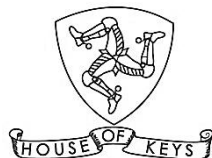


HOUSE OF KEYS

Y Chiare as Feed



ORDER PAPER

Claare Obbyr

DOUGLAS - VIRTUAL SITTING
Tuesday 30th March 2021
Following the Tynwald sitting

1. Suspension of Standing Orders

The Deputy Speaker to move –

That Standing Orders be suspended to the extent necessary to allow the business on the Order Paper to be taken virtually.

2. Prayers

3. Questions for Oral Answer

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

When the media were informed about the independent review of the Department of Infrastructure, which is being carried out by Beamans?

2. The Hon. Member for Garff (Mr Perkins) to ask the Minister for Infrastructure –

How much it cost to subsidise airlines on the Liverpool, Manchester and Heathrow routes in the last twelve months?

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

What action the Department took in relation to the decision by the amenity sites to remain closed during lockdown?

4. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Infrastructure –

When people will be able to use the connectPORTS service to book transport to and from a vaccination appointment?

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

Who is responsible for the quality and content of the homepage of the official Isle of Man Government website gov.im; and how regularly the website is updated?

6. The Hon. Member for Onchan (Ms Edge) to ask the Minister for Education, Sport and Culture –

What advice was issued to the Council of Ministers by clinical leads and the Director of Public Health, which led to the decision to keep schools open on 1st March 2021?

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

What action his Department takes to advise and support local residents who want to insulate and reduce the environmental footprint of their home?

8. The Hon. Member for Onchan (Ms Edge) to ask the Minister for Infrastructure –

When he will publish the information requested in Written Question 10 on 27th October in the House of Keys relating to local authorities' income and expenditure?

9. The Hon. Member for Onchan (Ms Edge) to ask the Chief Minister –

What the policy basis is for the Track and Trace team's operations; how the team is structured; and what its decision-making reporting lines are?

10. The Hon. Member for Garff (Mrs Caine) to ask the Minister for Infrastructure –
What plans he has to adopt the Manor Park estate footpaths without charging the residents?
11. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Infrastructure–
What the cost was of the stone sets, flags and similar surfacing which is being used on the Promenade; and whether water points are included at regular intervals in all sections?
12. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Policy and Reform –
If he will make a statement on the 2021 census and the impact of lockdowns on its timing?
13. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Enterprise –
Whether the Domestic Events Fund will be extended and adapted to compensate for the loss of the Easter Bank Holiday celebrations?
14. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Enterprise –
Whether the Senior Race Bank Holiday will remain in the current year; and what is being planned to ensure the loss of the TT this year can be minimised and the local entertainment boosted?
15. The Hon. Member for Garff (Mr Perkins) to ask the Minister for Education, Sport and Culture –
What the rationale is of the decision not to rollover the pre-school credits?
16. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Environment, Food and Agriculture –
Whether the Planning Committee applies updated rules for applications for residential houses in the South of the Island; and to what extent the Southern Plan is the overriding influence when making decisions?

17. The Hon. Member for Garff (Mr Perkins) to ask the Minister for Health and Social Care –

If he will make a statement on the key strategy guidance from the British Society of Gastroenterology and its implications for endoscopy services during the COVID-19 pandemic?

18. The Hon. Member for Douglas South (Mrs Christian) to ask the Minister for Health and Social Care –

What the target time is to speak to a person in crisis and the target achieved rate, after a concerned family member or friend has telephoned the Crisis Team; and what action the Crisis Team takes if it is unable to contact the person in crisis within the target time?

4. Questions for Written Answer

1. The Hon. Member for Onchan (Ms Edge) to ask the Chief Minister –

How many cases of COVID-19 have been identified in schoolchildren, broken down by school, since January 2021?

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

How many officers in Treasury are a) working from home and b) going into the office; and what measures have been considered to enable all staff to work from home should this be required?

3. The Hon. Member for Douglas East (Mrs Barber) to ask the Minister for Infrastructure –

What the process is for dealing with waste products from the Promenade Scheme; and (a) where they are deposited and (b) how much is recycled or repurposed, broken down by weight?

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

How many people have received a) a vaccination and b) a vaccination registration letter before their JCVI priority group, broken down by (i) JCVI group, ii) age and iii) GP practice; and if he will make a statement?

5. The Hon. Member for Douglas South (Mrs Christian) to ask the Minister for Health and Social Care –

How many patients who called the Crisis Team received a) home treatment and b) hospital admission in (i) 2018, (ii) 2019, and (iii) 2020?

6. The Hon. Member for Douglas East (Mrs Barber) to ask the Chairman of the Office of Fair Trading –

What correspondence the Office of Fair Trading has had with relevant stakeholders and what evidence has been submitted in the Office of Fair Trading enquiry into Bus Vannin's demand-responsive service, from commencement of enquiry to date, broken down by date of request, and date of receipt and issue?

7. The Hon. Member for Douglas East (Mrs Barber) to ask the Chairman of the Office of Fair Trading –

Pursuant to his Answer to Written Question 12 at the sitting of the House of Keys on 23rd February 2021, if he will publish the Project Initiation Document he referred to?

5. **Bill for First Reading**

- 5.1 Enterprise (Aviation and Merchant Shipping)(Miscellaneous Amendments) Bill 2021

Mr Skelly

6. **Consideration of Clauses**

- 6.1 Adoption Bill 2021

Mr Ashford

Tabled Amendments

Clause 28	Mrs Barber
Clause 29	Mrs Barber
Clause 47	Mrs Barber
Clause 99	Mrs Barber
Part 13	Mrs Barber

7. Continuation of Clauses

7.1 Landlord Registration (Private Housing) Bill 2020

Mr Baker

Tabled Amendments

Clause 25	Mr Callister
Clause 26	Mr Hooper
Clause 27	Mr Hooper
Clause 27	Mr Callister
Clause 30	Mr Hooper
Clause 31	Mr Hooper
Clause 32	Mr Hooper
Clause 32	Mrs Barber
Clause 33	Mr Hooper
Clause 34	Mr Hooper
Clause 34	Mr Callister
Clause 35	Mr Hooper
Clause 36	Mr Hooper
Clause 37	Mr Callister
Clause 37	Mr Hooper
Clause 38	Mr Hooper
Clause 38	Mr Callister
Clause 40	Mr Hooper
Clause 40	Mr Callister
Clause 41	Mr Hooper

