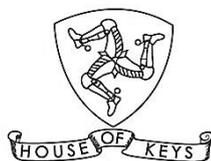


# HOUSE OF KEYS

## Y Chiare as Feed



# ORDER PAPER

## Claare Obbyr

**DOUGLAS - VIRTUAL SITTING**

**Tuesday 26<sup>th</sup> January 2021**

**10.00 am**

- 1. Prayers**
- 2. Suspension of Standing Orders (virtual sitting)**

Mr Deputy Speaker to move –

That Standing Orders be suspended to the extent necessary to take this sitting virtually.

- 3. Questions for Oral Answer**

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

How the planning impasse can be resolved in relation to the sites identified as part of the Castletown Housing Land Review?

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

What protection the Area Plan for the East provides for the use of the Park Road site for a replacement for Scoill yn Jubilee primary school?

3. The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Environment, Food and Agriculture –

What consideration he has given a) to extend the scope and b) to change the requirements of the Housing Standards and Registration Regulations since 2017?

4. The Hon. Member for Douglas Central (Mr Thomas) to ask the Chief Minister –  
If he will make a statement regarding equality in the context of public transport?

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

How many tenants in Department of Infrastructure houses are still issued with rent books?

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

What plans he has to discount vehicle tax for next year and offer a refund, in relation to plant equipment including trucks and diggers for companies affected by the COVID-19 lockdown?

7. The Hon. Member for Douglas Central (Mrs Corlett) to ask the Minister for Policy and Reform–

What lessons about homelessness in the community were learnt during the first lockdown period; and how that learning has changed his actions during the current lockdown?

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

What time limit applies to his powers to support or overturn a Planning Inspector's appeal decision?

9. The Hon. Member for Douglas Central (Mrs Corlett) to ask the Minister for Environment, Food and Agriculture –

What plans he has to amend the period of 21 days for display of planning application notices (yellow notices) to exclude the lockdown period?

10. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Chairman of the Post Office –

On how many occasions in 2020 local authorities, businesses and individuals were contacted about people potentially confusing their private Post Boxes for genuine Isle of Man Post ones?

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

What a) amendments to the Agreement were proposed and b) objections to actual cost were made by the Isle of Man Government parties to the 2015 Gas Agreement between 1<sup>st</sup> May 2015 and 31<sup>st</sup> December 2020; what other Gas contract documents have been agreed between the 2015 Gas Agreement parties; and whether there is now a dispute with Manx Gas arising from the 2015 Gas Agreement?

#### **4. Questions for Written Answer**

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

How much each Department spent on legal advice in 2020?

2. The Hon. Member for Douglas South (Mr Quine) to ask the Minister for the Treasury –

What plans the Treasury has considered for a National Insurance Holiday for businesses with a reduced turnover as a result of COVID-19?

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

If he will list the telecommunications masts in the Isle of Man broken down by a) location b) land owner c) operator and providers of telecommunications services from the mast d) type of mast, including height and footprint area, and e) purpose of use?

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

What proportion of properties and addresses in each 4-digit Isle of Man postcode has fibre available as shown in Manx Telecom's fibre broadband availability tool; and what proportion in each such post code area is expected to have it available at a) the end of June 2021, and b) at the end of December in i) 2021, ii) 2022, iii) 2023 and iv) 2024?

5. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Justice and Home Affairs –

How many adult cautions have been issued on the Connect IT system used by the Isle of Man Constabulary since its implementation until 31<sup>st</sup> March 2020; how many such cautions were removed following a legal challenge: a. Where it identified the unlawfulness of the process; and b. For any other reason; what issues were identified in legal challenges and how they have been addressed; how many people were affected by this and how many people have been notified; and what plans the Department has to pay the individuals concerned compensation for this situation?

6. The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Justice and Home Affairs –

How many Employment and Equality Tribunal tribunals have been held (a) remotely and (b) semi-remotely during the last twelve months; and what platforms and mechanisms have been employed to enable this?

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

When each item of required information set out in schedule 2 of the 2015 Gas Agreement was received in a) 2015 b) 2016 c) 2017 d) 2018 e) 2019 and f) 2020; and what information is expected from Manx Gas in 2021 under the 2015 Gas Agreement or otherwise?

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

If he will publish a) the 2015 Gas Agreement sub-clause 3.2 written notices that the OFT received from Manx Gas about proposed changes to either gas tariffs or standing charges since 1<sup>st</sup> January 2015 including Manx Gas's explanation of the way in which the proposed change will ensure that Manx Gas complies with its price setting obligation under 3.1 of the Agreement, b) any additional information required by the OFT to validate the calculations, and c) any representations that OFT made to Manx Gas pursuant to sub-clause 3.3 of the Agreement

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

If he will publish for each year between 2015 and 2019 the a) Variance, b) EBIT Target, c) EBIT Adjusted and d) EBIT Actual as defined in schedule 4 of the 2015 Gas Agreement; and what the current estimate is for the values of each in 2020?

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

What the total 2015 Gas Agreement regulatory adjustment due for each year from 2015 – 2020 is; and how recovery was arranged for customers of each type and on each standing charge band?

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

What information and analysis has been shared since 1<sup>st</sup> January 2015 between the Department of Infrastructure and the Office of Fair Trading in relation to Manx Gas expenditure rechargeable to gas customers; whether any concerns were raised by the Department of Infrastructure arising from its role under the Gas Regulation Act 1995, and if so, how these concerns were taken forward either by the Department of Infrastructure or the Office of Fair Trading using either the role it plays in the 2015 Gas Agreement or any other statutory function it has; and if these concerns resulted in any charges to either gas customer invoices or Manx Gas expenditure?

