

# ONCHAN DISTRICT COMMISSIONERS

*Hawthorn Villa,  
79 Main Road, Onchan.*

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## ORDINARY MEETING

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*2<sup>nd</sup> January 2026*

Sir/Madam

You are hereby summoned to attend an **ORDINARY Meeting of the Authority** to be held in the Boardroom at **HAWTHORN VILLA, 79 MAIN ROAD, ONCHAN** to transact the undernoted business on:

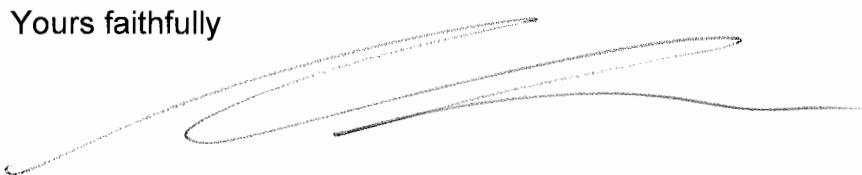
**Monday 5<sup>th</sup> January 2026**

**7:00 pm - Board Meeting**

which will be followed by a meeting of the Board sitting **IN COMMITTEE**. Items on this agenda marked **(P)** will be considered in private, and correspondence is circulated separately.

**Please note that the minutes referred to in the agenda have yet to be confirmed by the Authority as a true and correct record of proceedings at the various meetings, and will be published after ratification.**

Yours faithfully



**R PHILLIPS**  
**CHIEF EXECUTIVE/CLERK**

## AGENDA

*The order of business at every meeting of the Authority shall be in accordance with that laid down in Standing Order No. 17 or by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion.*

*Chief Executive/Clerk to provide emergency evacuation procedure for Hawthorn Villa at the commencement of the Meeting.*

**1. To choose a person to preside if the Chair and Vice-Chair be absent:**

None.

**2. Declarations of Interest of Members and Officers (in accordance with Standing Order 18):**

None.

**3. To deal with any business required by statute to be done before any other business:**

None.

**4. To approve as a correct record and sign the Minutes of the:**

4.1 Minutes of the Ordinary Meeting held on Monday 15<sup>th</sup> December 2025 (Appendix 4.1)

**5. To dispose of any relevant business arising from such minutes if not referred to in the Minutes of any Special Committee:**

None.

**6. To dispose of any relevant business adjourned from a previous meeting:**

None.

**7. To deal with any business expressly required by statute to be done:**

None.

**8. To consider any planning decisions/communications from the Department of Infrastructure Planning Committee:**

8.1 Plans for Consideration

None.

**9. Finance and General Purposes:**

9.1 Services Charges – 2026/27 Financial Year

(Appendix 9.1)

**10. Consideration of any Reports from the Clerk or other Officer:**

10.1 Local Government (Amendment) Bill – Update

(Appendix 10.1)

10.2 Implementation of Safeguarding Policy – Update

(Appendix 10.2)

10.3 2026/27 Rate Setting Meetings

(CEO to Report)

10.4 Fire Island and BBQ Festival – Onchan Pleasure Park 2026

(CEO to Report)

**11. Consideration of any relevant correspondence (already circulated unless indicated):**

11.1 Consultation on the Proposals for the Shared Equity Purchase Assistance Scheme  
[Proposals for the Shared Equity Purchase Assistance Schemes - Cabinet Office of the Isle of Man Government - Citizen Space](#) (Appendix 11.1)

11.2 Housing Consultation – Extension (Appendix 11.2)

11.3 Homelessness Legislation Consultation (Appendix 11.3)  
<https://consult.gov.im/cabinet-office/isle-of-man-homelessness-prevention/>

11.4 Working with the Legislature Course (Appendix 11.4)

11.5 (P) 35 Main Road – Commercial Tenancy Request (Appendix 11.5)

**12. To answer any questions asked under Standing Order 25:**

None.

**13. To answer any Motions in the order in which notice has been received:**

None.

**14. Environmental and Technical Services:**

None.

**15. Housing Matters:**

None.

**16. Dates for the Diary:**

Date	Organisation	Event	Time
5 <sup>th</sup> January 2026	Onchan District Commissioners	Board Meeting	7:00 pm
19 <sup>th</sup> January 2026	Onchan District Commissioners	Board Meeting	7:00 pm
2 <sup>nd</sup> February 2026	Onchan District Commissioners	Board Meeting	7:00 pm
3 <sup>rd</sup> February 2026	Onchan District Commissioners	Commissioners Surgery – Springfield Court	2:00 pm to 3:00 pm

**17. Any other URGENT business as authorised by the Chair for consideration:**



## REPORT

<b>Report to:</b>	Board of Onchan District Commissioners
<b>Reporting Officer:</b>	Chief Finance Officer
<b>Date of the Meeting:</b>	5 <sup>th</sup> January 2026
<b>Subject:</b>	Service Charges – 2026/27 Financial Year
<b>Public or Private Document:</b>	Public

### **Introduction:**

The Authority's service charges relating to income are reviewed annually as part of the budget setting process. The charges form part of the District Rate considerations.

### **Previously Considered by the Board:**

Not applicable.

### **Recommendation/s or Action/s Taken:**

That the Board resolve the service charges for the year ending 31 March 2027 relating to:

- Miscellaneous fees;
- Domestic refuse collection;
- Commercial refuse collection; and
- The Hub room hire.

### **Supporting Rationale:**

- **Miscellaneous fees (building control and property searches)** – no proposed increase.  
  
No proposed increase on miscellaneous fees is based on the fees charged by other local authorities and Government Departments for the same service provision, plus consideration of the expenditure of the Authority to provide the services;
- **Domestic refuse collection and disposal (additional bin provision)** – a 20% increase is proposed, this is due to the current charges for the service not covering the expenditure for the disposal of the extra waste at the Energy from Waste Facility (EWF);

- **Commercial refuse collection** – proposed increases based on information which has highlighted that the costs for the provision, specifically the additional collections is not covering the Authority's expenditure, which includes staffing costs, fuel & vehicle costs, plus the cost to dispose of at the EWF.

It is proposed that a 20% increase be implemented in 2026/27 on the standard charge per bin.

Additionally, the implementation of a 3 year stepped approach on extra collections to try and cover the losses currently being made.

The 1<sup>st</sup> year increase is proposed at 30%, 2<sup>nd</sup> year 60% and the third year 90%. During the 1<sup>st</sup> year the Authority will review the proposal to analyse how much of a loss is being made, versus any loss of custom;

- The HUB room hire – it is proposed that the current charges are kept as they are to continue to promote greater custom, and to increase the Authority's income per annum.

**Alternatives Considered but not Recommended:**

Not applicable.

**Standing Orders:**

Not applicable.

**Resource Impact:**

Not applicable.

**Financial Impact:**

Potential to increase the income received per annum by the Authority, and to offset expenditure in relation to:

- Miscellaneous fees;
- Domestic refuse collection and disposal;
- Commercial refuse collection; and
- The Hub room hire.

**Legal and/or Insurance Impact:**

Not applicable.