Clause 41	Mr Callister
Clause 42	Mr Hooper
Clause 42	Mr Callister
Clause 43	Mr Hooper
New Clauses 4 & 5	Mr Hooper
Clause 48	Mr Hooper
Clause 49	Mr Hooper
Clause 49	Mr Callister
New Clause 6	Mr Hooper
Clause 53	Mr Callister
Clause 56	Mr Callister
Clause 60	Mr Callister
Clause 63	Mr Hooper
Clause 63	Mr Callister
Clause 64	Mr Callister
New Clause 7	Mr Hooper
Clause 66	Mr Callister
Clause 66	Mrs Barber
Schedule	Mr Callister
Schedule	Mr Hooper

7.2 Competition Bill 2020

Mr Perkins

Tabled Amendments

Clause 25	Mr Callister
Clause 26	Mr Callister
Clause 26	Mr Shimmins
Clause 27	Mr Callister
Clause 28	Mr Callister
Clause 30	Mr Callister

If the House agrees clauses, Mr Perkins will move: -

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

If the House agrees the motion to suspend Standing Orders:-

Bill for Third Reading

Competition Bill 2020

Mr Perkins

8. Consideration of Council Amendments

8.1 Justice Reform Bill 2020

Mrs Barber

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

Roger Phillips
Secretary of the House

The next scheduled sitting will be held in the Tynwald Chambers on 20th April 2021.

ADOPTION BILL

CONSIDERATION OF CLAUSES

Mrs Barber to move —

AMENDMENT TO CLAUSE 28

1. Page 45, after line 28, insert —
«(9) The Department may by regulations prescribe the constitution and functions of the panel referred to in subsection (8).»

AMENDMENT TO CLAUSE 29

2. Page 46, lines 20 and 21, for “contact (including indirect contact)” substitute «indirect contact».

AMENDMENT TO CLAUSE 47

3. Page 57, line 33, omit “or is a baby”.

AMENDMENT TO CLAUSE 99

4. Page 89, line 26, for “98(6)(a)” substitute «98(8)(a)».

AMENDMENT TO PART 13

5. Page 102, omit lines 24 and 25.

LANDLORD REGISTRATION (PRIVATE HOUSING) BILL
2020

**CONTINUATION OF CONSIDERATION OF
CLAUSES**

AMENDMENT TO CLAUSE 25

- 71 Page 39, line 18, for “14 days” substitute «30 days». (Mr Callister)

AMENDMENTS TO CLAUSE 26

- 72 Page 40, lines 27 and 28, for “but failure to provide a copy of a notice under this subsection does not affect the validity of the notice” substitute «and failure to provide a copy of a notice under this subsection invalidates the notice». (Mr Hooper)
- 73 Page 40, line 33, for “Commissioners” substitute «Commissioners: relevant landlords». (Mr Hooper)

AMENDMENTS TO CLAUSE 27

- 74 Page 40, line 34, after “landlord” insert «or landlord’s representative». (Mr Hooper)
- 75 Page 40, line 36, after subsection (1)(a) insert —
«(b) section [NC1(2)] (requirement for a relevant landlord’s representative to be registered);».
Renumber subsequent paragraphs. (Mr Hooper)
- 76 Page 41, lines 17 and 18, omit subsection (7).
Renumber subsequent subsection. (Mr Callister)

AMENDMENT TO CLAUSE 30

- 77 Page 42, line 19, after “landlord” insert «or the landlord’s representative». (Mr Hooper)

AMENDMENTS TO CLAUSE 31

- 78 Page 42, line 24, after “landlord” insert «, or to the landlord’s representative, if any, ». (Mr Hooper)
- 79 Page 42, line 25, after “landlord” insert «, the landlord’s representative, if any». (Mr Hooper)
- 80 Page 42, line 29, after “landlord” insert « or the landlord’s representative, as the case may be». (Mr Hooper)
- 81 Page 42, line 31, after “landlord” insert «and the name of the landlord’s representative (if any)». (Mr Hooper)
- 82 Page 42, line 34, after “landlord” insert «, the landlord’s representative, if any». (Mr Hooper)
- 83 Page 42, line 36, after “landlord” insert «, or the landlord’s representative, as the case may be,». (Mr Hooper)
- 84 Page 43, line 1, after “landlord” insert «or the landlord’s representative, as the case may be,». (Mr Hooper)
- 85 Page 43, line 5, after “landlord” insert «, or the landlord’s representative, as the case may be». (Mr Hooper)
- 86 Page 43, line 21, for “but failure to provide a copy of the notice under this subsection” substitute « and failure to provide a copy of the notice under this subsection to the landlord’s representative invalidates the notice but failure to provide such a copy to the occupier». (Mr Hooper)

AMENDMENTS TO CLAUSE 32

- 87 Page 43, line 25, after “landlord” insert «or the landlord’s representative, as the case may be,». (Mr Hooper)
- 88 Page 43, lines 27 to 31, for subsection (2) substitute —
 | «(2) The authorised officer —
 | (a) may accept the landlord’s or, if applicable, the landlord’s
 | representative’s submissions or proposed remedial action
 | and agree with the landlord or the landlord’s representative,

- where applicable, a reasonable period within which the remedial action must be taken; or
- (b) if the authorised officer, having regard to the circumstances of the case, does not consider that action described in paragraph (a) will result in remedial action being taken, must issue an improvement notice to the relevant landlord, or the landlord's representative, as the case may be.».
- (Mr Hooper)

89 Page 43, lines 27 to 31, for subsection (2) substitute —

«(2) The authorised officer —

- (a) may decide that it is satisfied that the remedial action has been completed to the satisfaction of the Department;
- (b) may accept the landlord's or, if applicable, the landlord's representative's submissions or proposed remedial action and agree with the landlord or the landlord's representative, where applicable, a reasonable period within which the remedial action must be taken; or
- (c) if the authorised officer, having regard to the circumstances of the case, does not consider that action described in paragraph (b) will result in remedial action being taken, must issue an improvement notice to the relevant landlord, or the landlord's representative, as the case may be.».
- (Mrs Barber)

