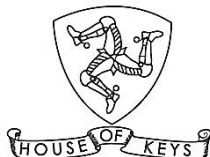


HOUSE OF KEYS

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ORDER PAPER

Claare Obbyr

DOUGLAS
Tuesday 22nd June 2021
10:00am

1. Prayers

2. Questions for Oral Answer

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

To what extent double taxation for businesses and individuals applies in the Isle of Man, as a consequence of the amendment in 2015 to Section 25 of the Income Tax Act 1970?

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

What maximum rate of taxation a business is liable for in the Isle of Man?

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

What decision-making process is followed before temporary traffic lights are used on commuter routes; and whether each instance is considered in isolation?

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

How many new rights of way and bridleways have been registered in each of the last five years?

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

How many bins for the disposal of dog waste and litter are available at the seaward side of Douglas Promenade between the War Memorial and the point opposite the Summerhill junction; and how much seating?

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

How many apprentices are studying Year 3 Level 3 trade qualifications; how many will qualify this year; how many are studying Year 4 and will qualify to Level 3 this year?

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

How many roles were created on the transformation team to implement the recommendations made by Beamans in relation to his Department; and of these how many were advertised, how many were temporary and how many were permanent; and if he will make a statement?

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

What meetings have taken place involving employees of his Department based at Hamilton House since the completion of the Beamans report?

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

What plans the Department has to improve access from Castletown Promenade to the beach?

3. Questions for Written Answer

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

If he will publish the long-term management strategy that requires the centralisation of strategic control of Government land assets?

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

If he will report progress on the establishment and operation of the Manx Development Corporation with particular reference to a) the extent to which its focus will be on the regeneration of Douglas b) the involvement of the Commissioners and the Council and c) when and how it will report its activity and contribution to delivery of intended outcomes?

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

What the findings and recommendations of the policy review for the TT Access Road and alternative crossings of the course in Douglas, Braddan and Onchan were; and if he will publish the feasibility studies of the six options?

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

When he will publish broad feasibility studies for each of the Area Plan for the East comprehensive treatment areas; and what he expects to be covered in them?

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

When and where he expects the Area Plan for the East to deliver up to 421 affordable first homes for young people?

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

What timing he envisages for each project milestone to deliver a complete all-Island Area Plan before the end of 2025?

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

What development has taken place on the sites identified in the Unoccupied Urban Sites register since it was published; and if he will make a statement?

8. The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Education, Sport and Culture –

What the wider strategic plan for schools across Douglas and Onchan concluded; and whether he has reserved the Park Road Site as a replacement school site for Scoill Yn Jubilee?

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

Whether the gas supplied by Manx Gas is carbon neutral; and how he expects the offset scheme used by Manx Gas from 1st June 2021 will be treated inside the net zero emissions target and domestic effort regime established by the Climate Change Act 2021?

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

What the standards and policies of the 2015 – 2025 DEFA Biodiversity Strategy are: and how he expects this strategy to apply in the Town and Country Planning Act 1999 Strategic Plan?

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

How many beds in residential and care homes there were, broken down by home, in i) 2019 ii) 2016 iii) 2013 and iv) the last twelve months?

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

What the findings and recommendations were of the feasibility study into a Blue Light hub; and which additional publically owned sites in the area covered by the Area Plan for the East remain under consideration for the location of emergency services?

13. The Hon. Member for Douglas Central (Mr Thomas) to ask the Vice Chairman of the Public Sector Pensions Authority –

Pursuant to his answer on 25th May 2021, what the value was, in (a) absolute and (b) proportional terms, of the contribution made to each Government Unified Scheme section by (i) sponsoring employers, (ii) scheme members, (iii) transfer from other schemes, (iv) the Public Sector Employee Pension Reserve and (v) other Treasury or central government sources in (A) 2012/13, (B) 2015/16 and (C) the most recent year for which figures are available?

