with Article 6 of the Convention in circumstances where the person is detained and, but for the incompatibility, the person would not have been detained or would not have been detained for so long.
- (3A) Subsection (3) as substituted by the *Justice Reform Act 2021* applies in relation to judicial acts occurring before (as well as those occurring after) the coming into operation of that subsection.».
- (9) In section 9A—
- (a) in subsection (1) for paragraph (b) substitute —
- «(b) subsection (1A) or (1B) is satisfied;»;
- (b) after subsection (1) insert—
- «(1A) This subsection is satisfied if it appears to the Council of Ministers, having regard to a finding of the European Court of Human Rights, made after the coming into operation of this section as originally enacted, in proceedings against the United Kingdom in a case relating to the Island, that a provision of an Act of Tynwald or a public document is incompatible with an obligation of the Island arising from the Convention.
- (1B) This subsection is satisfied if, having consulted the Deemsters, it appears to the Council of Ministers, having regard to —
- (a) a finding of the European Court of Human Rights made after the coming into operation of this subsection, or
- (b) a decision of a relevant court made after the coming into operation of this subsection,
- that a provision of a relevant enactment is incompatible with any obligation of the United Kingdom arising from the Convention and, by reason of a similarity of drafting with that of the relevant enactment, a provision of an Act of Tynwald or of a public document is also likely to be incompatible with such an obligation.»; and
- (c) at the end of the section insert—
- «(4) In subsection (1B) —

- (a) the Judicial Committee of the Privy Council;
- (b) the Supreme Court of the United Kingdom;
- (c) the Court of Appeal of England and Wales;
- (d) the Inner House of the Court of Session; or
- (e) the Court of Appeal in Northern Ireland; and

“relevant enactment” means—

- (a) an Act of Parliament;
- (b) an Act of the Scottish Parliament;
- (c) an Act or Measure of the National Assembly of Wales;
- (d) an Act of the Northern Ireland Assembly; or
- (e) secondary legislation under a legislative instrument mentioned in any of the preceding paragraphs of this definition.”.

(10) In section 9B(1), omit paragraph (d).”.

Renumber the subsequent Clauses, and adjust cross-references, accordingly.

AMENDMENT OF CLAUSE 102

14. Page 104, for line 24 substitute—

“(5) In the table in paragraph 7 of Schedule 1, before the first row of entries in the table (but after the cross-headings) insert —”.

Mr Shimmins to move —

INSERTION OF NEW CLAUSE

15. Page 105, after line 36, insert the following new clause —

«[NC] **Criminal Justice, Police and Courts Act 2007: sections 30A to 30D inserted**

Immediately after section 30 of the *Criminal Justice, Police and Courts Act 2007*, insert the following —

«**30A Broadcasts of court proceedings**

- (1) The court may, in giving a live video link direction under this Act, direct —
 - (a) that the proceedings are to be broadcast in the manner specified in the direction for the purpose of enabling members of the public to see and hear the proceedings;

- (b) that a recording of the proceedings is to be made in the manner specified in the direction for the purpose of enabling the court to keep an audio-visual record of the proceedings.
- (2) The court may, in giving a live audio link direction under this section, direct —
- (a) that the proceedings are to be broadcast in the manner specified in the direction for the purpose of enabling members of the public to hear the proceedings;
 - (b) that a record of the proceedings is to be made in the manner specified in the direction for the purpose of enabling the court to keep an audio record of the proceedings.
- (3) A direction under subsection (1) or (2) may relate to the whole, or to part, of the proceedings concerned.

30B Offences of recording or transmission in relation to broadcasting

- (1) It is an offence for a person to make, or attempt to make —
- (a) an unauthorised recording; or
 - (b) an unauthorised transmission, of an image or sound which is being broadcast in accordance with a direction under section 30A.
- (2) It is an offence for a person to make, or attempt to make —
- (a) an unauthorised recording; or
 - (b) an unauthorised transmission, of an image of, or sound made by, another person while the other person is viewing or listening to a broadcast made in accordance with a direction under section 30A.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission of the image or sound concerned, he or she did not know, and could not reasonably have known, that the image or sound was —
- (a) being broadcast in accordance with a direction under section 30A, in the case of an offence under subsection (1); or
 - (b) an image of, or sound made by, another person while viewing or listening to a broadcast made in accordance with a direction under section 30A, in the case of an offence under subsection (2).

- (4) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purposes of this section, it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (6) For the purposes of this section, a recording or transmission is “unauthorised” unless it is —
 - (a) authorised by a direction under this Act;
 - (b) otherwise authorised (generally or specifically) by the court in which the proceedings concerned are being conducted; or
 - (c) authorised (generally or specifically) by the First Deemster.

30C Offences of recording or transmitting participation through live link

- (1) it is an offence for a person to make, or attempt to make —
 - (a) an unauthorised recording; or
 - (b) an unauthorised transmission, of an image or sound which is being transmitted through a live video link or transmitted through a live audio link.
- (2) It is an offence for a person (P) to make, or attempt to make —
 - (a) an unauthorised recording; or
 - (b) an authorised transmission, of an image of, or sound made by, any person (whether P or another person) while that person is participating in court proceedings through a live video link or a live audio link.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission, he or she did not know, and could not reasonably have known, that the image or sound concerned —
 - (a) was being transmitted through a live video link or through a live audio link (in the case of an offence under subsection (1)); or
 - (b) was an image of, or sound made by, a person while that person was participating in court proceedings through a live video link or a live audio link (in the case of an offence under subsection (2)).

- (4) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purposes of this section, it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (6) For the purposes of this section, a recording or transmission is “unauthorised” unless it is –
 - (a) authorised (generally or specifically) by the court in which the proceedings concerned are being conducted; or
 - (b) authorised (generally or specifically) by the First Deemster.

30D Secondary legislation

- (1) The Department of Home Affairs may by order amend any provision in an Act of Tynwald or a statutory document that pertains to live links (whether or not the broadcast of any such link is also provided for) in court proceedings or proceedings before any tribunal, but must first –
 - (a) consult with the Deemsters;
 - (b) where a Department other than the Department of Home Affairs is responsible for administering the legislation to be amended, consult with that Department.

Tynwald procedure – approval required.
- (2) The Department of Home Affairs, after consultation with the Deemsters, may by regulations prescribe –
 - (a) the procedure for the use of live links;
 - (b) where applicable, the broadcast of such links and any restrictions on such broadcast.

Tynwald procedure – approval required.».