AMENDMENTS TO CLAUSE 33

90 Page 44, lines 2 to 10, for subsection (1) substitute —

«(1) An authorised officer may issue an improvement notice to a relevant landlord, or the landlord's representative (if any), if a notice of non-compliance has been issued to the relevant landlord or the landlord's representative and —

- (a) the landlord or the landlord's representative has failed to respond to the notice of non-compliance;
- (b) the landlord or the landlord's representative has failed to carry out the remedial action proposed in response to the notice of non-compliance within the agreed period; or
- (c) the authorised officer is not satisfied with the landlord's or the landlord's representative's response to the notice of non-compliance.».
- (Mr Hooper)

91 Page 44, line 19, after "landlord" insert «(or the landlord's representative, on behalf of the relevant landlord)». (Mr Hooper)

- 92 Page 45, lines 1 and 2, for “but failure to provide such a copy to the occupier does not affect the validity of the notice” substitute «and failure to provide a copy of the notice under this subsection to the landlord’s representative invalidates the notice but failure to provide such a copy to the occupier does not affect the validity of the notice». (Mr Hooper)

AMENDMENTS TO CLAUSE 34

- 93 Page 45, line 8, after “landlord” insert «(or the landlord’s representative, on the landlord’s behalf)». (Mr Hooper)
- 94 Page 45, line 10, after “landlord” insert «(or the landlord’s representative, on the landlord’s behalf)». (Mr Hooper)
- 95 Page 45, line 14, after “landlord” insert «(or the landlord’s representative, on the landlord’s behalf)». (Mr Hooper)
- 96 Page 45, line 15, after “landlord” insert «(or the landlord’s representative, on the landlord’s behalf)». (Mr Hooper)
- 97 Page 45, line 20, for “landlord who receives the notice and any subsequent relevant landlord” insert « landlord and the landlord’s representative (if any) who receives the notice and any subsequent relevant landlord and landlord’s representative (if any)» (Mr Hooper)
- 98 Page 45, line 26, after “landlord” insert «or the landlord’s representative» (Mr Hooper)
- 99 Page 45, line 31, omit “12 months’ custody and”. (Mr Callister)
- 100 Page 45, line 35, before subsection (8)(a) insert —

«(a) the contravention of the minimum standards to which the improvement notice relates was caused by the conduct of the landlord’s representative;».

Re-number subsequent paragraphs. (Mr Hooper)

- 101 Page 45, line 39, after subsection (8), insert —

«(9) A landlord’s representative against whom an improvement notice is effective commits an offence if the landlord’s representative fails to comply with the notice.

Maximum penalty (summary) – a fine of 5 times level 5 on the standard scale.

- (10) In proceedings for an offence under subsection (9), it is a defence for a landlord’s representative to prove that –
- (a) the contravention of the minimum standards to which the improvement notice relates was caused by the conduct of the relevant landlord;
 - (b) the contravention of the minimum standards to which the improvement notice relates was caused by the conduct of the occupier of the relevant rented dwelling; or
 - (c) the occupier prevented the landlord’s representative from complying with the improvement notice.». (Mr Hooper)

AMENDMENTS TO CLAUSE 35

102 Page 46, line 2, after “landlord” insert «(or the landlord’s representative, on the landlord’s behalf)». (Mr Hooper)

103 Page 46, line 5, for “revocation” substitute «revocation: relevant landlords». (Mr Hooper)

AMENDMENT TO CLAUSE 36

104 Page 46, line 10, for “11(1)(c) to (e)” substitute «11(1)(c) to (e) and (2)». (Mr Hooper)

AMENDMENTS TO CLAUSE 37

105 Page 46, line 18, for “11(1)(c)” substitute «11(1)(c)(ii)». (Mr Callister)

106 Page 46, line 20, omit “6 months’ custody and”. (Mr Callister)

107 Page 46, lines 22 to 31, for subsection (2) (but not the maximum penalty provision at the end) substitute –

- «(2) A registered relevant landlord commits an offence if the landlord having nominated a landlord’s representative under section 11(1)(c)(ii) or (d) in respect of a dwelling, without reasonable excuse, permits a person other than the landlord’s representative recorded on the landlord’s register entry to undertake any property management activity in respect of that dwelling.». (Mr Hooper)

108 Page 46, line 32, omit “6 months’ custody and”. (Mr Callister)

AMENDMENTS TO CLAUSE 38

109 Page 47, line 16, after “landlords” insert «or section NC2 (application requirements: landlords’ representatives)». (Mr Hooper)

110 Page 47, lines 21 to 22, for “7 days beginning with the day on which the relevant landlord or landlord’s representative (as the case may be) knew of the matter”, substitute «30 days beginning with the date of the matter». (Mr Callister)

AMENDMENTS TO CLAUSE 40

111 Page 48 —

(a) line 30, omit “and”;

(b) lines 31 to 34, for subsection (3)(b) substitute —

«(b) consider any representations made by the relevant landlord or landlord’s representative (as the case may be) received by the Department before the end of the period of 30 days beginning with the date on which the landlord or the landlord’s representative (as the case may be) was informed; and

(c) consider any such representations received in accordance with paragraph (b) within the period of 30 days from receipt of the representations.». (Mr Callister)

112 Page 49, line 40, for “Commissioners” substitute «Commissioners: relevant landlords». (Mr Hooper)

AMENDMENTS TO CLAUSE 41

113 Page 50, line 4, for “**revocation**” substitute «**revocation: relevant landlords**». (Mr Hooper)

114 Page 50, line 5, after “if”, insert «the Department reasonably believes that». (Mr Callister)

AMENDMENTS TO CLAUSE 42

- 115 Page 51, line 1, for “**registration**” substitute «**registration: relevant landlords**».
(Mr Hooper)
- 116 Page 51, line 9, for “revocation” substitute «revocation: relevant landlords». (Mr Hooper)
- 117 Page 51 —
- (a) line 12, omit “and”.
 - (b) lines 13 to 15, for subsection 42(2)(b) substitute —
 - «(b) consider any representations made by the relevant landlord or landlord’s representative (if any) received by the Department before the end of the period of 30 days beginning with the date the on which the landlord was notified; and
 - (c) consider any such representations received in accordance with paragraph (b) within the period of 30 days from receipt of the representations.».
- 118 Page 51, lines 30 to 31, for “but failure to provide the notice under this subsection does not affect the validity of the notice of revocation under subsection (3).” substitute «and failure to provide a copy of the notice under this subsection to the landlord’s representative invalidates the notice of revocation under subsection (3) but failure to provide such a copy to the occupier does not affect the validity of the notice.».
- 119 Page 51, line 36, for “Commissioners” substitute «Commissioners: relevant landlords».