**Equality Impact:**

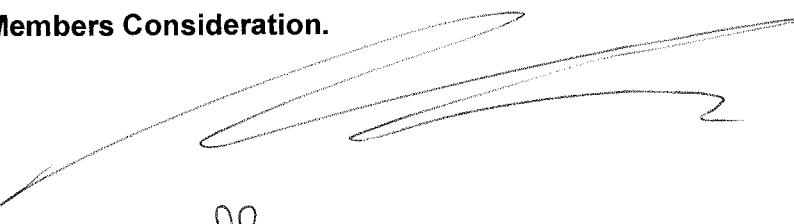
Not applicable.

**Climate Change Impact:**

Not applicable.

<b>Consultation with Others:</b>
<ul style="list-style-type: none"><li>• Chief Executive/Clerk;</li><li>• District Surveyor;</li><li>• Environmental &amp; Technical Manager; and</li><li>• Lead Member for Finance and General Purposes.</li></ul>
<b>General Data Protection Regulations and/or Confidentiality Impact:</b>
Not applicable.
<b>Appendices:</b>
See enclosed service charges document.

**For Members Consideration.**

Stephanie Johnson   
CHIEF FINANCE OFFICER

### Miscellaneous Charges - 2026/27

<b>Description of Service Charges</b>	<b>2025/26 Charge</b>	<b>Proposed 2026/27 Charge</b>	<b>Cost Increase</b>
Letter of Comfort for retrospective Building Control approval relating to works undertaken prior to 1st May 1993	£125.00	£125.00	£0.00
Replacement copy documents relating to Building Control	£95.00	£95.00	£0.00
Property search fee (including Building Control and Rate searches)	£200.00	£200.00	£0.00

## Domestic Refuse Charges - 2026/27

Description of Service Charges	2024/25 Charge	2025/26 Charge	Proposed 2026/27 Charge	Cost Increase
Extra 120 litres (per annum)	£60.00	£60.00	£72.00	£12.00
Extra 240 litres (per annum)	£120.00	£120.00	£144.00	£24.00
Extra 360 litres (per annum)	£180.00	£180.00	£216.00	£36.00

### NOTES:

***The domestic charges include provision of an extra/increased size of wheelie bin, plus the collection, disposal, and administration of the service.***

**Commercial Refuse Charges - 2026/27**

Description of Service Charges	2023/24 Charge	2024/25 Charge	2025/26 Charge	Proposed 2026/27 Charge	Cost Increase
Commercial bin charge per bin per annum - 240 litres	£126.00	£134.00	£147.00	£176.40	£29.40
Commercial bin charge per bin per annum - 360 litres	£190.00	£200.00	£220.00	£264.00	£44.00
Commercial bin charge per bin per annum - 660 litres	£284.00	£300.00	£330.00	£396.00	£66.00
Commercial bin charge per bin per annum - 1100 litres	£378.00	£400.00	£440.00	£528.00	£88.00

**NOTES:**

***The commercial charges include provision of*** the relevant sized wheelie bin, ***collection, and administration of the service only.***

Description of Service Charges	2023/24 Charge	2024/25 Charge	2025/26 Charge	Year 1		Year 2	Year 3
				Proposed 2026/27 Charge	Cost Increase	Proposed 2027/28 Charge	Proposed 2027/28 Charge
Additional weekly collection charge per bin per annum - 240 litres	£12.60	£13.40	£14.70	£44.10	£29.40	£88.20	£132.30
Additional weekly collection charge per bin per annum - 360 litres	£19.00	£20.00	£22.00	£66.00	£44.00	£132.00	£198.00
Additional weekly collection charge per bin per annum - 660 litres	£28.40	£30.00	£33.00	£99.00	£66.00	£198.00	£297.00
Additional weekly collection charge per bin per annum - 1100 litres	£37.80	£40.00	£44.00	£132.00	£88.00	£264.00	£396.00

**NOTES:**

***Commercial customers who require extra collections in addition to the usual weekly collection can utilise the Authority's additional collection service.***

***The service charges include provision for collection, and administration of the service only. Waste disposal is charged for separately based on a price per kilo set annually by the Department of Infrastructure.***

## The HUB Charges - 2026/27

Description of Service Charges	2023/24 Charge	2024/25 Charge	2025/26 Charge	Proposed 2026/27 Charge	Cost Increase
Sports hall hire (public)	£20.00	£20.00	£20.00	£20.00	£0.00
Sports hall hire (corporate)	£24.00	£22.00	£22.00	£22.00	£0.00
Meeting room hire (public)	£20.00	£18.00	£18.00	£18.00	£0.00
Meeting room hire (corporate)	£28.00	£20.00	£20.00	£20.00	£0.00
Function room hire (public)	£18.00	£18.00	£18.00	£18.00	£0.00
Function room hire (corporate)	£20.00	£20.00	£20.00	£20.00	£0.00

### NOTES:

**20% discount applicable to multi-room or regular hirer bookings subject to the approval of the Chief Executive/Clerk**

# LEGISLATIVE COUNCIL

## Y Choonceil Slattyssagh



# ORDER PAPER

## Claare Obbyr

**Douglas**  
**Tuesday 16th December 2025**  
**at 10.00am**

### 1. To lay before the Council –

Written Evidence received from Local Authorities and the Department for Infrastructure in connection with the Local Government (Amendment) Bill 2023:

Andreas Parish Commissioners [[PP 2025/0192](#)]

Arbory & Rushen Parish Commissioners [[PP 2025/0193](#)]

Douglas City Council [[PP 2025/0194](#)]

Garff Commissioners [[PP 2025/0195](#)]

Lezayre Parish Commissioners [[PP 2025/0196](#)]

Marown Parish Commissioners [[PP 2025/0197](#)]

Michael District Commissioners [[PP 2025/0198](#)]

Onchan District Commissioners [[PP 2025/0199](#)]

Peel Town Commissioners [[PP 2025/0200](#)]

Port Mary Commissioners [[PP 2025/0201](#)]

Ramsey Town Commissioners [[PP 2025/0206](#)]

Santon Parish Commissioners [[PP 2025/0202](#)]

Department for Infrastructure [[PP 2025/0203](#)]

**2. Extradition Bill 2025 [Explanatory Notes]**

This Bill was amended in the Keys. An updated version of the Bill including the Keys amendments is [available](#).

Principles Stage

– Mrs Morphet

**3. Safeguarding (Amendment) Bill 2025 [Explanatory Notes]**

This Bill was amended in the Keys. An updated version of the Bill including the Keys amendments is [available](#).

Principles Stage

– Mrs Kelsey

**4. City of Douglas Bill 2025 [Explanatory Notes]**

Clauses Stage

– Mr Mercer

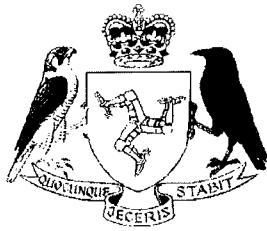
**5. Local Government (Amendment) Bill 2023 [Explanatory Notes]**

This Bill was amended in the Keys. An updated version of the Bill including the Keys amendments is [available](#).