14. The Hon. Member for Douglas Central (Mr Thomas) to ask the Chairman of the Economic Recovery Group –

Pursuant to his Answer in April Tynwald, how many organisations, broken down by economic sector, received allocations from the Coronavirus Salary Support Scheme and Business Support Scheme in financial year 2020-21?

15. The Hon. Member for Douglas Central (Mr Thomas) to ask the Chairman of the Chief Minister's Community and Public Engagement Committee –

What a regional community based hub is; and what the estimated cost to a) taxpayers and b) ratepayers of the provision of the pilots in Ramsey, Peel and Castletown is?

4. Consideration of Clauses

- 4.1 Local Government (Amendment) Bill 2021

Mr Baker

5. Consideration of Council Amendments

- 5.1 Adoption Bill 2021

Mr Ashford

- 5.2 Competition Bill 2020

Mr Perkins

- 5.3 Landlord Registration (Private Housing) 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 of the House of Keys is on the 29th June 2021

ADOPTION BILL 2021

**LIST OF AMENDMENTS MADE IN THE
COUNCIL**

AMENDMENT OF PART 2

1. Page 25, omit line 15.

AMENDMENT OF CLAUSE 18

2. Page 33, line 9, for "19" substitute "20".

AMENDMENT OF CLAUSE 19

3. Page 33, line 16, move the words beginning with "but," to "order" down to line 17 as full-out words.
4. Page 33, line 23, after "adopters" insert "(in or outside the Island)".
5. Page 34, omit lines 1 to 4 (inclusive).

Re-number following provisions accordingly

AMENDMENT TO CLAUSE 20

6. Page 34, line 17, after "child" insert "has consented to the child"

AMENDMENT OF CLAUSE 23

7. Page 37, line 38, for "18(3)" substitute "20".

AMENDMENT TO CLAUSE 25

8. Page 39, for line 3 to page 40 line 13, substitute —

- “(1) An application for an adoption order may not be made unless—
- (a) if subsection (2) applies, the conditions in that subsection are met,
 - (b) if that subsection does not apply, the condition or conditions in whichever is applicable of subsections (3) to (6) applies.
- (2) If the child was placed for adoption with the applicant or applicants by an adoption agency or in pursuance of an order of the court, the conditions are that the child—
- (a) is at least 19 weeks old, and
 - (b) had its home with the applicant or, in the case of an application by a couple, with one or both of them at all times during the period of 13 weeks preceding the application.
- (3) If the applicant (or one of them) is the partner of a parent, the condition is that the child must have had its home with one or both of them at all times during the period of 12 months preceding the application.
- (4) In the case of an application —
- (a) for a Convention adoption order, or
 - (b) other than for a Convention adoption order in respect of a child habitually resident outside the British Islands,
- the condition is that the child must have had its home with the applicant or, as the case may be, applicants at all times during the period of 12 months preceding the application.
- (5) If the applicants are foster parents with whom the child has been fostered in accordance with the fostering service established by the Department under section 24A of the 2001 Act, the conditions are that—
- (a) they have obtained the consent of the Department to make the application, and
 - (b) the child had its home with them at all times during the period of 12 months preceding the application.
- (6) In any other case, the condition is that the child must have had its home with the applicant or, in the case of an application by a couple, with one or both of them for not less than three years (whether continuous or not) during the period of five years preceding the application.
- (7) Where the child was placed for adoption with the applicant or applicants by an adoption agency, an adoption order may not be made unless (in addition to the applicable condition or conditions of the preceding subsections of this section being satisfied) the court is satisfied that sufficient opportunities have been given to that agency to see the

child with the applicant or, in the case of an application by a couple, both of them together in the home environment.”

