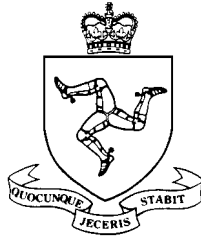


LEGISLATIVE COUNCIL Y Chooneil Slattyssagh



ORDER PAPER Claare Obbyr

DOUGLAS

**Tuesday 8th December 2020
at 10.30am**

- 1. International Maritime Standards Bill 2020**
This Bill was amended in the Keys. An updated version including the Keys' amendments is available.
For Third Reading

– Mrs Maska
- 2. Medicines (Amendment) Bill 2020**
For Second Reading and Clauses

– Mrs Sharpe
- 3. Road Traffic Legislation (Amendment) Bill 2020**
This Bill was amended in the Keys. An updated version including the Keys' amendments is available.
For Second Reading and Clauses

– Mrs Maska

Tabled amendments are in the attached concatenated list.
- 4. Human Tissue & Organ Donation Bill 2020**
For First Reading

– Mrs Lord-Brennan

5. Statute Law Revision Bill 2020
For First Reading

– HM Attorney General

JONATHAN KING
Clerk of the Legislative Council
Cleragh y Choonceil Slattysagh

ROAD TRAFFIC LEGISLATION (AMENDMENT) BILL
2020

CONCATENATED LIST OF AMENDMENTS

AMENDMENT TO CLAUSE 7

1. Page 18, line 18, in subsection (1) of the insertion for “specified offence” substitute «serious driving offence».

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 11

2. Page 22, line 18, in subsection (3)(i) of the insertion for “section 3A” substitute «section 3A, 5, 5A or 5AA,».

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 12

3. Page 23, line 26, in paragraph (b) of the definition of “registered health care professional” for “profession this” substitute «profession that».

(Her Majesty’s Attorney General)

AMENDMENTS TO CLAUSE 14

4. Page 25, line 25 to page 26, line 19, in the new section 24 being inserted by clause 14 insert «motor» immediately before “vehicle” wherever it appears.

(Mr Mercer)

AMENDMENTS TO CLAUSE 17

5. Page 29, immediately after line 8, after subsection (9) of the insertion insert the following —
- «(10) In this section, “vehicle” excludes any vehicle that is not mechanically propelled.».

(Mr Mercer)

AMENDMENTS TO CLAUSE 21

6. Page 33, line 8, in subsection (2)(a) of the proposed section 47AA for “public road” substitute «road».
7. Page 33, lines 11 and 12, in subsection (2)(b) of the proposed section 47AA for “public road” substitute «road».
8. Page 33, line 24, in subsection (3)(a) of the proposed section 47AA for “dwelling house” substitute «private dwelling house».

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 22

9. Page 35, line 3, for the existing text substitute the following —
- «In section 47B, after subsection (2) insert —».
10. Page 35, line 4, in the insertion for “(2)” substitute «(3)».

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 24

11. Page 35, line 32, for “section 5AA(2)” substitute «section 5AA(1)(a) and (2)».

(Her Majesty’s Attorney General)

AMENDMENTS TO CLAUSE 30

12. Page 38, immediately after line 32, in the insertion, insert —
| « **“disability”** and **“disabled person”**, for the avoidance of doubt, must be
| construed in accordance with the *Equality Act 2017*;».
13. Pages 38 (line 37) and 39 (lines 1 to 7), in the insertion, omit the definition of **“driving licence”**.
14. Page 41, immediately after line 23, after subsection (2) of the new section 72 insert the following —
| «(3) The Department may by order amend the definition of “authorised
| insurer” in subsection (1).».

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 31

15. Page 42, lines 17 to 23, in the insertion of the new section 73A omit subsections (5) and (6).

(Her Majesty’s Attorney General)

AMENDMENTS TO CLAUSE 32

16. Page 44, line 23, immediately after “section 58A(3)” insert «section 72(3)».

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 33

17. Page 44, line 34, insert «prescribed» immediately before “wheelchair”.
18. Page 44, line 34, between “wheelchair” and the semicolon insert «or other prescribed mobility aid».