Final Stage

– Mr Mercer

JOANN CORKISH  
Clerk of the Legislative Council  
Cleragh y Choonceil Slattyssagh



## **LOCAL GOVERNMENT (AMENDMENT) BILL 2023**

### **EXPLANATORY NOTES**

*These notes have been produced for the assistance of Members with the approval of the Member in charge of the Bill, the Hon C C Thomas MHK*

#### **INTRODUCTION**

1. These explanatory notes relate to the Local Government (Amendment) Bill 2023. They have been prepared by the Department of Infrastructure in order to assist readers of the Bill. They do not form part of the Bill and have not been endorsed by the House of Keys.
2. The notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So, where a clause or part of a clause does not seem to require any explanation or comment, none is given.

#### **SUMMARY AND BACKGROUND**

3. The primary purpose of the Bill is to facilitate the implementation of a number of recommendations of a Select Committee of Tynwald (Select Committee of Tynwald on Local Authorities: Members' Interests (petition for redress)) by amending the Local Government Act 1985 ("1985 Act").
4. The Bill also updates the provisions of the 1985 Act relating to Joint Boards and some minor amendments to other local government legislation such as the Local Government (Miscellaneous Provisions) Act 1984.
5. In summary the Bill proposes —
  - a. provisions that will implement the legislative recommendations of the Select Committee of Tynwald on Local Authorities: Members' interests;
  - b. the introduction of some new provisions (in section 7 of the 1985 Act) which will augment the express primary legislative power under which the Department makes Joint Board Orders;
  - c. the clarification of the obligations under the 1985 Act that apply to Joint Boards;

- d. the application of various provisions to Joint Boards and Joint Committees;
- e. the repeal the Douglas Market Act 1956;
- f. updating the provisions relating to Member expenses/allowances;
- g. clarification of local authority boundaries;
- h. clarifying the process in relation to alterations of the number of local authority members and wards;
- i. amending Local Government Superannuation Scheme legislation;
- j. update provisions relating to the inspection of minutes of local authorities' and
- k. amending the Tynwald procedure for local authority Byelaws.

## **THE STRUCTURE OF THE BILL**

6. The Bill contains 51 clauses and 4 schedules.

### **Clause 1: Title**

7. This clause gives the short title of the Act resulting from the Bill.

### **Clause 2: Commencement**

8. This clause makes provision for a number of provisions to come into operation on the announcement of Royal Assent, whilst the remaining provisions will come into operation by an appointed day order.

### **Clause 3: Amendments to the Local Government Act 1985**

9. This clause introduces the amendments to the 1985 Act.

### **Clause 4: Inquiries, reports and returns – section 4 amended**

10. This clause amends section 4 of the 1985 Act so as to include the ability for a relevant Department (Department of Environment, Food and Agriculture, the Department of Infrastructure and the Department of Health and Social Care) to hold an inquiry in relation to the functions of a joint board and to insert provisions regarding the conduct of such an inquiry, including the requirement for a panel and independent chairperson (appointed by the Governor) and the application of the Inquiries Evidence Act 2003.

### **Clause 5: Boundaries – section 5A inserted**

11. This clause inserts a new section 5A into the 1985 Act, by subsection (1) of which the boundaries of each of the districts is specified by reference to maps

to be deposited with the Clerk of Tynwald and makes provision for the amendment of subsection (1) by order, subject to Tynwald approval.

**Clause 6: Alteration to boundaries – section 6 amended**

12. This clause amends section 6 of the 1985 Act to insert a power for the Department of Infrastructure to make regulations in relation to the process by which a local authority may apply to alter its district boundaries. Section 71(2) applies and specifies that such regulations require Tynwald approval.

**Clause 7: Merger of local authorities – section 6A amended**

13. This clause amends section 6A of the 1985 Act to add reference to amending a district boundary map (under new section 5A) to the matters for which an order merging local authorities may provide.

**Clause 8: Establishment of joint boards – section 7 amended**

14. This clause substitutes section 7(3) of the 1985 Act which included the matters for which an order establishing a joint board may provide. The substituting subsection introduces new Schedule A1 which specifies the various matters which must and may be provided for in such an order.

**Clause 9: Division of district into wards, etc – section 9 amended**

15. This clause amends section 9 of the 1985 Act so as to standardise the process by which a local authority may make a scheme in relation to its district and the process by which the Department of Infrastructure may make an order to give effect to such a scheme. The amendments also insert regulation-making powers by which the Department may make provision in relation to a local authority scheme and a Department order made under section 9. Section 71(2) applies and specifies that such regulations require Tynwald approval. The amendments made by clause 9 replace the obligation for the Department to hold an inquiry before making an order under section 9, with a discretionary power.

**Clause 10: Insertion of division heading before section 10**

16. This clause inserts a division heading before section 10 (proceedings and allowances) of the 1985 Act.

**Clause 11: Repeal of sections 11 to 15 and insertion of new section 15A to 15H**

17. This clause repeals sections 11 to 15 of the 1985 Act and inserts sections 15A to 15H (derived from sections 27 to 34 of the Localism Act 2011 (of Parliament)).
  - a. New section 15A imposes a duty on every local authority to promote and maintain high standards of conduct, in particular the adoption of a code of conduct.

- b. New section 15B makes provision regarding such codes of conduct, including a requirement that a code is consistent with the "Nolan Principles" and in particular that a code must provide for the registration of interests and make provision with regard to a failure to comply with the provisions of a code and the investigations of such allegations.
- c. New section 15C makes provision for the register of members' interests which must be established by a local authority.
- d. New section 15D makes provision for and defines "disclosable relevant interests", which are to be disclosed on taking office.
- e. New section 15E makes provision for the disclosure by a local authority member, of a disclosable relevant interest which has not yet been entered into the authority's register.
- f. New section 15F makes provision regarding interests which may or may not be disclosable, but which are sensitive and the disclosure of which may expose the member or a person connected with the member, to violence or intimidation.
- g. New section 15G provides that on a written application from the clerk, in specified circumstances, a local authority may issue a dispensation from the restrictions on participation and voting on a matter in which the member has a disclosable relevant interest.
- h. New section 15H specifies the provisions in sections 15A to 15G which, if breached, constitute a criminal offence for which the maximum penalty (on summary prosecution) is a fine of level 4 on the standard scale, but also that, subject to time limits, a court may disqualify a person from being a local authority member. Any prosecution may only be brought by or on behalf of the Attorney General.

**Clause 12: Arrangements for discharge of functions by committees, etc – section 17 amended**

18. This clause amends section 17(2) of the 1985 Act to correct a grammatical error.

**Clause 13: Arrangements for discharge of functions — supplemental — section 17A inserted**

19. This clause inserts a new section 17A (Arrangements for discharge of functions — supplemental) into the 1985 Act by which, where a local authority makes arrangements for its functions to be exercised by a committee or sub-committee, 2 or more local authorities or an officer to whom the functions are delegated, references to the local authority in relation to those functions, are to be construed as references to the body, bodies or person exercising the function.

**Clause 14: Disqualification for membership of committees and disabilities for voting — section 20 amended**

20. This clause amends section 20(2) (disqualification for membership of committees and disabilities for voting) of the 1985 Act. The amendments are

consequential, due to the repeal of sections 11 to 14 and the insertion of section 15A to 15H.