AMENDMENTS TO CLAUSE 43

- 120 Page 52, line 1, after “**registration**” insert «**of relevant landlord**». (Mr Hooper)
- 121 Page 52, line 2, after “If a registration” insert «in relation to a relevant landlord».
- 122 Page 52, lines 8 to 13, for subsection (3) substitute —
- «(3) A landlord whose registration has been revoked in its entirety may not apply for registration as a relevant landlord unless the person

provides evidence to the Department from which the Department may be reasonably satisfied that there has been a material change in the circumstances of the unregistered relevant landlord since the date on which the revocation took effect.». (Mr Hooper)

- 123 Page 52, line 25, for “subsection (4)” substitute «subsection (3) or (4)». (Mr Hooper)

INSERTION OF NEW CLAUSES NC4 AND NC5

- 124 Page 52, line 27, after clause 43 insert —

«NC4 Grounds for revocation: landlord’s representative

- (1) Section [NC5] (revocation of registration: landlord’s representative) applies if the landlord’s representative has—
- (a) made a declaration or provided information or a document in connection with the landlord’s registration which is false, misleading or deceptive in a material particular, contrary to section 64(1) (false or misleading statements);
 - (b) failed to pay any fee in connection with the landlord’s registration specified in regulations under section 21 (registration regulations);
 - (c) failed to comply with section 19 (changes during the registration period);
 - (d) failed to comply with an improvement notice, contrary to section 34(9) (compliance with an improvement notice);
 - (e) undertaken property management activity or permitted another to do so when prohibited under section 37 (offences for breach of property management activity restrictions);
 - (f) failed to comply with section 38(1) (duty to notify of changes affecting registration requirements and conditions of registration) contrary to section 38(5);
 - (g) failed to comply with the requirements of a notice issued under section 40 (action regarding personal conduct requirements); or
 - (h) breached a condition of registration,
- whether or not the landlord’s representative has been charged with, or convicted of, an offence in respect of a matter in this subsection.

- (2) Section 42 ceases to apply, and is taken never to have applied, to a landlord's representative with respect to a matter in subsection (1), if —
 - (a) the landlord's representative has been acquitted of an offence with respect to the matter; or
 - (b) any proceedings brought against the landlord's representative in relation to an offence with respect to the matter have been discontinued.

NC5 Revocation of registration: landlord's representative

- (1) Where this section applies, the Department may revoke the registration of a landlord's representative.
- (2) Before revoking a relevant landlord's registration under subsection (1) the Department must —
 - (a) give notice to the landlord's representative of its intention to revoke the landlord's representative's registration and the reasons why;
 - (b) consider any representations made by the landlord's representative and received by the Department before the end of the period of 30 days beginning with the date the on which landlord's representative was notified; and
 - (c) consider any representations received in accordance with paragraph (b) within the period of 30 days from receipt of the representations.
- (3) If the Department revokes a landlord's representative's registration under subsection (1), it must give notice to the landlord's representative of —
 - (a) its decision and the reasons for the decision;
 - (b) the date on which the decision takes effect; and
 - (c) the landlord's representative's right to appeal the decision under Part 5.
- (4) If the Department revokes a landlord's representative's registration under subsection (1), it must give notice of the revocation, the date on which the notice takes effect and the landlord's representative's right of appeal to any relevant landlord for whom the landlord's representative acted in that capacity, and failure to provide a copy of the notice under this subsection to the such relevant landlords invalidates the notice of revocation under subsection (3).
- (5) The notice given under subsection (2) and (3) must explain the effect of the revocation and the consequences of a person undertaking property management activities in respect of a rented dwelling when the person is not the relevant landlord or a

- registered landlord's representative respect of that rented dwelling.
- (6) Subject to the Commissioners staying the effect of the notice under section 49(4) (application and appeal to the Commissioners: relevant landlords), a revocation of registration under this section takes effect following the expiry of the period permitted to a relevant landlord to make an appeal to the Commissioners.». (Mr Hooper)

AMENDMENTS TO CLAUSE 48

- 125 Page 54, line 33, renumber the text beginning "The following decisions" as subsection (1).

Renumber cross reference in clause 51. (Mr Hooper)

- 126 Page 54, line 34, after "landlord" insert «or landlord's representative, whether on behalf of the relevant landlord or on the landlord representative's own behalf». (Mr Hooper)

- 127 Page 55, line 19, after paragraph (g) of subsection (1) (as renumbered) insert —

- «(2) The following decisions are subject to an application and appeal by a landlord's representative under this Part —
- (a) a refusal to grant a registration of a person as a landlord's representative under section NC3 (determination of application: landlords' representatives).
 - (b) a decision to impose conditions on the registration of the landlord's representative under section NC3(3);
 - (c) a decision to issue an improvement notice under section 33(1) (improvement notices), or regarding the period within which such a notice must be complied with;
 - (d) a decision to issue a notice under section 40(4) or 40(5) (action regarding personal conduct requirements); and
 - (e) a decision to revoke the registration of the landlord's representative under section NC4 (revocation of registration: landlord's representative).». (Mr Hooper)

AMENDMENTS TO CLAUSE 49

- 128 Page 55, line 20, for "**Commissioners**" substitute «**Commissioners: relevant landlords**». (Mr Hooper)