(Her Majesty’s Attorney General)

AMENDMENTS TO CLAUSE 34

19. Page 49, lines 10 to 18, in subsection (7), for subparagraph (9) of the new paragraph 4 substitute —

«(9) The Department may revoke a licence if it is satisfied on a balance of probabilities that the licence holder is suffering from a prospective relevant disability; but the Department's exercise of this power is subject to the following conditions' being satisfied beforehand —

- (a) the Department must serve on the licence holder written notice of its intention to revoke the licence, and such notice must specify the evidence on which the proposed revocation is based;
- (b) the licence holder must be given an opportunity to make representations on his or her behalf, and details of this opportunity must be specified in the noticed referred to in head (a);
- (c) the Department must take into account and give due regard to any representations made under head (b);
- (d) the Department must offer to the licence holder the opportunity to take a test of competence to drive which, should the licence holder pass, will entitle the licence holder to keep the licence; provided that the offer of such a test must not be made if the Department is not satisfied to the abovementioned standard of proof; and
- (e) where it decides to revoke the licence, the Department —

(i) must —

- (A) notify the licence holder in writing of its decision;
- (B) advise the licence holder of his or her right to appeal to the High Bailiff; and
- (C) provide details of how that right may be exercised; and

(ii) must not proceed with the revocation until either —

- (A) the deadline for appealing to the High Bailiff passed without an appeal having been filed; or
- (B) the decision of the Department has been upheld on such an appeal.».

(Her Majesty's Attorney General)

20. Pages 50 (lines 38 and 39) and 51 (lines 1 to 3), in subsection (7) for paragraph 4B(1) of the insertion substitute the following —

«4B (1) The Department must not grant or renew a licence on application made any person over unless —

- (a) the Department is satisfied by evidence accompanying the application that the person has passed a test that shows that the person is not suffering from an eyesight disability; and
- (b) the person has submitted to the Department a certificate, issued by a suitably qualified professional, that asserts that the person's vision (whether with or without the aid of corrective lenses) is of a standard that renders it safe for the person to be in charge of a mechanically propelled vehicle.».

(Mr Mercer)

21. Page 52 line 19, for “paragraph (6)(2D)” substitute «paragraph 6(2D)».

(Her Majesty's Attorney General)

AMENDMENTS TO CLAUSE 36

22. Page 59, line 14, in paragraph (b) for “other countries which” substitute «other countries in respect of which».
23. Page 59, line 17, for paragraph (c) substitute the following —
- «(c) in paragraph 3(3)(b)(i), for “the use of vehicles of the State in whose territory” substitute «the use of vehicles of that territory in which».
24. Page 60, line 18, in the first line of subparagraph (3) of the insertion omit “is”.
25. Page 60, lines 19 to 24, for subparagraphs (3)(a) to (c) of the insertion substitute the following —
- «(a) is in respect of third-party risks; and
 - (b) complies with such requirements of this Schedule as were in force immediately before the commencement of sections 30 and 36 (amendments made to this Schedule and the interpretation of it) of the Road Traffic Legislation (Amendment) Act 2020,».
26. Page 60, line 29, in paragraph (4) of the insertion for “incidents” substitute «accidents».

(Her Majesty's Attorney General)

AMENDMENTS TO CLAUSE 37

27. Page 61, between lines 12 and 13, in the eighth column of the table in subsection (12) for “Section 40 applies” substitute «Section 59 applies».
28. Page 61, between lines 21 and 22, in the eighth column of the table in subsection (15) for “Section 40 applies” substitute «Section 59 applies».
29. Page 62, lines 9 to 14, for subsection (22) substitute the following –
- «(22) In the entry for Schedule 2, paragraph 1(5), for the entry in the second column substitute “Contravention of construction and use regulations, etc.” and in the fourth column for the entry “£1,000 in any other case” substitute “level 4 on the standard scale in the case of an offence of intentionally obstructing or hindering an authorised person testing or inspecting a motor vehicle or trailer, etc.; level 4 on the standard scale in any other case”.».
30. Page 62, lines 25 and 26, in subsection (26) for “driving licence” substitute «licence».
31. Page 62, line 29, in subsection (27) for “driving licence” substitute «licence».

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 38

32. Page 64, after line 4, in the second column of the table, in the parenthetical reference appearing immediately after the reference to “Section 5AA(1)(a) and (2)”, insert «concentration of» between “with” and “specified”.