**Clause 15: Disclosure by officers of interest in contracts – Section 23 amended**

21. This clause amends section 23 (disclosure by officers of interest in contracts) of the 1985 Act. The amendments are consequential due to the repeal of sections 11 to 14 and the insertion of section 15A to 15H.

**Clause 16: Standing orders – section 27 amended**

22. This clause amends section 27 (standing orders) of the 1985 Act so as to substitute “relevant interest” for a reference to pecuniary interests and inserts a requirement for local authorities to consult the Department of Infrastructure before making standing orders under that section.

**Clause 17: Substitution of cross heading before section 28**

23. This clause substitutes the cross heading before section 28 (byelaws for good rule and government, etc).

**Clause 18: Making of byelaws by Department – section 29 amended**

24. This clause amends section 29 (making of byelaws by Department) of the 1985 Act by setting out that byelaws made by the Department require Tynwald approval.

**Clause 19: Procedure, etc for byelaws – section 30 amended**

25. This clause substitutes sections 30(4), (5) and (6) (procedure, etc for byelaws) of the 1985 Act, so as to require any Byelaws made by a local authority to be approved by the Department and be laid before Tynwald.

**Clause 20: Substitution of cross heading before section 31**

26. This clause substitutes the cross heading before section 31 (notices, etc) of the 1985 Act.

**Clause 21: Public notices – section 32 substituted**

27. This clause amends section 32 of the 1985 Act (as it will by the time the resulting act comes into operation, have been amended by the Elections and Meetings (Local Authorities) Act 2021) so as to clarify the methods by which public notices may be served and documents made available for copying or inspection by a local authority.

**Clause 22: Inspection of minutes – section 34 substituted**

28. This clause substitutes section 34 (inspection of minutes) of the 1985 Act and for the existing provisions which relate to the inspection of documents,

substitutes Schedule 3A which provides for access to the meetings and to the documents of a local authority.

**Clause 23: Substitution of cross heading before section 35**

29. This clause substitutes the cross heading before section 35 (powers to enter on land) of the 1985 Act.

**Clause 24: Substitution of cross heading before section 38**

30. This clause substitutes the cross heading before section 38 (power to execute works on behalf of owners) of the 1985 Act.

**Clause 25: Application to joint boards – section 68 and Schedule 3 repealed**

31. This clause repeals section 68 and Schedule 3 on the date on which section 25 and Schedule A1 of the resulting Act come into operation and makes provision for joint boards which exist on the date on which the repeals take effect.

**Clause 26: Interpretation – section 72 amended**

32. This clause amends section 72 (interpretation) of the 1985 Act so as in subsection (1) to substitute the definitions of chairman and member and to insert definitions of clerk, co-opted member, Corporation and substitute member and provides that the subsection (1) may be amended by order, subject Tynwald approval.

**Clause 27: Insertion of new Schedule A1**

33. This clause inserts new Schedule A1 into the 1985 Act as set out in Schedule 1 of this Bill. Schedule A1 is introduced in amended section 7 of the 1985 Act (see clause 7).

**Clause 28: Meetings and proceedings of local authorities – Schedule 1 amended**

34. This clause amends Schedule 1 to the 1985 Act by inserting a new subparagraph 4(6) which provides that notice of a meeting may be served on a member by electronic means and amends paragraph 9 of that Schedule so as to provide for the signing and storing of minutes from a meeting at which members attend remotely.

**Clause 29: Attendance and travelling allowance – Schedule 2 substituted**

35. This clause substitutes Schedule 2 (attendance and travelling allowance) to the 1985 Act with the Schedule set out in Schedule 2 to this Bill and replaces the existing provisions regarding travel and attendance allowances, with general allowance provisions derived from section 18 of the Local Government and Housing Act 1989 (of Parliament), which provide that the Department of Infrastructure may make regulations authorising or requiring local authorities to make schemes for the payment of allowances to its members. Section 71(2) applies and specifies that such regulations require Tynwald approval.

### **Clause 30: Insertion of new Schedule 3A**

36. This clause inserts a new Schedule 3A, as set out in Schedule 3 of the Bill into 1985 Act, which is introduced by amended section 34 of the 1985 Act (see clause 22).

### **Clause 31: Transitional arrangements – Schedule 4 amended**

37. This clause amends paragraph 4 of Schedule 4 (Transitional arrangements) to the 1985 Act and the references to the provisions which do not apply to certain local authority minutes.

### **Clause 32: Local Government (Miscellaneous Provisions) Act 1984 amended**

38. This clause amends section 12(1)(a) (vesting of open space in local authority) of the Local Government Act (Miscellaneous Provisions) 1984 ("1984 Act") by omitting "pursuant to a development order" from the provision.

39. The clause also inserts a new section 12A in the 1984 Act. The new section makes provision for the disposal of land which has been dedicated as, or vested in, a local authority as open space. The section is derived from section 123 of the Local Government Act 1972 (of Parliament) and provides that, subject to a requirement to serve public notice in accordance with regulations to be made by the Department, a local authority may (i) grant a short tenancy (of less than 7 years) for the best consideration that can reasonably be obtained, (ii) with the consent of the Department, grant a medium tenancy (7 to 21 years), for the best consideration that can reasonably be obtained or (iii) with the consent of Tynwald, dispose of the open space by way of a disposal other than a short tenancy or a medium tenancy. The provision also inserts a definition of open space into the 1984 Act.

### **Clause 33: Public Sector Pensions Act 2011 amended**

40. This clause amends section 6(1) (functions of the PSPA) and substitutes section 17(3) (transitional provisions, amendments, and repeals) of the Public Sector Pensions Act 2011 to add to the matters for which the Public Sector Pensions Authority has the vires. The additional function is the provision of assistance to the Department of Infrastructure, in relation to a pension scheme to which section 8 of the Superannuation Act 1984 applies, for which, subject to consulting the Scheme administrator, the Authority may recover its reasonable costs, where the provisions of any such Scheme allow for administration and maintenance expenses to be paid out of the Scheme. (Despite the repeal of the Superannuation Act 1984, certain provisions by which the Department of Infrastructure may make schemes for the payment of superannuation were saved.) The clause also amends the transitional provisions in the 2011 Act as they apply to those saved provisions of the Superannuation Act 1984.

### **Clause 34: Elections (Keys and Local Authorities) Act 2020**

41. This clause amends the Elections (Keys and Local Authorities) Act 2020 so as to include provision for remote attendance at local authority meetings, in terms

which are consistent with those included in the Elections and Meetings (Local Authorities) Act 2021.

**Clause 35: Elections and Meetings (Local Authorities) Act 2021 amended**

42. This clause amends section 19 of the Elections and Meetings (Local Authorities) Act 2021.

**Clause 36: Douglas Cemetery Act 1895 amended**

43. This clause amends section 27 (bye-laws) of the Douglas Cemetery Act 1895 by requiring byelaws to be made by the local authority to be approved by the Department and laid before Tynwald.

**Clause 37: Pedlars and Street Traders Act 1906 amended**

44. This clause amends section 24 (issue of licence by local authority) and substitutes section 30 (local authority may make bye-laws) of the Pedlars and Street Traders Act 1906 by requiring byelaws to be made by the local authority to be approved by the Department and laid before Tynwald.