129 Page 55, line 28, for “21 days” substitute «30 days». (Mr Callister)

130 Page 56, line 30, after “this section” insert «and in section [NC4]». (Mr Hooper)

INSERTION OF NEW CLAUSE NC6

131 Page 56, line 33, after clause 49 insert —

«NC6 Application and appeal to the Commissioners: landlord’s representatives

- (1) A person who is not satisfied by the decision of the Department to refuse to grant a registration of a person as a landlord’s representative under section NC3 (determination of application: landlords’ representatives) or the decision to revoke the registration of the landlord’s representative under section NC4 (revocation of registration: landlord’s representative), may appeal to the Commissioners against the decision.
- (2) An appeal to the Commissioners under this section —
 - (a) is by way of rehearing; and
 - (b) must be made and determined in accordance with rules of procedure.
- (3) Unless rules of procedure provide otherwise, an appeal to the Commissioners must be made within 30 days of the date of the notice of the decision.
- (4) On determination of an appeal under this section, the Commissioners may confirm, vary or revoke the decision appealed against.
- (5) Notice of the outcome of an application or appeal must, in accordance with rules of procedure, be given by the Commissioners to the appellant.
- (6) A notice under subsection (5) in respect of the outcome of an appeal must include a statement that the appellant or the Department may appeal against the decision to the High Court on a question of law in accordance with subsection (8).
- (7) Without limiting subsection (6), a decision of the Commissioners on an appeal under this section is binding on the Department and the appellant.
- (8) The Department or the appellant may appeal to the High Court, in accordance with rules of court, from a decision of the Commissioners on a question of law.». (Mr Hooper)

AMENDMENT TO CLAUSE 53

132 Page 58, line 5, for “may” substitute «must». (Mr Callister)

AMENDMENT TO CLAUSE 56

133 Page 59, line 29 —

- (a) line 29, after the semi colon, insert «and»; and
- (b) lines 30 and 31, omit —
“; and
- (c) persons who have an estate or interest in a rented dwelling”.
(Mr Callister)

AMENDMENT TO CLAUSE 60

134 Page 62, line 19, after subsection (3) insert —

- «(4) The Department must by regulations make provision for the purposes of enforcement of this Act and, in particular, make provision for —
 - (a) processes for establishing whether a relevant landlord or a landlord’s representative meets the personal conduct requirements or the minimum standards; and
 - (b) processes for establishing whether a rented dwelling meets the minimum standards
 Tynwald procedure — approval required.» (Mr Callister)

AMENDMENTS TO CLAUSE 63

135 Page 63, line 26, after subsection (1)(a), insert —

- «(b) prohibit a relevant landlord or a landlord’s representative from imposing a fee or charge upon an occupier of a rented dwelling in consequence of a fee or charge payable under his Act by a relevant landlord or a landlord’s representative;
- (c) regulate the fees or charges that may be imposed on an occupier of a rented dwelling by a landlord or a landlord’s representative ;».

Re-number subsequent paragraphs. (Mr Hooper)

- 136 Page 63, line 39, after “Agriculture”, insert «and any other person the Department reasonably considers will be affected by the regulations». (Mr Callister)

AMENDMENTS TO CLAUSE 64

- 137 Page 64, line 4, omit the number of the subsection. (Mr Callister)
- 138 Page 64, lines 8 to 11, for subsection 2 substitute —
 «Maximum penalty (summary) – a fine of 5 times level 5 on the standard scale.». (Mr Callister)

INSERTION OF NEW CLAUSE NC7

- 139 Page 64, line 11, after clause 64 insert —
- | **«NC7 Civil penalties**
- | (1) The Department may by regulations make provision permitting the Department to require a person to pay a financial penalty if the Department is satisfied that the person —
- | (a) has contravened any provision of this Act;
- | (b) has contravened any prohibition or requirement imposed under this Act; or
- | (c) in purported compliance with any such requirement, has furnished the Department with false, inaccurate or misleading information
- | Tynwald procedure – approval required.
- | (2) Regulations made under subsection (1) must specify —
- | (a) the circumstances when a notice may be issued;
- | (b) the contents on the notice;
- | (c) the service of the notice;
- | (d) the penalty that is payable, which must not exceed the equivalent of 5 times level on the standard scale; and
- | (e) the process for appealing against a notice.
- | (3) The Department may not in respect of any such contravention —
- | (a) both require a person to pay a penalty under this section; and revoke a registration of a relevant landlord or a landlord’s representative; or

- (b) require a person to pay a penalty under this section if criminal proceedings have been commenced in respect of the contravention.
- (4) Any amount received as a penalty shall be paid into and form part of the General Revenue of the Island. (Mr Hooper)

AMENDMENTS TO CLAUSE 66

140 Page 64, lines 28 to 30, for subsection (2) substitute —

- «(2) The Department must publish guidance issued under this section in electronic form, where practicable and in any other manner the Department considers appropriate to bring it to the attention of those likely to be affected by it.» (Mr Callister)

141 Page 64, line 30, after subsection (2), insert —

- «(3) When the Department gives a notice to the occupier of a rented dwelling under any provision of this Act it must also provide the occupier with guidance explaining the effect of the notice on the occupier's right to occupy the dwelling.» (Mrs Barber)

AMENDMENTS TO SCHEDULE

142 Page 65, line 7, after "address" insert «, email address and telephone number». (Mr Callister)

143 Page 65, line 15, for "officers)" substitute «officers». (Mr Callister)

144 Page 66 —

- (a) line 2, omit "and";
- (b) line 4, after paragraph 1(m) insert —
- «and
- (n) details of any appeals against any other decisions under this Act in relation to the relevant landlord and the outcome of any such appeals.» (Mr Callister)

145 Page 66, line 4, after paragraph 1 insert —

«2. **Information in respect of a landlord's representative**

An entry in the register concerning a landlord's representative must record the following —