AMENDMENT OF CLAUSE 27

9. Page 40, line 30, for “(7) or (8)” substitute “(5) or (6)”.

AMENDMENTS TO CLAUSE 28

10. Page 41, line 11 to page 43, line 20 (inclusive) substitute—

- “(1) In determining the suitability of any person to adopt a child the following provisions of this section apply.
- (2) In respect of the prospective adopter and any other member of the prospective adopter's household who is aged 18 or over, the adoption agency must obtain an enhanced criminal record certificate issued under section 113B of the Police Act 1997 (of Parliament) which includes suitability information relating to children as extended to the Island by the Police Act 1997 (Criminal Records) (Isle of Man) Order 2010 (a statutory instrument of Parliament).
- (3) An adoption agency may not consider a person suitable to adopt a child if that person or any member of that person's household aged 18 or over poses a risk to a child.
- (4) Regulations under section 10 must make provision as to the matters to be taken into account by an adoption agency in assessing whether a person poses a risk to a child and in determining, or making a report in respect of, the suitability of any person to adopt a child.
- (5) In determining the suitability of a couple to adopt a child, an adoption agency must have proper regard to the need for stability and permanence in the couple's relationship.
- (6) Where a person's suitability to adopt a child has been assessed by an adoption panel in the United Kingdom or the Channel Islands and a child is to be adopted in the United Kingdom or the Channel Islands and brought to the Island, a panel constituted in the Island must —
- (a) have regard to the decision of that adoption panel and its reasons for its decision;
 - (b) consider the current and future needs of the child where the child has been or will be brought to the Island;

- (c) consider whether the child's needs can be met in the Island after any other person or authority ceases to have responsibility for the child.

(7) The Department may by regulations prescribe the constitution and functions of the panel referred to in subsection (6)."

AMENDMENT OF CLAUSE 36

11. Page 47, line 31, for "22" substitute "20".

AMENDMENT OF CLAUSE 40

12. Page 51, line 25, for "(5)" substitute "(6)".

AMENDMENT OF CLAUSE 41

13. Page 52, line 8, after "Department" insert "and is provided with accommodation by it".

AMENDMENT TO CLAUSE 42

14. Page 53, line 2, for "25(6)" substitute "25(4)".
15. Page 53, line 13, before "section" omit "this".
16. Page 53, line 15, for "25(6)" substitute "25(4)".

AMENDMENT OF CLAUSE 44

17. Page 54, line 11, for "25(6)" substitute "25(4)".

AMENDMENT OF CLAUSE 46

18. Page 55, line 14, for "25(6)" substitute "25(4)".

AMENDMENT TO CLAUSE 54

19. Page 62, line 20, omit ""face to face,"".

AMENDMENT OF CLAUSE 63

20. Page 67, line 2, for “59(5)” substitute “58(5)”.

AMENDMENT OF CLAUSE 69

21. Page 71, line 19, for “who is neither an adoption society nor” substitute “other than the Department, a registered adoption society (acting in accordance with the terms of its registration) or a person”.

AMENDMENT OF CLAUSE 70

22. Page 72, line 23, after “society” insert “(not acting in accordance with the terms of its registration)”.

AMENDMENT OF CLAUSE 72

23. Page 74, line 10, for “105” substitute “104”.

AMENDMENT OF CLAUSE 77

24. Page 75, line 28, for “107” substitute “77”.
25. Page 75, line 35, for “76(3)” substitute “95(3)”.

AMENDMENT OF CLAUSE 81

26. Page 77, line 29, for “(2)” substitute “(3)”.

AMENDMENT TO CLAUSE 98

27. Page 86, line 18, before “adopted” insert “an”.

AMENDMENT TO CLAUSE 101

28. Page 88, line 20, before “the case” omit “in”.

AMENDMENT TO CLAUSE 104

29. Page 90, line 21, for "2001" substitute "2002".
30. Page 91, line 9, for "(6)" substitute "(7)".

AMENDMENT OF CLAUSE 105

31. Page 91, line 19, for "102" substitute "101".
32. Page 91, line 20, for "102" substitute "101".

AMENDMENT TO CLAUSE 113

33. Page 95, line 3, after "to" insert ", or a civil partner of,".

AMENDMENT TO CLAUSE 117

34. Page 97, line 1, for "decide" substitute "decides".

AMENDMENT OF CLAUSE 124

35. Page 100, line 33, for "(3)(a)" substitute "(4)".
36. Page 100, line 34, for "(3)(b)" substitute "(5)".
37. Page 100, line 38, for "(3)(a)" substitute "(4)".
38. Page 101, line 1, for "(3)(b)" substitute "(5)".