**Clause 38: Local Government Consolidation Act 1916**

45. This clause inserts a new 315A (bye-laws: general) into the Local Government Consolidation Act 1916 by requiring byelaws to be made by the local authority to be approved by the Department and laid before Tynwald.

**Clause 39: Local Government Amendment Act 1929**

46. This clause inserts a provision that requires byelaws to be made by the local authority to be approved by the Department and laid before Tynwald.

**Clause 40: Housing Act 1955 amended**

47. This clause substitutes section 48(2) and (3) (byelaw for regulation of local authority's houses) of the Housing Act 1955. Subsection (2) clarifies where penalties should be credited and subsection (3) clarifies the procedure for local authority and Department byelaws.

**Clause 41: Local Government (Ferries) Act 1960 amended**

48. This clause amends section 1 of the Local Government (Ferries) Act 1960 by requiring byelaws to be made by the local authority to be approved by the Department and laid before Tynwald.

**Clause 42: Local Government Act 1963 amended**

49. This clause amends section 25 (power to provide facilities and accommodation for travellers) of the Local Government Act 1963 by requiring byelaws to be made by the local authority to be approved by the Department and laid before Tynwald.

**Clause 43: Ramsey Town Act 1970 amended**

50. This clause amends section 5 (bye-laws) of the Ramsey Town Act 1970 by requiring byelaws to be made by the local authority to be approved by the Department and laid before Tynwald.

**Clause 44: Local Government (Miscellaneous Provisions) Act 1984 amended**

51. This clause amends section 11 (open spaces) power to provide facilities and accommodation for travellers) of the Local Government (Miscellaneous Provisions) 1984 by requiring byelaws to be made by the local authority to be approved by the Department and laid before Tynwald.

**Clause 45: Sewerage Act 1999 amended**

52. This clause amends section 36 (public lavatories) of the Sewerage Act 1999 by requiring byelaws to be made by the local authority to be approved by the Department and laid before Tynwald.

**Clause 46: Douglas Market Act 1956 repealed**

53. This clause repeals the Douglas Market Act 1956.

**Clause 47: Housing (Miscellaneous Provisions) Act 1976 amended**

54. This clause repeals the entry relating to section 48 of the Housing Act 1955 in Schedule 1 (exceptions and modifications of Part IV of the Act of 1955 in its application to housing provided by the Department) of the Housing (Miscellaneous Provisions) Act 1976.

**Clause 48: Local Government (Miscellaneous Provisions) Act 1976 amended**

55. This clause repeals the entry relating to the Douglas Market Act 1956 in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1976.

**Clause 49: Fines Act 1986 amended**

56. This clause repeals the entry relating to the Douglas Market Act 1956 in Schedule 1 to the Fines Act 1986.

**Clause 50: Garff (Local Government District) Order 2015 amended**

57. This clause amends Schedule 2 to the Garff (Local Government District) Order 2015 by substituting the map.

**Clause 51: Repeals and Revocations**

58. This clause repeals and revokes, in whole or in part, specified enactments as listed in the clause.

### **Schedule 1: New Schedule A1 to the Local Government Act 1985**

59. This Schedule specifies the various matters which must and may be provided for in an order under section 7 of the 1985 Act.

### **Schedule 2: Substituted Schedule 2 to the Local Government Act 1985**

60. This Schedule replaces the existing provisions regarding travel and attendance allowances, which general allowance provisions derived from section 18 of the Local Government and Housing Act 1989 (of Parliament), which provide that the Department of Infrastructure may make regulations authorising or requiring local authorities to make schemes for the payment of allowances to its members.

### **Schedule 3: New Schedule 3A to the Local Government Act 1985**

61. This Schedule sets out the requirements relating to access to the meetings and to the documents of a local authority, which is to be inserted into the 1985 Act.

### **Schedule 4: Garff (Local Government District) Order 2015 amended**

62. This Schedule substitutes the map in Schedule 2 to the Garff (Local District Government District) Order 2015.

### **HUMAN RIGHTS**

63. It is considered that the provisions of the Bill are compatible with the Convention rights within the meaning of the Human Rights Act 2001.

### **FINANCIAL EFFECTS OF THE BILL AND EFFECT ON HUMAN RESOURCES**

64. The resulting Act may have limited financial and human resource implications for local authorities related to the possible need to appoint an independent person for certain matters and in relation to the payment of the reasonable costs of the Public Sector Pensions Authority which are recoverable from the pension scheme where the scheme so allows.



# LEGISLATIVE COUNCIL OFFICIAL REPORT

RECORTYS OIKOIL  
Y CHOONCEIL SLATTYSSAGH

# PROCEEDINGS DAALTYN

(HANSARD)

Douglas, Tuesday, 16th December 2025

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**Volume 143, No. 6**

**ISSN 1742-2272**

**Present:**

**The President of Tynwald (Hon. L D Skelly)**

The Attorney General (Mr W H Wannenburgh),  
Mrs T M August-Phillips, Mr G R Clueit, Mr P H Craine, Mrs D Kelsey,  
Mr R J Mercer, Mrs K Morphet  
with Ms J Corkish, Clerk of the Council.

**Business transacted**

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## Legislative Council

The Council met at 10 a.m.

[MR PRESIDENT in the Chair]

**The President:** Moghrey mie, Olteynyn Onnoroil.

**Members:** Moghrey mie, Eaghtyrane.

5

**The President:** In the absence of the Bishop, I shall lead us in prayer.

### PRAYERS

The President

### Leave of Absence

**The President:** Hon. Members, I have given leave of absence to Mrs Kinnish, the Lord Bishop and Mr Reid.

## Order of the Day

### Papers laid before the Council

**The President:** We turn to Item 1. I call on the Clerk to lay papers.

10

**The Clerk:** Gura mie eu, Eaghtyrane.

Ta mee cur roish y Cooncil ny pabyr enmyssit ayns ayn nane jeh'n Chlaare Obbyr.

Thank you, Mr President.

I lay before the Council the papers listed at Item 1 of the Order Paper.

Written Evidence received from Local Authorities and the Department for Infrastructure in connection with the Local Government (Amendment) Bill 2023:

Andreas Parish Commissioners [[PP 2025/0192](#)]

Arbory and Rushen Parish Commissioners [[PP 2025/0193](#)]

Douglas City Council [[PP 2025/0194](#)]

Garff Commissioners [[PP 2025/0195](#)]

Lezayre Parish Commissioners [[PP 2025/0196](#)]

Marown Parish Commissioners [[PP 2025/0197](#)]

Michael District Commissioners [[PP 2025/0198](#)]  
Onchan District Commissioners [[PP 2025/0199](#)]  
Peel Town Commissioners [[PP 2025/0200](#)]  
Port Mary Commissioners [[PP 2025/0201](#)]  
Ramsey Town Commissioners [[PP 2025/0206](#)]  
Santon Parish Commissioners [[PP 2025/0202](#)]  
Department for Infrastructure [[PP 2025/0203](#)]

**2. Extradition Bill 2025 –  
Principles agreed**

Mrs Morphet to move:

That the Council is in agreement with the general principles of the Extradition Bill 2025 and that the Bill shall proceed to the Clauses Stage.