- (a) the name and correspondence address, email address and telephone number of the landlord's representative;
- (b) if the landlord's representative is an individual, the landlord's representative's principal residential address;
- (c) if the landlord's representative is a legal entity or association—
 - (i) the address of the landlord's representative's registered or principal office and (if different) its established place of business in the Island; and
 - (ii) the names of the landlord's representative's directors or members (where its affairs are managed by its members) and key officers;
- (d) the relevant landlord's representative's registration number;
- (e) the date of initial registration;
- (f) the date of each subsequent grant of registration, if applicable;
- (g) where registration has expired, the date of expiry;
- (h) where an application for registration has been refused —
 - (i) the fact and date of refusal;
 - (ii) the reasons for the refusal; and
 - (iii) whether the refusal was appealed against and the outcome of any appeal;
- (i) where registration has been revoked under section [NC4] (revocation of registration: landlord's representative) —
 - (i) the fact and date of the revocation;
 - (ii) the reasons for the revocation; and
 - (iii) whether the decision to revoke registration was appealed against and the outcome of any appeal;
- (j) the date of any changes in the details of the register and the date on which the Department was notified of such change;
- (k) details of any notices issued to the relevant landlord's representative, including the date of the notice and the date on which the notice takes effect; and
- (l) details of any appeals against decisions under this Act in relation to the landlord's representative, or any of the

relevant landlord's rented dwellings, and the outcome of any such appeals.».

Renumber subsequent paragraphs and cross references throughout.
(Mr Hooper)

146 Page 67, lines 1 to 3, omit subparagraph (d).

Renumber following subparagraphs. (Mr Callister)

147 Page 67, after line 25, insert —

«4. **Information on register entry for a relevant landlord or landlord's representative**

An entry in the register concerning a relevant landlord may record the following —

The name and correspondence address of any person other than the relevant landlord who has an estate or interest in the rented dwelling.».
(Mr Callister)

COMPETITION BILL 2020

LIST OF AMENDMENTS

AMENDMENT TO CLAUSE 25

1. Page 26, lines 21 and 22, for the existing text substitute the following —
 - «(7) Where OFT —
 - (a) approves a proposed merger subject to conditions; and
 - (b) considers that there are exceptional and compelling reasons of public policy that the Council of Ministers need to consider with respect to the merger,it must advise the Council of Ministers of those conditions.».
2. Page 26, line 26, for “a notification of proposed merger” substitute «notification of a proposed merger».

(Mr Callister)

AMENDMENT TO CLAUSE 26

3. Page 27, lines 1 to 12, for the existing text substitute the following —
 - «26 **Power of Council of Ministers to overrule OFT’s decision on merger**
 - (1) Subject to subsection (2), the Council of Ministers —
 - (a) may overrule OFT’s decision under section 24(4) or 25;
 - (b) on exercising the power under paragraph (a), must issue a direction that —
 - (i) requires the parties to the merger or proposed merger to take any specified action or refrain from taking any specified action; or
 - (ii) in the case of a proposed merger, forbids it.
 - (2) The Council of Ministers may not exercise its power under subsection (1) unless —
 - (a) it has consulted with OFT and the parties to the merger or proposed merger;
 - (b) no more than 6 weeks have elapsed since OFT made the decision referred to in subsection (1)(a);

- (c) it considers there to be exceptional and compelling reasons of public policy that make it desirable to do so; and
 - (d) it reasonably considers that the provisions of the direction under subsection (1)(b) are necessary and proportionate for the purpose of preventing, remedying or mitigating those public policy concerns.
- (3) Any direction issued under subsection (1)(b), including any variation of any such direction, must —
- (a) state —
 - (i) the date on which it comes into force;
 - (ii) the reasons for making or varying the direction; and
 - (iii) the possible consequences for not complying with the direction; and
 - (b) provide information about how to —
 - (i) apply for the direction to be varied or revoked;
 - (ii) appeal the issue of the direction.
- (4) Where, in accordance with subsection (2)(a), the Council of Ministers consults OFT in respect of a merger or proposed merger, —
- (a) OFT must publish the advice it gives to the Council of Ministers; and
 - (b) the Council of Ministers must publish its reasons for overruling or forbearing to overrule OFT's decision.
- (5) A direction issued by the Council of Ministers under subsection (1)(b)(ii) is to be deemed to be an order under section 14 and, if the parties merge in defiance of the direction —
- (a) the parties commit an offence under section 17; and
 - (b) the purported merger, for all purposes in law, has not effect and is to be deemed to never have occurred.».

(Mr Callister)

AMENDMENT TO CLAUSE 26

4. Page 27, line 3, between “proposed merger” and the full stop insert «when OFT has forbidden the proposed merger».

(Mr Shimmins)

AMENDMENT TO CLAUSE 27

5. Page 27, lines 27 and 28, for the existing text substitute the following —
- «(b) it must redact such information from the version of the report it lays before Tynwald.».

(Mr Callister)

AMENDMENT TO CLAUSE 28

6. Page 27, line 35, for “section 31” substitute «section 30».

(Mr Callister)

AMENDMENT TO CLAUSE 30

7. Page 28, line 33, for “section 9” substitute «section 8».

(Mr Callister)

JUSTICE REFORM BILL 2020

**LIST OF AMENDMENTS MADE IN THE
LEGISLATIVE COUNCIL**

AMENDMENT OF CLAUSE 4

1. Page 17, line 39, omit “, and the Minister”.

(Mrs Poole-Wilson)

AMENDMENTS TO CLAUSE 6

2. Page 19, line 14, omit “and”.
3. Page 19, line 18, after the semicolon insert «and».
4. Page 19, line 21, for the full-stop substitute «; and».

(Mrs Poole-Wilson)

AMENDMENTS TO CLAUSE 8

5. Page 20, line 31, omit the existing text.
Renumber affected paragraphs and adjust cross-references accordingly.
6. Page 20, line 33, for the existing text substitute the following —
| «(f) section 19(2);».
7. Page 21, line 8, for the full-stop substitute a semicolon.
8. Page 21, immediately after line 8 insert the following —
| «(c) in section 35 in the definition of “young person”, for “seventeen years”
substitute “eighteen years”.».

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 11

9. Page 26, line 2, for “section 6A” substitute «section 5A».

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 17

10. Page 30, immediately after line 19 insert the following —

«(2) In subsection (1A)(a), omit “an offence specified in Schedule 2 or”.

(3) In subsection (1B)(a), omit “an offence specified in Schedule 2 or”.».

Renumber the existing sub-clause (2) as sub-clause (4) and adjust any affected cross-references accordingly.