AMENDMENT TO CLAUSE 126

39. Page 103, line 1 (definition of "relative"), after "in" omit "to".
40. Page 103, line 12, omit "are".

AMENDMENT TO SCHEDULE 1

41. Page 106, line 18, for "104" substitute "103".
42. Page 108, line 34, for "he" substitute "the Registrar General".
43. Page 109, line 4, for "4(5)" substitute "4(6)".

AMENDMENT TO SCHEDULE 2

44. Page 110, lines 14, 23 and 26, for "(1)" substitute "1".
45. Page 110, line 30, for "paragraph" substitute "sub-paragraph".

AMENDMENT TO SCHEDULE 3

46. Page 112, line 9, after "29(2)" insert "of that Act".
47. Page 112, line 35, omit "he is".
48. Page 114, for lines 7 to 10 substitute —
 “(2) For the definition of “voluntary adoption agency” substitute—
 “A **“voluntary adoption agency”** is an adoption agency providing adoption services whose activities are not carried on for profit.””
49. Page 114, for lines 15 and 16 substitute—
 “(4) In the Schedule (definitions) —
 (a) for the definition of “adoption Act” substitute—
 “**“adoption Act”** means the Adoption Act 2021;”;
 (b) in the definition of “adoption society offence” for “14(4) (adoption service)” substitute “section 10(3)”.

AMENDMENT TO SCHEDULE 4

50. Page 118, omit lines 1 to 3 (inclusive).

COMPETITION BILL 2020

**LIST OF AMENDMENTS MADE IN THE
COUNCIL**

AMENDMENT TO CLAUSE 3

1. Page 10, lines 10 to 13, omit the definition of “**public authority**”.

AMENDMENTS TO CLAUSE 9

2. Page 15, line 1, for “subsection (4)” substitute «subsection (5)».
3. Page 15, line 2, for subsection (5)” substitute «subsection (6)».

AMENDMENT TO CLAUSE 11

4. Page 17, line 4, between “Statutory Board” and “concerned” insert «or other body».

AMENDMENTS TO CLAUSE 13

5. Page 18, lines 29 and 30, for the existing text substitute the following —
 - «(c) identify the person who OFT believes —
 - (i) is engaging, or has engaged, in the course of conduct; or
 - (ii) is sufficiently connected with the market malfunction,
as the case may be;».
6. Page 18, lines 34 and 35, omit “(identified by OFT as adverse to consumers or the economy)”.
7. Page 18, line 37, for “market failure” substitute «market malfunction».
8. Page 19, lines 7 to 22, for the existing text substitute the following —
 - «(5) OFT —

- (a) must, once it has accepted an undertaking under this section, arrange for the undertaking to be published in such manner as appears to it to be appropriate;
- (b) must keep under review the carrying out of any such undertaking and from time to time consider whether —
 - (i) by reason of any change in circumstances, the undertaking is no longer appropriate; and
 - (ii) it is appropriate in the current circumstances to —
 - (A) release the person concerned from the undertaking; or
 - (B) demand that the person concerned vary the undertaking in a manner, or replace it with a new undertaking, that meets requirements specified by OFT;
- (c) must, if it appears to OFT that the person concerned has failed to carry out the undertaking, give the person written notice of that fact;
- (d) may, where it gives written notice under paragraph (c) with respect to an undertaking that relates to —
 - (i) a course of conduct, —
 - (A) take action under section 18 despite its having terminated, in accordance with section 9(6), the investigation in the course of which the undertaking was offered to and accepted by it; or
 - (B) apply for an injunction under section 19, depending on which of those actions OFT considers more appropriate; or
 - (ii) a market malfunction, make an order under section 14.».