15      **The President:** Hon. Members, we move to Item 2 in our Order Paper, the Principles Stage of the Extradition Bill 2025, and I call on Mrs Morphet to move.

**Mrs Morphet:** Thank you, Mr President.

20      The Extradition Bill 2025 has progressed through the other place and I am pleased to bring the Extradition Bill for the Principles Stage here in this Branch.

I am very grateful to Members for their proactive engagement with the Department and the Attorney General's Chambers, with particular thanks to Mr Clueit and Mrs August-Phillips. I would also like to highlight that this has been an example of cross-Government collaboration as the Cabinet Office Team has worked very hard to continue the progress of this Bill while the 25 Department of Home Affairs legislation resources have been pressed.

This is an important Bill for the Island for many reasons. We are currently reliant upon the UK Extradition Act 1989, which has been repealed for the UK. Clearly it is not in our interest to continue to be tied to this out-of-date legislation. Extradition is a complex and sensitive issue that is a necessity to ensure justice is served while upholding human rights.

30      This legislation is a response to a recommendation from the Financial Action Task Force and will be an aspect of the upcoming Moneyval assessment. It also must be acknowledged that work first began on drafting this legislation over 10 years ago and progressed to the point of consultation. This was paused while the UK made decisions about their legislation moving forward and it is now time that this legislation makes its way through the Branches. This further evidences the value that the Island places on meeting its international obligations.

35      The UK retains responsibility for international treaties, conventions and agreements, however other Crown Dependencies have their own extradition legislation and this is viewed as the appropriate way forward. This Bill is in line with the legislation in Jersey and Guernsey and while the Isle of Man has had little need for this legislation over the years, and we do hope that 40 this will continue to be the case, we know that the legislation in Jersey has been tested over the last two decades.

Extradition is the legal mechanism for international co-operation in criminal justice matters where one country seeks to have a person who is in another country transferred to be prosecuted or serve a sentence for a serious offence. The purpose of the Extradition Bill is to 45 ensure that there is a modern, transparent and independent legal framework that is locally governed. The Bill maintains independence by ensuring that decisions are made by the Attorney General and the courts, reducing risks of political interference and ensuring decisions are made using an established evidence base.

50 It is very difficult to briefly summarise such a complex piece of legislation in an introductory speech for the purposes of this hearing, however I will do my best.

The Bill is organised into seven parts with supporting schedules, and I will briefly discuss each part and highlight the protections within the Bill.

55 Part 1 is introductory and provides the interpretations of terms throughout the Bill. Importantly, designated territories, part 1 and part 2 categories, are highlighted as listed individually in schedule 1, reflecting the different agreements that are in place between the UK and other countries in relation to requirements for *prima facie* evidence or those that require sufficient information.

60 The term 'extradition offence' is also defined as an offence that would be punishable by a custodial sentence of 12 months or more under Manx Law, ensuring that this legislation is only for use with offences that reach a threshold of seriousness.

The second and most substantial part of the Bill covers the core operational aspects of the process and is helpfully further separated into divisions. Broadly, this part of the Bill explains the initial request process via the Attorney General and then the High Bailiff provides for the issuing of an extradition or provisional arrest warrant dictating evidential thresholds.

65 It goes on to detail the hearing process, imposes legal restrictions, for example, double jeopardy and discriminatory motives, and it clearly states that extradition must be compatible with human rights legislation. If this is not the case then the person must be discharged. Finally, this part details the appeals processes and other miscellaneous procedures.

70 Part 3 considers re-extradition from the Isle of Man where a person has been extradited while serving a sentence and has now been returned to complete their sentence. On release, a re-extradition hearing will be conducted following the processes detailed in part 2.

Part 4 details the reciprocal nature of the Bill, enabling the Attorney General to request extradition to the Island.

75 Part 5 encompasses the police powers, including entry search and seizure powers and the identity measures.

Part 6 enables the safe transit of a person being extradited, including time limits and the ability of the Department to issue codes of practice.

80 Part 7 considers other miscellaneous provisions, including resuming deferred proceedings, special arrangements, live link, powers of customs officers, the ability to make subordinate legislation with Tynwald's approval required.

85 There was a limited public response to the consultation but a majority supported the Island complying with international obligations on extradition, having its own legislation, and having the Attorney General and the courts as the decision makers. The courts and the Isle of Man Law Society have engaged meaningfully with the process and have also been open to dialogue about practice implications to ensure that the Bill works with the court processes.

90 This is a Bill with many powers and it is important to highlight the significant safeguards within this legislation. The Bill details a number of bars to extradition that must be considered. Extradition must be refused if the person would face double jeopardy, if the request is driven by discrimination, where the passage of time would mean that extradition would be unjust, where hostage-taking concerns would prejudice a fair trial, or by applying the forum bar where the interests of justice show that the case should properly be tried on Island.

95 Clause 37 of the Bill maintains that extradition should be refused if it would be incompatible with the European Convention of Human Rights and if the death penalty may be imposed.

The Bill also includes time limits and appeal rights to the High Court and the Privy Council and provides for costs and compensation should discharge ultimately occur.

100 In summary, the Extradition Bill 2025 is a necessary piece of legislation, strengthening our international credibility. It embeds human rights in the decision-making process and is a practical response to the modern world of cross-border offending. This Bill replaces the current uncertainty for the Island with a structured process to enable decision-making by a criminal justice system.

I commend this Bill to the Legislative Council and beg to move that the Council is in agreement with the general Principles Stages of the Bill and that the Bill shall proceed to the Clauses Stage.

Thank you.

105

**The President:** I call on Mr Clueit.

**Mr Clueit:** Gura mie eu, Eaghtryrane.

110 I would just like to express my appreciation to both the Department and the Attorney General's Chambers for their early and ongoing engagement in bringing forward this Bill. I beg to second.

**The President:** I call on Mrs August-Phillips.

115 **Mrs August-Phillips:** I would also like to thank the Department, also the Cabinet Office as well, the External Relations Team and the Minister for Justice and Home Affairs for being so open to meeting to discuss the matters of concern that I had in relation to this Bill, and having dealt with them so early in either amendments or explanation and otherwise.

120

**The President:** I call on Mr Craine.

**Mr Craine:** Gura mie eu, Eaghtryrane.

125 I too welcome this piece of legislation. It is a very substantial piece of legislation, and you can see when you get into part 1, and it gives you all the definitions and the meanings and so on, that you are dealing with something that is complex in there as well.

130

At some point as we go forward, it would be interesting to hear the Attorney General's understanding of his position and the High Bailiff's position, which clearly they have key roles within the Bill going forward. I do not know if the Attorney General wants to speak on that today or if he save that for later sessions, but it would be interesting to hear his thoughts on the role that he is having to play in this Bill.

Thank you, Mr President.

**The President:** Mr Attorney, do you wish to save your comments?

135

**The Attorney General:** Yes, in short order, I think they are probably more appropriately made as we traverse the clauses.

**Mr Craine:** Okay. I am happy with that.

Thank you, Mr President.

