

# HOUSE OF KEYS

## Y Chiare as Feed



## ORDER PAPER

### Claare Obbyr

**DOUGLAS - VIRTUAL SITTING**

**Thursday 15<sup>th</sup> April 2021**

**10:00am**

#### **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 Minister for the Treasury –

What advice he took before he decided to change the date of the Senior Race Day Bank Holiday?

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

What percentage of each of the priority groups which are marked as having had all letters sent have not yet booked vaccination appointments; and whether the Isle of Man is on track to have vaccinated (a) all priority group adults with one dose by the end of April and (b) the whole adult population by August?

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

How many COVID vaccination issues have been reported by those who have been vaccinated using the yellow card system?

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

Pursuant to his Answer on 23<sup>rd</sup> March 2021, what evidence he has received that housing minimum standards are not being complied with consistently by the whole of the market; and if he will make a statement about his action consequent on having this evidence?

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

How many landlords of private dwellings are registered in the Voluntary Registration Scheme introduced by the Department in 2013; and what communication with these landlords the Department has had since their registration?

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

What the total losses were for the Manx National Heritage pop up shop based in the Sea Terminal, including (a) capital and (b) revenue losses?

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

When the Department consulted local businesses and others for their opinions on the impact of shifting the 2020 Senior Race Day Bank Holiday; how the Department advertised the consultation; and when the findings were published?

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

Who has staffed the childcare facility at the National Sports Centre since it opened?

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

If he will make a statement on the re-opening of schools?

#### 4. Questions for Written Answer

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

How long NEWS2 has been in use by the Department for Health and Social Care throughout Noble's Hospital and Ramsey and District Cottage Hospital?

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

What the impact on patient outcomes was of the implementation of the Earlysense system; how this was monitored; and what the outcomes were of assessments and trials which were undertaken?

3. The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Health and Social Care –

What his policy is regarding issuing COVID-19 vaccination invitation letters to a) GP-registered carers and b) those on GP-held flu vaccination lists; and when and how he communicated this policy to GPs?

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

How much Bus Vannin spent on fuel for (a) buses and (b) minibuses in each of the last 12 months?

5. The Hon. Member for Garff (Mrs Caine) to ask the Minister for Infrastructure –

Which (a) roads and (b) pavements are not adopted by his Department?

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

What the legal and policy bases are for conducting the National Highways and Transport Network Survey Report in the Island?

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

What the financial and human resource implications of the Landlord Registration (Private Housing) Bill 2020 will be on existing budgets and staffing?

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

What estimate has been made of the expected social benefits of improved standards of rented accommodation and resulting improved health and wellbeing for occupiers that may indirectly result in financial benefits for Manx taxpayers in connection with the Landlord Registration (Private Housing) Bill 2020?

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

What advice the Minister has received that the provisions of the Landlord Registration (Private Housing) Bill 2020 are compatible with the Convention rights within the meaning of the Human Rights Act 2001?

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

What the dimensions are of: (a) the unit where the “Peggy” is stored; (b) the barn at the Nautical Museum in Castletown; (c) the cellar at the Nautical Museum; and (d) the “Peggy”?

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

If he will make a statement about a) the policy and operation of registration, inspection and monitoring of tourism accommodation minimum standards and of the personal conduct requirements for operators and b) the annual cost to i) the Department and ii) registered entities of operating this tourism accommodation scheme?

12. The Hon. Member for Garff (Mrs Caine) to ask the Minister for Environment, Food and Agriculture –

On how many occasions (a) the Minister and (b) a delegated member (i) upheld and (ii) overturned an independent planning inspector’s recommendation (a) to permit and (b) to refuse consent, broken down by (1) single domestic dwelling, (2) multiple dwellings and (3) commercial development since October 2016; and what the reason was for political decisions that did not accept the planning inspector’s recommendation?

13. The Hon. Member for Garff (Mrs Caine) to ask the Minister for Environment, Food and Agriculture –

How many planning officers advise the Minister and delegated Member when considering a planning appeal decision; and whether this can include an officer who had previously advised on the planning application consideration at an earlier stage?

14. The Hon. Member for Garff (Mrs Caine) to ask the Minister for Environment, Food and Agriculture –

Which buildings the Department has (a) added and (b) removed from the registered building list, broken down by (i) temporary, (ii) permanent and (iii) emergency registration, since October 2016?

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

What the legal and policy bases are for conducting a Private Sector Housing Condition Survey in the Island?