AMENDMENT TO CLAUSE 14

9. Page 20, lines 3 to 14, for the existing text substitute the following —

«14 **Orders in respect of market malfunction**

- (1) This section applies only where —
 - (a) OFT has completed an investigation under section 9(2) and has concluded, in the written report it produced in accordance with section 9(1), that a market malfunction exists; or
 - (b) a market malfunction has not been remedied, due to a person's failure to carry out an undertaking —
 - (i) which was given by the person to OFT in the course of OFT's investigation under section 9(2) into the existence of the market malfunction; and

- (ii) OFT's acceptance of which, in accordance with section 9(6), resulted in the termination of the investigation.
- (2) OFT may by order set out a scheme for remedying or preventing any adverse effects of the market malfunction, and such an order must contain directions to a specified person or persons.
Tynwald procedure – approval required.».

AMENDMENTS TO CLAUSE 23

10. Page 25, line 1, between "merger" and "is" insert the following –
«which meets the criteria in subsection (1) and is accordingly required to be notified to OFT».
11. Page 25, line 18, for "subsection (2)" substitute «subsection (1)».
12. Page 25, line 24, for "sections 8(4)(b) and 26," substitute «sections 8(4)(b), 24(4)(b), 25(7)(b) and 26(2)(c),».

AMENDMENT TO CLAUSE 25

13. Page 26, lines 28 to 30, for the existing text substitute the following –
«(3) An investigation under subsection (2) may be carried out –
(a) by OFT directly and exclusively;
(b) exclusively by a third party engaged by OFT; or
(c) jointly by OFT and a third party engaged by OFT.».

AMENDMENT TO CLAUSE 26

14. Page 27, line 32, for the existing text substitute the following –
«(ii) in the case of a proposed merger, has the opposite effect of OFT's decision under section 24(4) or 25.».
15. Page 28, line 27, for "not" substitute «no».

AMENDMENT TO CLAUSE 28

16. Page 29, line 19, for "semicolon" substitute «comma».

AMENDMENTS TO CLAUSE 29

17. Page 30, line 1, for “paragraph 4” substitute «paragraph 4(2)».
18. Page 30, line 7, for “sections 4 and 5” substitute «section 4 (prohibition on preventing competition), section 5 (prohibition of abuse of a dominant position), and section 7 (anti-competitive practice)».

AMENDMENT TO CLAUSE 30

19. Page 30, line 9, for “section 29(2)” substitute «section 28(2)».

LANDLORD REGISTRATION (PRIVATE HOUSING) BILL
2020

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

AMENDMENT TO CLAUSE 7

1. Page 24, line 10, for “9(12)(b)” substitute «9».

AMENDMENTS TO CLAUSE 12

2. Page 30, line 20, for “landlord’s” substitute «landlords’».
3. Page 30, lines 36 and 37, omit subsection (5).

AMENDMENTS TO CLAUSE 14

4. Page 31, line 29, for “landlord’s” substitute «landlords’».
5. Page 31, line 39, omit subsection (3)(a).
Renumber subsequent paragraphs.

AMENDMENTS TO CLAUSE 16

6. Page 33, line 30, after “relevant landlord” insert «, or to the landlord’s representative, on behalf of the landlord,».
7. Page 34 —
 - a. line 30, after “right to appeal” insert «, or the landlord’s representative’s right to appeal, as the case may be, »;
 - b. line 34, after “relevant landlord” insert «or the landlord’s representative».
8. Page 34, lines 36 to 40 and page 35, lines 1 to 3, for subsection (10) substitute —

- «(10) The Department must give a copy of a notice of a grant or refusal of registration under this section to an occupier of a rented dwelling to which the grant or refusal relates.
- (11) Failure to provide the notice under this section to the landlord’s representative invalidates the notice but failure to provide a copy of it to an occupier does not affect the validity of the notice.»