140

**The President:** I call on Mrs Kelsey.

**Mrs Kelsey:** Gura mie eu, Eaghtryrane; thank you very much.

145 Thank you to the Hon. Member for bringing this forward, and also the cross-Department working that has taken place. I see we have a Member of the Cabinet Office here today, and that is testament to how we can work across Departments, so I am very heartened to hear that.

Thank you very much, Mr President.

**The President:** Mover to reply.

150

**Mrs Morphet:** I have no further comments, and I beg to move.

Thank you very much, everybody.

155 **The President:** Hon Members, we now come to vote on this, the Principles Stage of the Extradition Bill 2025. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. The Principles Stage do pass.

### 3. Safeguarding (Amendment) Bill 2025 – Principles agreed

Mrs Kelsey to move:

That the Council is in agreement with the general principles of the Safeguarding (Amendment) Bill 2025 and that the Bill shall proceed to the Clauses Stage.

**The President:** Moving on to Item 3 of our Order Paper, the Principles Stage of the Safeguarding (Amendment) Bill 2025. I call on Mrs Kelsey to move.

160 **Mrs Kelsey:** Gura mie eu; thank you, Mr President.

I am delighted to move the Safeguarding (Amendment) Bill 2025 at Principles Stage today. It represents a vital step forward in strengthening our safeguarding framework for children and vulnerable adults here on the Isle of Man.

165 The Bill before us is a result of a request from the Safeguarding Board following review of how the Safeguarding Act has been working for them in practice. The Safeguarding Board see the need to be able to make amendments to the membership of their Board and, most importantly, to strengthen the power to share information across all agencies where there are safeguarding concerns. This Amendment Bill directly addresses these areas.

170 The Bill also provides for further amendments to qualify and ensure that the role of the chair is independent of any agency or Department that is represented on the board.

175 The current independent chair, Mrs Lesley Walker, who I send my warm thanks to for the work she has been doing and her team for the Isle of Man over the last few years, is fully supportive of the Bill and has advocated on a number of occasions the need for better information sharing to safeguard children and vulnerable adults, including in her foreword in previous annual reports. We have been very fortunate, as Members, to hear from Mrs Walker and the team on an annual basis, and it is very heartening how connected they are with keeping us up to date.

180 Mr President, the existing primary legislation – the Safeguarding Act 2018 – specifies the membership of the board under section 6. This has meant that following organisational changes, such as the creation of Manx Care, there is little ability to amend the composition of the board without making amendments to the primary legislation. I am sure my colleagues around this Court understand that I am not a fan of setting membership in this way through primary legislation as changes elsewhere can have a disproportionate and perverse and limiting effect on the safe and effective operation of the legislation. This is better handled in regulations or even orders.

185 Clause 6 of this Amendment Bill updates the composition of the board by allowing the memberships to be set by regulations instead of the primary Act. The board recognised that to change its composition an amending Bill would be needed, to allow the membership of the board to be amended more swiftly in future.

190 However, we also saw amendments in the other place, as moved by Mr Hooper MHK, and these were supported by the Department and in the House of Keys in respect of appointments to the board and these are as follows:

A person employed by, or holding office in, a relevant safeguarding body may not be appointed to the board.

The board members shall be appointed by the Chief Executive Officer (Isle of Man Government). Appointments to the board are not subject to the direction of Tynwald, its Branches, the Council of Ministers, a Minister or any other person.

195 What that is linked to is depoliticising the process and ensuring they can be a truly independent board.

200 The Bill also clarifies, as I said, the independent chair's role, their powers and protections, with minor amendments to the definition of 'the Chair' and a reinforcing of the independence of the Chair of the Safeguarding Board. This ensures the chair can challenge Departments and agencies involved with safeguarding robustly and without fear or favour. Again depoliticising the process.

205 Most significantly, Mr President, is that the board had repeatedly found, through practitioner feedback and serious case management review evidence, that there are concerns regarding the complicating factors around information sharing across multi-agency partners where there are safeguarding concerns. This has repeatedly been recognised as a barrier to safeguarding vulnerable people and children in an appropriate and timely manner. Although the law did not stop it happening it was very much an impediment to it happening easily and fluidly.

210 This concern is also backed up by safeguarding practitioner surveys in both 2022 and 2024, which highlighted that a fear of breaching data protection laws had hindered effective safeguarding interventions.

215 It is important to be clear, Mr President, that current data protection legislation does not prevent the sharing of information where there is risk of harm to a child or any person. However, there is clear fear there. When information is withheld out of fear or confusion the consequences can be devastating. This legislation ensures that professionals are empowered and feel fully able to share where they have a concern.

This Bill provides a clear legal basis for practitioners to act decisively and collaboratively, which is why in clause 4 we introduce a statutory duty to disclose safeguarding information between relevant persons, ensuring timely and appropriate action.

220 By formalising this duty to disclose, ambiguity is removed, and proactive co-operation is formalised. This Bill, however, does not override data protection legislation and guidance but clarifies it and ensures that the duty to protect children and their welfare from harm and abuse and to safeguard vulnerable adults is not obstructed by the misinterpretation of privacy laws.

225 Should the Bill pass through the Legislative Council, the Safeguarding Board Business Team in Cabinet Office has plans for multi-agency and internal agency promotion of the changes to ensure that safeguarding practitioners are fully aware of the new duty to share information, along with a series of planned workshops to strengthen the understanding and confidence of practitioners when sharing information for safeguarding purposes.

230 The changes proposed in the Bill regarding information sharing have been discussed with the Information Commissioner and, if approved, it is planned for the Commissioner's office to distribute key messages to support the rollout of the duties to share information when there are safeguarding concerns regarding the welfare or harm or abuse of a child or vulnerable adult.

I would like to take this opportunity, Mr President, to address some of the queries that have come up from Hon. Members of Council, either through correspondence or during the briefing on the Bill held last week and previously.

235 The purpose of the Safeguarding Act and the Bill before us today is to support how agencies work together as a body for multi-agency safeguarding rather dealing with how individual agencies provide safeguarding to individuals.

These functions and expectations would be found within those multi-agency policies and procedures hosted by the Safeguarding Board, which provides more detailed guidance of

240 safeguarding issues. This is further supported by training and discussion at board and its sub-group meetings.

245 In developing the Bill which we discuss today, the Cabinet Office have considered a number of queries posed by my hon. colleague, Mrs Morphet MLC, who I warmly thank for her engagement with me and for her expertise in this sensitive area. Thank you. I am grateful, for the purposes of this Bill, we have satisfied her with our responses thus far. However, she has raised some important points which will be taken forward. Thank you.

In concluding, Mr President, this short Bill delivers clarity, flexibility, and accountability where it is most needed: that is safeguarding of children and vulnerable adults.

250 Importantly, it seeks to empower our safeguarding professionals to act without hesitation, to strengthen the independence of the Chair of the Safeguarding Board, and ensures that our legislative framework can adapt to future organisational change. Above all, it places the protection of children and vulnerable adults at the heart of our public service ethos.

255 Eaghtryrane, Mr President, I will read correctly from Standing Orders. I beg to move that the Council is in agreement with the general principles of the Bill and that the Bill shall proceed to Clauses Stage.