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 42

33. Page 66, line 24, paragraph (a), in the insertion omit “Tynwald procedure – affirmative.”.

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 44

34. Page 67, line 28, in the insertion omit “Tynwald procedure – affirmative.”.

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 45

35. Page 67, line 32, in subsection (1) of the inserted section 9A for “The section” substitute «This section».

(Her Majesty’s Attorney General)

AMENDMENTS TO CLAUSE 46

36. Page 68, line 12, in subsection (1) for “subsection (3)” substitute «section 11(3)».
37. Page 68, line 18, subsection (1), in the insertion omit “Paragraph (b) is subject to subsection (3A).”.
38. Page 68, lines 23 and 24, subsection (1), in subsection (3A) of the insertion for “whether that person was at the material time driving or riding the vehicle” substitute «the identity of the person who at the material time was in charge of the vehicle».
39. Page 68, line 28, subsection (1), in subsection (3B) of the insertion for “driving or riding” substitute «in charge of».
40. Page 68, line 30, in subsection (2) for “subsection (4)” substitute «section 11(4)».
41. Page 68, line 34, subsection (2), in subparagraph (ii) of the insertion omit “the purpose of”.
42. Page 68, line 34, subsection (2), in subparagraph (ii) of the insertion immediately before “restricting” insert «prescribing or».

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 57

43. Page 75, line 18, in subsection (2) of the insertion for “empowered person” substitute «the Department or the Chief Constable».
44. Page 75, line 24, in the insertion, for the subparagraph denotation “(a)” substitute denotation «(i)».
45. Page 75, line 27, in the insertion, for the subparagraph denotation “(b)” substitute denotation «(ii)».
46. Page 76, line 17, in subsection (6) of the insertion omit “Tynwald procedure – approval required.”.
47. Page 76, line 28, in subsection (8)(a) of the insertion for “who” in the parentheses substitute «which».

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 59

48. Page 78, lines 5 and 6, for “*Communications Act 2019*” substitute «*Communications Act 2020*».

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 61

49. Page 78, lines 24 to 26, for paragraph (a) of the insertion substitute the following

—
| «(a) regulations made by the Department under sections 2(6), 3(7), 7, 9, 15,
| 27, 28, 33B(6), 35B(1) and 38A, paragraph 4 of Schedule 1 and paragraph
| 2 of Schedule 2; and».

(Her Majesty’s Attorney General)

AMENDMENT TO CLAUSE 63

50. Page 79, lines 31 and 32, for the subsidiary heading to the inserted Schedule 2 substitute —

«Sections 4A, 14D and 23(3) of this Act, section 30(9) of the Road Traffic Act 1985, and section 91A(4) of the Highways Act 1986».

(Her Majesty's Attorney General)

AMENDMENT TO CLAUSE 65

51. Page 81, line 39, in subsection (7) for "paragraphs 14(1)" substitute «paragraph 14(1)».

(Her Majesty's Attorney General)

AMENDMENTS TO CLAUSE 69

52. Page 84, lines 12 to 19, for subsection (2) of the inserted section 3A substitute the following —

«(2) The vehicle may be removed from the road or public place by —

- (a) the appropriate authority; or
- (b) a person to whom the appropriate authority has, in accordance with section 2(4), delegated its power to remove vehicles.».

53. Page 84, line 33, in subsection (3) of the inserted section 3A, omit "This is subject to subsection (4)".

54. Page 84, line 34, in subsection (4) of the inserted section 3A, insert «appropriate» immediately before "person".

55. Page 84, line 38, in subsection (4) of the inserted section 3A, omit "of the vehicle by the authority".

(Her Majesty's Attorney General)

AMENDMENTS TO CLAUSE 71

56. Page 86, line 15, in section (6)(3)(a) of the insertion before "giving notice" insert «about».

57. Pages 87, lines 17 to 21, in the inserted section 8 for the definition of "fine" substitute the following —

«**“fine”** means a fine in respect of any offence to which Schedule 6 of the *Road Traffic Act 1985* or Schedule 4 or 5A of the *Road Traffic Regulation Act 1985* relates and includes any compensation ordered to be paid by a court in respect of the offence;».

(Her Majesty’s Attorney General)

AMENDMENT TO HEADING OF PART 6

58. Page 88, line 14, in the heading, after “**REPEALS**” insert «**AND CONSEQUENTIAL AMENDMENT**»

(Her Majesty’s Attorney General)

AMENDMENTS TO CLAUSE 74

59. Page 88, line 19, omit “and”.
60. Page 88, line 20, for the full stop substitute «; and».
61. Page 88, immediately after line 20, insert —
«(e) *Road Transport, Licensing and Registration (Amendment) Act 2018* – section 12.».

(Her Majesty’s Attorney General)

INSERTION OF NEW CLAUSE 1

62. Page 83, immediately after line 14, insert the following new clause —
«**[NC1] Section 1 amended – unauthorised dumping of vehicles**
In section 1(1), omit “in the open air” .».

(Number NC1 appropriately and renumber succeeding clauses accordingly.)

(Her Majesty’s Attorney General)