AMENDMENT TO CLAUSE 17

9. Page 35, line 6, for “landlord’s” substitute «landlords’».

AMENDMENTS TO CLAUSE 18

10. Page 36, line 15, after “considers” insert «reasonably».
11. Page 36, line 27, after “landlord’s” insert «, and the landlord’s representative’s right,».
12. Page 37, line 5, after “landlord” insert «and to the landlord’s representative, if any,».
13. Page 37, line 10, for “landlord’s” substitute «relevant landlord’s and any landlord’s representative’s».
14. Page 37, lines 11 to 16, for subsection (7) substitute —
- «(7) A copy of the notice in subsection (6) must be provided to any occupier of the rented dwelling.
- (8) Failure to provide the notice under this section to the landlord’s representative invalidates the notice but failure to provide a copy of it to any occupier does not affect the validity of the notice.»
- Renumber subsequent subsection and cross references throughout.
15. Page 37, line 18, after “landlords)” insert «or under section 55(4) (application and appeal to the Commissioners: landlords’ representatives),».

AMENDMENT TO CLAUSE 19

16. Page 37, line 40, after “landlords)” insert «, 14(3) (application requirements: landlords’ representatives)».

17. Page 38, line 3, after subsection (1) insert —

«(2) Subsection (3) applies when the Department is —

- (a) deciding whether to refuse an application for registration under section 16(7) (determination of application: relevant landlords) or 17(5) (determination of application: landlords' representatives); or
- (b) deciding whether or not it is satisfied that the personal conduct requirements are met by a relevant landlord or a landlord's representative, as the case may be, under section 43 (action regarding personal conduct requirements),

and the Department considers that the relevant landlord or the landlord's representative, as the case may be, does not meet the personal conduct requirements on the basis of evidence that the relevant landlord or the landlord's representative, as the case may be, has practised unlawful discrimination or harassment, as referred to in subsection (1)(b) or has victimised another person, as referred to in subsection (1)(c).

(3) Before making a decision referred to in subsection (2)(a) or (b), the Department —

- (a) must seek a determination from the Employment and Equality Tribunal constituted by section 103 of the *Equality Act 2017* ("EET") on whether the Tribunal is satisfied that the relevant landlord or the landlord's representative, as the case may be, has practised unlawful discrimination or harassment, as referred to in subsection (1)(b) or has victimised another person, as referred to in subsection (1)(c); and
- (b) must not make a decision referred to in subsection (2)(a) or (b) solely on the basis of the relevant landlord or the landlord's representative, as the case may be, having practised unlawful discrimination or harassment, as referred to in subsection (1)(b) or having victimised another person, as referred to in subsection (1)(c) if the EET has determined that there is not sufficient evidence to show that the relevant landlord or the landlord's representative, as the case may be, has practised unlawful discrimination or harassment or victimised another person.

(4) Subsection (3)(a) does not apply if the EET has already determined that the landlord or the landlord's representative, as the case may be, has at any time practised unlawful discrimination or harassment, or victimised any person.

(5) When seeking a determination of the EET under subsection (3)(a) the Department must provide the EET with

- (a) any evidence that the Department has that the relevant landlord or the landlord's representative, as the case may be, has practised unlawful discrimination or harassment or victimised another person; and
 - (b) any representations that have been made to the Department by the relevant landlord under section 16 or 43, or by the landlord's representative under section 17 or 43, as the case may be.
- (6) It is a function of the EET to make a determination under this section.
 - (7) The EET may make EET rules under Paragraph 4 of Schedule 17 to the *Equality Act 2017* for the purpose of carrying out its function under subsection (6).».