16. The Hon. Member for Onchan (Ms Edge) to ask the Chairman of the Health and Care Transformation Political Board –

If he will make a statement about the funding of long-term residential and nursing care including a) current principles, b) review work completed to date and c) the agreed next steps of detailed service, funding and procurement modelling and further public engagement?

## 5. **Motion (Standing Orders)**

The Hon Member for Douglas Central (Mrs Corlett) to move –

That Standing Order 3.5.1 (2) be amended to add the words “, unless a majority of members present and voting determine that the time shall be extended”.

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The amended Standing Order would read:

*(2) The time allotted for tabled Questions shall be one hour, unless a majority of members present and voting determine that the time shall be extended.*

## 6. Continuation of Clauses

The Hon. Member for Douglas East (Mr Robertshaw) to move –

That, pursuant to Standing Order 3.19(1), the decision that Clause 16 stand part of the Landlord Registration (Private Housing) Bill 2020 shall be rescinded.

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[Note: This motion requires the consent of at least 16 Members.]

### 6.1 Landlord Registration (Private Housing) Bill 2020

**Mr Baker**

#### Tabled Amendments

Clause 48	Mr Hooper
Clause 49	Mr Hooper
Clause 49	Mr Callister
Clause 49	Mr Thomas
New Clause 6	Mr Hooper
New Clause 6	Mr Thomas
Clause 53	Mr Callister
Clause 54	Mr Thomas
Clause 56	Mr Callister
Clause 57	Mr Thomas
Clause 60	Mr Callister
Clause 62	Mr Thomas
Clause 63	Mr Thomas
Clause 63	Mr Hooper

Clause 63	Mr Callister
Clause 64	Mr Callister
New Clause 7	Mr Hooper
Clause 65	Mr Thomas
Clause 66	Mr Callister
Clause 66	Mrs Barber
Clause 66	Mr Thomas
New Clause 8	Mr Thomas
New Clause 9	Mr Thomas
New Clause 10	Mr Thomas

*If the House agrees clauses, Mr Baker will move: -*

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

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

***Bill for Third Reading***

*Landlord Registration (Private Housing) Bill 2020*

***Mr Baker***

**7. Consideration of Council Amendments**

7.1 Road Traffic Legislation (Amendment) Bill 2020

**Mr Baker**

*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 20<sup>th</sup> April 2021*



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LANDLORD REGISTRATION (PRIVATE HOUSING) BILL  
2020

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CONTINUATION OF CONSIDERATION OF  
CLAUSES

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 55, line 30, for “may” substitute «must». (Mr Thomas)
- 131 Page 56 —
- a. lines 22 and 23, omit “on a question of law in accordance with subsection (12)”; and
  - b. line 29, omit “on a question of law”. (Mr Thomas)
- 132 Page 56, line 30, after “this section” insert «and in section [NC4]». (Mr Hooper)

### INSERTION OF NEW CLAUSE NC6

- 133 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 NC6

134 If Clause NC6 is approved –

- a. amend clause NC6(6) to omit “on a question of law in accordance with subsection (8)”; and
- b. amend clause NC6(8) to omit “on a question of law”. (Mr Thomas)

### AMENDMENT TO CLAUSE 53

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

### AMENDMENT TO CLAUSE 54

136 Page 59, line 3, after subsection (2) insert –

- «(3) If a scheme sets a fee to be charged in connection with the scheme, the scheme must require the landlord to pay one half of the fee and the tenant to pay the other half of the fee.» (Mr Thomas)

### AMENDMENT TO CLAUSE 56

137 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 57

138 Page 61, line, line 8, after subsection (6) insert —

- «(7) A relevant landlord is not required to provide information or any document under this section or section 56 except information or a document that is reasonably available to the relevant landlord as evidence that the relevant landlord meets the minimum standards.».

Renumber subsequent subsections and cross references throughout.  
(Mr Thomas)

### AMENDMENT TO CLAUSE 60

139 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)

### AMENDMENT TO CLAUSE 62

140 Page 63, line 13, after “not entitled,” insert «unless it is reasonably required for the tenant to vacate to allow the landlord to carry out the necessary works safely,». (Mr Thomas)

### AMENDMENTS TO CLAUSE 63

141 Page 63, lines 23 to 26, omit subsection (1)(a).  
Renumber subsequent paragraphs. (Mr Thomas)

142 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 ;».