(Mrs Poole-Wilson)

INSERTION OF NEW CLAUSE

11. Page 37, immediately after line 16 insert the following new clause —

«[NC] Restriction on fines on children and young persons: s. 27 amended

(1) Section 27 is amended as follows.

(2) In subsection (1), for all the text after “impose a fine of” substitute «an amount exceeding level 4, the amount of any fine imposed by the court shall not exceed level 4».

If the NC is passed, number it appropriately and renumber succeeding clauses accordingly.

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 23

12. Page 39, line 7, immediately after “summary jurisdiction” insert «(whether including the High Bailiff or not)».

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 26

13. Page 40, line 23, for “proceeding” substitute «proceedings».

14. Page 41, line 24, for “relevant” substitute «prescribed».

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 27

15. Page 42, line 27, for “section 26” substitute «section 27».

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 32

16. Page 54, line 15, for “section 30” substitute «section 31».

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 35

17. Page 58, line 4, for “**section 8C**” substitute «**section 8B or 8C**».

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 41

18. Page 61, line 7, after the semicolon insert «or».

(Mrs Poole-Wilson)

AMENDMENTS TO CLAUSE 51

19. Page 73, lines 10 and 11, for the existing text substitute the following —
« **“child”** and **“young person”**, for the sake of clarity, have the meanings given in paragraph 1 of the Schedule to the *Interpretation Act 2015*;».
20. Page 73, line 12, for “section 56(2)” substitute «section 56(3)».
21. Page 73, line 14, for “PPA 1998” substitute «PPPA 1998».
22. Page 73, line 15, for “section 54(2)” substitute «section 54(3)».

23. Page 73, line 20, for “section 54” substitute «Part 6».

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 54

24. Page 74, line 11, for “subsection (3)” substitute «subsection (2)».

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 56

25. Page 75, line 34, for “subsection (5)” substitute «subsection (6)».

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 57

26. Page 77, line 13, omit the existing text.

27. Page 77, line 14, for the full-stop substitute «; and».

28. Page 77, immediately after line 14 insert the following —

«(f) an explanation that the caution may be taken into account should the offender subsequently be convicted of an offence.».

(Mrs Lord-Brennan)

AMENDMENT TO SCHEDULE 4

29. Page 178, line 12, for “section 54” substitute «section 56».

(Mrs Poole-Wilson)

AMENDMENTS TO CLAUSE 62

30. Page 80, line 32, in the heading after “cautions” insert “and youth cautions”.

31. Page 80, lines 34 to 36, for the existing text substitute the following —

- «(1) The Department must by order provide for —
- (a) a code of practice in relation to cautions;
 - (b) a separate code of practice in relation to “youth cautions” (*see section 64*).
- Tynwald procedure – approval required.».

32. Page 80, line 37, for “The code” substitute «Any such code».

33. Page 81, immediately after line 13, insert the following new sub-clause —

- «(3) Before complying with subsection (1) in respect of youth cautions, the Department must consult both the Chief Constable and the Department of Health and Social Care specifically on matters relating to youth justice.».

Renumber the existing sub-clauses (3) and (4) as sub-clauses (4) and (5) respectively.

(Mrs Lord-Brennan)

AMENDMENT TO CLAUSE 79

34. Page 89, line 9, omit the “is” that appears immediately before “under”.

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 88

35. Page 93, line 6, omit “insert”.

(Mrs Poole-Wilson)

AMENDMENTS TO CLAUSE 90

36. Page 95, line 1, between “of” and “stalking” insert «harassment or».

37. Page 95, line 6, for “section 2A” substitute «section 2 or 2A».

(Mrs Poole-Wilson)

AMENDMENTS TO CLAUSE 95

38. Page 98, line 26, for the existing text substitute the following —

- «(3) In subsection (1) —
 - (a) omit “under section 2 or 4”; and
 - (b) for “him” in both places where it appears, substitute “the defendant”.».

39. Page 98, line 34, after subsection (6) insert —

- «(7) For subsection (5) substitute —
 - “(5) A defendant who without reasonable excuse does anything which the defendant is prohibited from doing by an order under this section is guilty of an offence.”».

Renumber subsequent subsections.

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 96

40. Page 99, lines 5 to 8, for the existing text substitute the following —

- «(1) A court before which a person (“the defendant”) is acquitted of an offence may, if it considers it necessary to do so to protect a person from further conduct which —
 - (a) amounts to harassment; or
 - (b) will cause a fear of violence,make an order prohibiting the defendant from doing anything described in the order.».

(Mrs Poole-Wilson)

AMENDMENTS TO CLAUSE 97

41. Page 100, line 2, for “paragraph” substitute «section».

42. Page 100, lines 8 and 9, for “section 2 or 4” substitute «section 2, 2A, 4 or 4A».

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 98

43. Page 100, line 32, to page 101, line 21, renumber as sub-clauses (1) to (5) the sub-clauses currently numbered (2) to (6).

(Mrs Poole-Wilson)

AMENDMENTS TO CLAUSE 103

44. Page 107, line 4, omit “for which” in the second place where it occurs.
45. Page 107, lines 14 and 15, for “*Criminal Jurisdiction Act 1991*” substitute «*Criminal Jurisdiction Act 1993*».

(Mrs Poole-Wilson)

AMENDMENTS TO CLAUSE 105

46. Page 109, line 9, insert «to» between “able” and “obtain”.
47. Page 109, immediately after line 21, insert the following —
- | | |
|------|--|
| «(4) | In section 9, for subsection (3), substitute the following — |
| | “(3) The fact that the applicant under subsection (2) — |
| | (a) is personally undertaking the full-time care of a child under the age of 16; |
| | (b) is personally undertaking the full-time care of a person who has a disability within the meaning of the <i>Equality Act 2017</i> (see section 7 of, and Schedule 1 to, that Act); or |
| | (c) has attained the age of 71 years, |
| | shall be a good and sufficient reason for that person to be excused under that subsection.”.». |

(Mrs Poole-Wilson)

AMENDMENTS TO CLAUSE 108

48. Page 110, line 32, to page 112, line 12, renumber as sub-clauses (1) to (4) the sub-clauses currently numbered (7) to (10).
49. Page 111, line 38, for the existing text substitute the following —

«(4) In subsection (1B), “relevant court” means —».