Renumber subsequent subsections.

AMENDMENTS TO CLAUSE 21

18. Page 39, line 10, for "13 to 18" substitute «13, 15, 16 and 18».
19. Page 39, line 13, for "landlord's representatives)" substitute «landlords' representatives) and section 17 (determination of application (landlords' representatives)».
20. Page 39 —
- a. line 27, for "and to" substitute a comma;
 - b. line 28, after "landlord)" insert «and section 48 (revocation of registration: landlords' representative)».

AMENDMENTS TO CLAUSE 22

21. Page 39, line 33, after "landlord" insert «, or the landlord's representative, on the relevant landlord's behalf,».
22. Page 40, line 20, after "2(a) to (c)" insert «and 3(a) to (c)».

AMENDMENTS TO CLAUSE 27

23. Page 44, line 5, for “complies with all the requirements of the minimum standards” substitute «complies with all the management and safety minimum standards and complies substantially with all other minimum standards».
24. Page 44, line 8, for “complies with all the requirements of the minimum standards” substitute «complies with all the management and safety minimum standards and complies substantially with all other minimum standards».
25. Page 44, line 11, “complies with all the requirements of the minimum standards” substitute «complies with all safety minimum standards and complies substantially with all other minimum standards ».

AMENDMENT TO CLAUSE 30

26. Page 46, line 6, after “37(7)” insert «or 37(9)».

AMENDMENTS TO CLAUSE 34

27. Page 48, lines 32 to 38, for subsection (3) substitute —
 - « (3) The authorised officer must give a copy of a notice of non-compliance to —
 - (a) an occupier affected by the notice;
 - (b) the landlord’s representative, where a landlord’s representative is acting for the relevant landlord or in respect of a rented dwelling to which the notice relates; and
 - (c) the relevant landlord, where the notice under subsection (1) is to a landlord’s representative.
 - (4) Failure to provide a copy of the notice under this section to the landlord’s representative, or to the relevant landlord, as the case may be, invalidates the notice but failure to provide such a copy to the occupier does not affect the validity of the notice.».

AMENDMENTS TO CLAUSE 36

28. Page 50, line 8, after “representative,” insert «whether or not».
29. Page 50, line 17, after “landlord” insert «, or the landlord’s representative, as the case may be,».

30. Page 50, lines 23 to 31, for subsection (4) substitute —

- « (4) The authorised officer must give a copy of an improvement notice to —
 - (a) the occupier (if any) of a rented dwelling to which the notice relates; and
 - (b) the landlord, where the recipient of the notice is the landlord’s representative acting for that landlord; and
 - (c) the landlord’s representative (if any) acting for the relevant landlord who is the recipient of the notice.
 - (5) Failure to provide a copy of the notice under this section to the landlord’s representative or the relevant landlord, as the case may be, invalidates the notice but failure to provide a copy of it to the occupier does not affect the validity of the notice.».
- Renumber subsequent subsection.

AMENDMENTS TO CLAUSE 37

31. Page 50, lines 35 to 39, for subsection (1) substitute —

- «(1) If an improvement notice includes recommended action for remedying a contravention of the minimum standards —
 - (a) a relevant landlord is deemed to have complied with the notice if the landlord (or the landlord’s representative, on the landlord’s behalf) takes the recommended action within the required period; and
 - (b) a landlord’s representative is deemed to have complied with the notice if the landlord’s representative takes the recommended action within the required period.».

32. Page 51, line 2, omit “, on the landlord’s behalf”.

33. Page 51, line 6, omit “, on the landlord’s behalf”.

34. Page 51, line 9, omit “, on the landlord’s behalf”.

AMENDMENTS TO CLAUSE 39

35. Page 52 —

- a. line 22, omit “and”;

b. line 24, for the full stop substitute —

«; and

(c) the conditions imposed on a landlord's representative's registration under section 17 (determination of application: landlords' representatives). ».