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

Whether the Terms and Conditions of the Manx Gas supply agreements with each customer were taken into account in the monitoring of the 2015 Gas Agreement particularly in relation to rechargeable costs and Standing Charges; and if so, how and with what result?

**5. Bill for First Reading**

- 5.1 International Co-operation (Protection from Liability) Bill 2021

**Mr Hooper**

**6. Consideration of Clauses**

- 6.1 Beneficial Ownership (Amendment) Bill 2020

**Mr Cannan**

- 6.2 Companies (Amendment) Bill 2020

**Mr Shimmins**

- 6.3 Gas Regulation (Amendment) Bill 2020

**Mr Harmer**

*Tabled Amendments*

Long title	Mr Thomas
Clause 3	Mr Thomas
New Clauses	Mr Thomas

**After Consideration of Clauses:**

*The Hon Member for Glenfaba and Peel (Hon R K Harmer MHK) to move –*

*That Standing Orders, and in particular Standing Order 4.11(1), be suspended to permit the Third Reading of the Gas Regulation (Amendment) 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**

The next the next scheduled sitting of the House of Keys will be 2<sup>nd</sup> February 2021

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GAS REGULATION (AMENDMENT) BILL 2020

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**CONCATENATED LIST OF AMENDMENTS**

Mr Thomas to move —

**AMENDMENT TO LONG TITLE**

1. Page 3, line 1, for “reallocate” substitute «confer».

**AMENDMENTS TO CLAUSE 3**

2. Page 3, immediately after line 12, insert the following —  
«(1) The tariffs to be charged by a public gas supplier for the supply of gas must be in accordance with such tariffs as may be fixed from time to time by it.».

*Renumber subsequent subsections and cross-references accordingly.*

3. Page 3, line 13, for “Communications Commission (“the Commission”)” substitute «Communications and Utilities Regulatory Authority (“the Authority”)».

*In subsequent provisions, for all references to “the Commission” substitute references to “the Authority”.*

4. Page 3, line 13, for “may” substitute «must».
5. Page 3, immediately after line 23 insert the following —  
«(3) The Authority may impose conditions in connection with parameters set by it under this section, but —  
(a) before exercising this power, must consult with the public gas supplier on whom it proposes to impose the conditions and take into consideration any feedback received in the course of that consultation;  
(b) in the event of a dispute with the public gas supplier regarding any conditions so imposed, must use best endeavours to resolve the dispute; if necessary, by means of mediation.».

6. Page 4, line 1, between “parameters” and the semicolon insert «and comply with any condition imposed under this section».
7. Page 4, lines 5 and 7, immediately after “parameters” in both places where it appears insert «and conditions».
8. Page 4, line 8, for the full-stop substitute the following —  
 | «, and the Cabinet Office must forthwith send a copy of any such agreement to  
 | the Authority, which must publish the agreement.».
9. Page 4, line 15, between “charged” and the semicolon insert «for the supply of gas».
10. Page 4, lines 16 and 17, omit “, in the opinion of the supplier,”.
11. Page 4, line 24, for “in” substitute «by».
12. Page 4, line 25, omit “under subsection (1)”.
13. Page 4, immediately after line 38 insert the following —  
 | «(8) The Authority must lay before Tynwald a gas regulation report each  
 | year.».

## INSERTION OF NEW CLAUSES

14. Page 4, after line 40, insert the following new clauses —  
 | **«NC1 Amendments to sections 2 and 4**  
 | Sections 2(4) and 3(4) of the principal Act are amended by substituting, in  
 | each of them, “the OFT” for “the Department” wherever it appears.
- | **NC2 Amendment of sections 4, 5, 8 and 9**  
 | Sections 4, 5, 8 and 9 of the principal Act are amended by substituting, in  
 | each of them, “the Department of Environment, Food and Agriculture”  
 | for “the Department” wherever it appears.
- | **NC3 Amendment of sections 10, 12 and 16**  
 | (1) Sections 10, 12 and 16 of the principal Act are amended by substituting  
 | in each of them “the Communications and Utilities Regulatory  
 | Authority” for “the Department” wherever it appears.  
 | (2) Section 16 of the principal Act is further amended by substituting the  
 | following for subsection (8) —

“(8) Any public document made under this Act (with the exception of an order under section 20) shall not have effect unless it has been approved by Tynwald.”.

**NC4 Amendment of section 13**

Section 13 of the principal Act is amended –

(a) in subsection (2)(a), by inserting “or other body” between “Department” and the semicolon;

(b) in subsection (5), by substituting “level 5 on the standard scale” for “£5,000”.

**NC5 Amendment of section 17**

In section 17, in the definition of “regulations”, between “Department” and the semicolon insert “, except where otherwise expressly indicated”.

**NC6 Amendment of section 19**

Section 19 of the principal Act is amended by inserting “or the Communications and Utilities Regulatory Authority, or both,” between “Department” and “in”.

**NC7 Insertion of new section: section 16A**

The principal Act is amended by inserting, immediately after section 16, the following new section –

**“16A Regulations pre-dating delegation of legislative power to Authority**

Regulations made under this Act by another delegate before the delegation hereunder, to the Communications and Utilities Regulatory Authority (“the Authority”), of the power in exercise of which those regulations were made shall continue in effect as if those regulations had been made by Authority and, for the purposes of amendment or revocation, those regulations shall be deemed to be regulations made by the Authority.”.».

*If passed, number new clauses appropriately.*