Renumber subsequent paragraphs. (Mr Hooper)

- 143 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

- 144 Page 64, line 4, omit the number of the subsection. (Mr Callister)

- 145 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

- 146 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)

### AMENDMENT TO CLAUSE 65

- 147 Page 64, line 18, after “bad faith” insert «or knowingly or recklessly done or omitted to have been done». (Mr Thomas)

### AMENDMENTS TO CLAUSE 66

- 148 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)
- 149 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)

### AMENDMENT TO CLAUSE 66

- 150 Page 64, line 30, after subsection (2) insert —
- «(3) The Department must also notify each relevant landlord who is registered under this Act of any guidance issued under this section by sending it by electronic means to each landlord or, where it is not possible to send it by electronic means, by sending it to the postal address of the landlord.». (Mr Thomas)

**INSERTION OF NEW CLAUSE NC8**

151 Page 64, line 30, after clause 66 insert —

**«NC8 Amendment of the Statistics Act 1999**

In Schedule 1 of the *Statistics Act 1999* (matters about which persons may be required to furnish information, estimates or returns), after entry number 5, insert —

«6. Housing.». (Mr Thomas)

**INSERTION OF NEW CLAUSE NC9**

152 Page 64, line 30, after clause 66 (or, if clause NC8 is inserted, after that clause) insert —

**«NC9 Amendment of the Landlord and Tenant Act 1954**

In section 7 of the *Landlord and Tenant Act 1954* —

- (a) number the existing text as subsection (1);
- (b) after subsection (1) insert —

“(2) Despite subsection (1), every contract of tenancy entered into after the passing of the *Landlord Registration (Private Housing) Act 2021* must be in writing.”.». (Mr Thomas)

**INSERTION OF NEW CLAUSE NC10**

153 Page 64, line 30, after clause 66 (or, if clause NC8 or NC9 is inserted, after the last such clause inserted) insert —

**«NC10 Transitional provisions**

Despite section 2(1), the Department must not bring any provision of Parts 2, 3 or 4 into operation except for the purpose of enabling the making of regulations under sections 21, 22, 23 and 47, until such regulations have been made.». (Mr Thomas)

ROAD TRAFFIC LEGISLATION (AMENDMENT) BILL  
2020

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**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».

**AMENDMENT TO CLAUSE 11**

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

**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».

**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.

**AMENDMENTS TO CLAUSE 21**

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



### AMENDMENT TO CLAUSE 22

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

### AMENDMENT TO CLAUSE 24

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

### AMENDMENTS TO CLAUSE 30

11. 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*;».
12. Pages 38 (line 37) and 39 (lines 1 to 7), in the insertion, omit the definition of “**driving licence**”.
13. 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).».

### AMENDMENT TO CLAUSE 31

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

### AMENDMENTS TO CLAUSE 32

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

### AMENDMENT TO CLAUSE 33

16. Page 44, line 32, insert a comma immediately after “used”.
17. Page 44, line 34, insert «prescribed» immediately before “wheelchair”.

18. Page 44, line 34, between “wheelchair” and the semicolon insert «or using another prescribed mobility aid».

### 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.».

20. Page 49, omit lines 19 to 25.

*Renumber subsequent provisions of, and cross-references in, the insertion accordingly.*

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

**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) complied 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».

**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».

### **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”.

### **AMENDMENT TO CLAUSE 42**

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

### **AMENDMENT TO CLAUSE 44**

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

### **AMENDMENT TO CLAUSE 45**

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

### **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».

### 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».

### AMENDMENT TO CLAUSE 59

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

### 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».

### 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».

### AMENDMENT TO CLAUSE 65

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

### 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”.

### 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; ».

## AMENDMENT TO HEADING OF PART 6

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

## 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.».

## 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.)*

## INSERTION OF NEW CLAUSE 2

63. Page 88, immediately after the insertion set out as amendment 60, insert the following new clause —
- «[NC2] **Consequential amendment**
- The *Road Transport Act 2001* is amended —
- (a) by inserting the following new sections immediately after section 37 —
- 
- «**37A Regulations regarding carriage of passengers with a disability**
- (1) The Department may make regulations that impose duties on the driver or operator of a public passenger vehicle with respect to either or both of the following —
- (a) the use of the public passenger vehicle;
- (b) the conditions under which it may be used,
- by a disabled person; but such regulations may not impose a duty to carry wheelchairs (whether with or without persons

sitting in them) in the vehicle unless the vehicle has been designated "wheelchair accessible" *via* a system prescribed in accordance with subsection (2)(a).