(Mrs Poole-Wilson)

AMENDMENT TO SCHEDULE 1

Page 123, immediately after line 16 insert —

«18A New section inserted: consent to injury or risk of death for sexual gratification not a defence

Immediately after section 36, insert the following —

“36A Consent to injury or risk of death for sexual gratification not a defence

- (1) A person (“A”) charged with a relevant offence is forbidden from raising as a defence the assertion that the victim of the conduct constituting the offence consented to the conduct being engaged in for the purposes of sexual gratification.
- (2) For the purposes of this section, it does not matter —
 - (a) whether the sexual gratification for which the conduct was engaged in was that of A, the victim, or another person; or
 - (b) whether or not the injury or death which resulted from the conduct occurred in the course of a sadomasochistic encounter.
- (3) At a trial of a person charged with a relevant offence, except with the leave of the court, on a written application made by the defence or the prosecution,—
 - (a) no evidence may be adduced; and
 - (b) no question may be asked in cross-examination, about any sexual behaviour of the victim.
- (4) A court in making a determination in respect of subsection (3) may direct that —
 - (a) the cross examination of a victim must not involve any matter appertaining to the victim’s —
 - (i) appearance;
 - (ii) sexual behaviour or sexual history with any third party not related to the current proceedings, regardless of the nature of the victim’s alleged behaviour either before or subsequent to the current proceedings; and

- (b) such matters are not admissible as evidence if the purpose (or main purpose) is to undermine the credibility of the victim, unless it would be manifestly unjust to treat those matters as inadmissible.
- (5) The court may give leave in relation to any evidence or question only on a written application made by the defence or the prosecution, and may not give such leave unless it is satisfied —
- (a) that subsection (6) or (8) applies;
- (b) that the probative value of the evidence sought to be admitted or elicited is significant and is likely to outweigh any risk of prejudice to the proper administration of justice arising from its being admitted or elicited; and
- (c) that a refusal of leave might have the result of rendering unsafe a conclusion of the jury or (as the case may be) the court on any relevant issue in the case.
- (6) This subsection applies if the evidence or question relates to a relevant issue in the case and that issue is not an issue of consent.
- (7) For the purposes of subsection (6) no evidence or question shall be regarded as relating to a relevant issue in the case if it appears to the court to be reasonable to assume that the purpose (or main purpose) for which it would be adduced or asked is to establish or elicit material for impugning the credibility of the victim (whether or not the victim is a witness).
- (8) This subsection applies if the evidence or question —
- (a) relates to any evidence adduced by the prosecution about any sexual behaviour of the victim; and
- (b) in the opinion of the court, would go no further than is necessary to enable the evidence adduced by the prosecution to be rebutted or explained by or on behalf of the accused.
- (9) For the purposes of subsections (6) and (8) the evidence or question must relate to a specific instance (or specific instances) of alleged sexual behaviour on the part of the victim (and accordingly nothing in those subsections is capable of applying in relation to the evidence or question to the extent that it does not so relate).
- (10) Where this section applies in relation to a trial by virtue of the fact that one or more of a number of persons charged in the proceedings is or are charged with a relevant offence —
- (a) it shall cease to apply in relation to the trial if the prosecutor decides not to proceed with the case against that person or those persons in respect of that charge; but

(b) it shall not cease to do so in the event of that person or those persons pleading guilty to, or being convicted of, that charge.

(11) Nothing in this section authorises any evidence to be adduced or any question to be asked which cannot be adduced or asked apart from this section.

36B Interpretation and application of section 36A

(1) In section 36A —

(a) **“relevant issue in the case”** means any issue falling to be proved by the prosecution or defence in the trial of the accused;

(b) **“issue of consent”** means any issue whether the victim in fact consented to the conduct constituting the offence with which the accused is charged (and accordingly does not include any issue as to the belief of the accused that the victim so consented);

(c) **“sexual behaviour”** means any sexual behaviour or other sexual experience, whether or not involving any accused or other person, but excluding (except in subsection (8)(a)) anything alleged to have taken place as part of the event which is the subject matter of the charge against the accused; and

(d) subject to any order made under subsection (2), a **“relevant offence”** is —

(i) an offence under any of sections 18 to 47, or section 60, of this Act; or

(ii) an offence

(A) created by an enactment other than this Act; and

(B) constituted by an intentional assault, or the intentional infliction of any physical injury, on another person,

that is committed in the course of, or in furtherance of, sexual activity.

(2) The Department may by order make such provision as it considers appropriate for adding or removing, for the purposes of section 36A, any offence to or from the offences which are relevant offences for the purposes of section 36A and this section.

(3) Section 36A applies in relation to the following proceedings as it applies to a trial, namely —

- (a) any hearing held, between conviction and sentencing, for the purpose of determining matters relevant to the court's decision as to how the accused is to be dealt with; and
 - (b) the hearing of an appeal,
- and references (in section 36A or this section) to a person charged with an offence accordingly include a person convicted of an offence.

36C Procedure on applications under section 36A

- (1) An application for leave shall be heard in private and in the absence of the victim.

In this section "**leave**" means leave under section 36A.

- (2) Where such an application has been determined, the court must state in open court (but in the absence of the jury, if there is one) —
 - (a) its reasons for giving, or refusing, leave; and
 - (b) if it gives leave, the extent to which evidence may be adduced or questions asked in pursuance of the leave,

and, if it is a court of summary jurisdiction, must cause those matters to be entered in the register of its proceedings.

- (3) Rules of court may make provision —
 - (a) requiring applications for leave to specify, in relation to each item of evidence or question to which they relate, particulars of the grounds on which it is asserted that leave should be given by virtue of subsection (6) or (8) of section 36A;
 - (b) enabling the court to request a party to the proceedings to provide the court with information which it considers would assist it in determining an application for leave;
 - (c) for the manner in which confidential or sensitive information is to be treated in connection with such an application, and in particular as to its being disclosed to, or withheld from, parties to the proceedings."».

(Mrs Lord-Brennan)