AMENDMENT TO CLAUSE 40

36. Page 53, line 4, after subsection (2) insert —

«(3) A registered relevant landlord commits an offence if the landlord, without reasonable excuse permits a landlord's representative to undertake any property management activity when notified by the Department that —

(a) it is not satisfied that the landlord's representative meets the personal conduct requirements; and

(b) its decision that it is not so satisfied has taken effect.

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

AMENDMENT TO CLAUSE 41

37. Page 53, line 11, after "12(1)(c)(ii)" insert «or (d)».

AMENDMENTS TO CLAUSE 43

38. Page 55, line 34, for "40(2)(b)" substitute «40(3)».

39. Page 56, line 7, for "relevant landlord" substitute «landlord's representative».

40. Page 56, line 12, after "met" insert «by the relevant landlord».

41. Page 56, line 14, after subsection (6) insert —

« (7) Subject to the Commissioners staying the decision under section 55(4) (application and appeal to the Commissioners: landlords' representatives), a decision by the Department under subsection (1), that it is not satisfied that the personal conduct requirements are met by the landlord's representative takes effect following the expiry of the period permitted to a landlord's representative to make an appeal to the Commissioners.».

AMENDMENT TO CLAUSE 47

42. Page 59, lines 14 to 16, omit subsection (1)(e).

Renumber subsequent paragraphs.

AMENDMENT TO CLAUSE 48

43. Page 60, lines 25 to 27, for “section 54(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” substitute «section 55(4) (application and appeal to the Commissioners: landlords’ representatives), a revocation of registration under this section takes effect following the expiry of the period permitted to a landlord’s representative».

AMENDMENTS TO CLAUSE 53

44. Page 63, line 14, after “notice” insert «to the landlord».

45. Page 63, line 17, omit “or 43(5)”.

46. Page 63, line 29, for “notice under section 36” substitute «notice to a landlord’s representative under section 36(1)».

47. Page 63, line 32, omit “43(4) or”.

AMENDMENT TO CLAUSE 54

48. Page 63 line 39, for “this Part” substitute «section 53(1)».

AMENDMENTS TO CLAUSE 55

49. Page 65, line 11, for “landlord’s” substitute landlords’».

50. Page 65, lines 13 to 18, for subsection (1) substitute —

 «(1) A landlord’s representative who is not satisfied by a decision of the Department that is subject to appeal under section 53(2) may appeal to the Commissioners against the decision.».

51. Page 65, line 25, after subsection (3) insert —

- « (4) The Commissioners may, on application by a landlord’s representative, stay the effect of any decision for which an appeal is made under this Part pending the outcome of the appeal.
- (5) Notice of the outcome of an application or appeal must, in accordance with rules of procedure, be given by the Commissioners to –
- (a) the relevant landlord;
 - (b) the Department; and
 - (c) the occupier of a rented dwelling to which the application or appeal relates.».

Renumber subsequent subsections and adjust cross references throughout.

AMENDMENT TO CLAUSE 56

52. Page 66, line 6, after “landlords)” insert « or 55(4) (application and appeal to the Commissioners: landlords’ representatives)».

AMENDMENT TO CLAUSE 61

53. Page 68, line 14, for “person acting on the landlord’s behalf” substitute «landlord’s representative».

AMENDMENT TO CLAUSE 62

54. Page 69, line 1, for “landlord’s” substitute «landlords’».

AMENDMENTS TO CLAUSE 71

55. Page 73, line 36, after “satisfied” insert «on reasonable grounds».
56. Page 74, line 5, after “notice” insert «of a civil penalty».
57. Page 74, line 6, for “on” substitute «of».
58. Page 74, line 9, for “5 times level” substitute «level 4».
59. Page 74, line 11, after “contravention” insert «or conduct described in subsection (1)».

60. Page 74, line 13, for “a registration” substitute «any registration».