(2) Without limiting subsection (1), regulations under this section may do any or all of the following —

(a) prescribe a system for enabling the Department to ascertain whether a vehicle that is or will be used as a public passenger vehicle is suitable to be designated "wheelchair accessible" (any vehicle so designated hereafter referred to as a "designated PPV");

(b) prohibit the driver or operator of a designated PPV from refusing to transport one or more passengers because that passenger (or any of them) is a disabled person who proposes to travel with or in a wheelchair;

(c) prohibit the driver of a designated PPV from refusing to honour a booking made by the operator because the booking would require the transportation of a disabled person with or in a wheelchair;

(d) prohibit the driver or operator of an available designated PPV from refusing a request for transportation because it would require the transportation of a disabled person with or in a wheelchair;

(e) impose on the driver or operator of a public passenger vehicle the duty to —

(i) transport a disabled person who is accompanied by an assistance dog; and

(ii) allow the dog to remain with the disabled person throughout the journey;

(f) prohibit the driver or operator of a public passenger vehicle from refusing to transport one or more passengers because that passenger (or any of them) is a disabled person who would be accompanied by an assistance dog;

(g) prohibit the driver or operator of a public passenger vehicle from refusing to either accept or honour a booking made by the operator because the booking would require the transportation of a disabled person (with or without an assistance dog);

(h) prohibit the driver or operator of a public passenger vehicle from making an additional charge for transporting in the vehicle a disabled person along with —

(i) in the case of a designated PPV: a wheelchair or an assistance dog, or both;



- (ii) in the case of any other public passenger vehicle: an assistance dog;
- (i) impose on the driver or operator of any public passenger vehicle specific requirements that are —
  - (i) tailored to the fact that the vehicle is or is not a designated PPV, as the case may be; and
  - (ii) aimed at ensuring that a disabled person can enter, travel in, and exit the public passenger vehicle in reasonable comfort and safety with such prescribed mobility assistance as is reasonably required.
- (3) A system prescribed under subsection (2)(a) must —
  - (a) stipulate the documented and objective standard in accordance with which the Department will determine whether a vehicle is suitable to be designated “wheelchair accessible”;
  - (b) require the Department to —
    - (i) designate a vehicle “wheelchair accessible” upon determination of compliance with the standard referred to in paragraph (a);
    - (ii) upon such designation, issue a badge (in the prescribed form) that indicates that the vehicle is a designated PPV;
    - (iii) establish and maintain a list of all designated PPVs; and
    - (iv) include provision for publication of the list referred to in subparagraph (iii);
  - (c) require —
    - (i) the person who submitted the vehicle for a determination under paragraph (a) to ensure that a badge issued in respect of the vehicle in accordance with paragraph (b)(ii) is affixed to the vehicle forthwith; and
    - (ii) any person who subsequently operates or drives the vehicle as a public passenger vehicle to ensure that the badge at all times remains visibly displayed on the vehicle.
- (4) For the avoidance of doubt, the designation of a public passenger vehicle as “wheelchair accessible” is irrevocable for as long as the vehicle continues to be a public passenger vehicle and, accordingly, any person who removes the badge from the vehicle while it continues to be a public passenger vehicle is to be deemed to have breached a provision of regulations made under this section.

- (5) Breach of any provision of regulations made under this section is an offence punishable on summary conviction by a fine not exceeding level 4 on the standard scale.
- (6) In this section and section 37B, “assistance dog” means any one or more of the following —
  - (a) a dog which has been trained to guide a blind person;
  - (b) a dog which has been trained to assist a deaf person;
  - (c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person’s mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
  - (d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.

### 37B Dispensations

- (1) The Department may issue the driver of any public passenger vehicle with a written dispensation that exempts the driver from any requirement imposed by regulations under section 37A where it is satisfied that it is appropriate to do so on one or more of the following grounds —
  - (a) a medical condition;
  - (b) that the driver’s physical condition makes it impossible or unreasonably difficult for the driver to comply with specific requirements under section 37A(2)(i);
  - (c) such other extenuating circumstance as may be prescribed.
- (2) The Department must not unreasonably refuse to issue a dispensation.
- (3) The Department may, by regulations under section 37A, do either or both of the following —
  - (a) prescribe procedural provisions regarding dispensations;
  - (b) either —
    - (i) specify how the duration of all dispensations is to be determined; or
    - (ii) provide that the duration of each dispensation may be specified in it.»; and

(c) by inserting into section 63(1) the following definitions in alphabetical sequence —

« **“disability”** and **“disabled person”**, for the avoidance of doubt, must be construed in accordance with the *Equality Act 2017*;»

« **“wheelchair”** has the prescribed meaning;».

*(Number NC2 appropriately and renumber subsequent clauses accordingly.)*