Gura mie eu.

**The President:** I call on Mr Mercer.

260 **Mr Mercer:** Gura mie eu, Eaghtryrane.  
I beg to second.

**The President:** I call on Mrs Morphet.

265 **Mrs Morphet:** I welcome this Bill, thank you, Mr President, but I am saddened by the necessity in relation to information sharing. Years and years ago, when I was a young and somewhat naïve social worker, the report by Lord Laming in 2003 into the tragic death of Victoria Climbié clearly highlighted the need for information sharing. Multiple reports, inquiries and serious case reviews since then have continued to find information sharing failings.

270 I hope that finally the duty to safeguard children and adults will take priority over any other considerations.

Thank you.

**Two Members:** Hear, hear.

275 **The President:** I call on Mr Craine.

**Mr Craine:** Gura mie eu, Eaghtryrane.

280 I would like to thank the mover and I, too, welcome this Bill. The Act that it is actually amending is a mighty Act, a hugely important piece of legislation in its own way, because it defines vulnerable adults and it establishes a Safeguarding Board and outlines the board's objectives of safeguarding and promoting the welfare of children of potentially vulnerable adults. I know I am echoing some of the mover's comments, but just to highlight those.

285 This Amendment Bill updates the legislation, takes account of the existence of Manx Care, for example, it also strengthens the composition and the role and the independence of the board, and then it introduces this duty of disclosure, which is putting it very clearly a duty to disclose information for safeguarding purposes, and I very much support the outcomes the Bill is seeking to achieve.

Thank you, Mr President.

290 **The President:** I call on the mover to reply.

295 **Mrs Kelsey:** Thank you very much, Mr President; and thank you to Hon. Members for their engagement throughout this process.

With no further ado, I beg to move that Council is in agreement with the general principles of the Safeguarding (Amendment) Bill 2025 and that the Bill shall proceed to the Clauses Stage.

Thank you, Mr President.

300 **The President:** Hon. Members, we now vote on that, the Principles Stage of the Safeguarding (Amendment) Bill 2025. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it.

**4. City of Douglas Bill 2025 –  
Item not moved**

**The President:** We know that, as you have been advised, Item 4 will not be moved

**5. Local Government (Amendment) Bill 2023 –  
Bill passed**

Mr Mercer to move:

That the Local Government (Amendment) Bill 2023 do now pass.

**The President:** Therefore, we move on finally to Item 5 of our Order Paper, the final stage of the Local Government (Amendment) Bill 2025. I call on Mr Mercer to move.

305 **Mr Mercer:** Gura mie eu, Eaghtryrane.

I would like to thank the Hon. Members of this Council for their engagement and support for this Bill through its passage. This is an important piece of legislation, which will help to modernise local government on the Island. I would also like to thank my seconder, Mrs Kelsey, and to thank Mrs August-Phillips and Mr Clueit for the amendments they have brought forward for consideration and inclusion in this Bill.

310 Eaghtryrane, it is important to acknowledge that the main driver behind this Bill is to facilitate the implementation of a number of recommendations made by the Select Committee of Tynwald on Local Authorities: Members' Interests (Petition for Redress). I think it is just worth reading out what that original petition called for, 'Robust legally binding Guidelines, Rules or 315 Regulations being introduced to clarify the responsibilities of members of Local Authorities where declarations of interest are concerned, as to when to decline to participate or vote, where a conflict, or potential conflict of interest may arise, including but not limited to the compulsory establishment of a Register of Interests for all members of Local Authorities to be 320 available for public inspection.'

325 The recommendations arising from that Select Committee report were debated and approved unanimously by Tynwald on Tuesday, 16th October 2012.

Alongside the implementation of those recommendations, the Bill also introduces amendments relating to codes of conduct and to access to meetings and documents, which will 325 improve the governance of the Island's local authorities and make them more open and transparent to their ratepayers.

Furthermore, the Bill proposes to update enabling provisions relating to the Local Government Superannuation Scheme within the Superannuation Act 1984. These amendments will allow the Department to apply UK local government pension regulations to the Island where that may be beneficial to the Island's scheme.

330 The Bill also updates provisions within the Local Government Act 1985 relating to joint boards, together with some minor amendments to other local government legislation, including the Local Government (Miscellaneous Provisions) Act 1984.

335 Eaghtryrane, this Bill will also change the procedure by which local authority byelaws are approved. Once enacted, local authority byelaws will require only departmental approval, which will help to streamline the approval process. During consideration of these provisions, questions were raised regarding the deposit of byelaws at the principal office of a local authority, and I can confirm that where a clerk's office is located at their residence, and that address has been notified as the local authority's address, it is considered the principal office for these purposes.

340 The Local Government (Miscellaneous Provisions) Act 1984 currently requires local authorities to hold and manage open space for the enjoyment of the public. This Bill will allow local authorities to lease or licence such open spaces to other parties, enabling those spaces to be managed and used for the benefit of the community.

345 The Bill also clarifies the status of local authority boundaries and the mechanisms by which those boundaries may be changed, either through mergers or boundary extensions. In addition, the Bill devolves the power to set members' expenses and allowances to the local authorities themselves.

In light of the sale of the Old Market Hall on North Quay, the Douglas Market Act 1956 is no longer required, and this Bill will repeal that Act.

350 Finally, Eaghtryrane, I think it is important to reflect on clause 5 of the Bill. This clause proved to be a contentious issue for local authorities following its insertion into the Bill by the other place. However, this Council has scrutinised the clause carefully, including through an evidence stage, and as a result has introduced safeguards to ensure appropriate limits around the powers granted to the Department. I hope that Hon. Members will now give this Bill their full support.

355 Eaghtryrane, I beg to move that the Local Government (Amendment) Bill 2023 do now pass.

**The President:** I call on Mrs Kelsey:

360 **Mrs Kelsey:** Gura mie eu, Eaghtryrane.  
I beg to second.

**The President:** I call on Mrs August-Phillips.

365 **Mrs August-Phillips:** Gura mie eu, Eaghtryrane.  
I do appreciate all of the time that the Department has taken, particularly in having discussion with myself, with Mr Mercer and Mr Clueit around the amendments that have been made to the Bill regarding clause 5, and I know that that has taken an awful lot of time in this Chamber when it is a substantial piece of legislation that is doing an awful lot. So I am sorry to add to this discussion.

370 However, there has been some talk of the amendment by Mr Clueit being rejected in another place already, and I suppose, Mr President, with your leave, I would quite like to ask the question of the Department as to whether or not they still hold the same views that they held in Council or whether or not that view has shifted because there has been some degree of talk even this morning around all of that before it even reaches the other place.

375 **The President:** I do not know if Mr Mercer is in a position to comment on that.

380 **Mr Mercer:** I am not in a position to speak for the Department. Perhaps Mr Brooks, who is with us, might be able to offer some assistance in this matter.

385 **The President:** It is a policy matter I guess but I will give the – Mr Brooks, if you introduce yourself, if you have any comments to make that may be helpful.

390 **Mr Brooks:** Thank you, Mr President.

395 Obviously Members are aware of the letter that has been circulated to yourselves last week from the Minister relating to the potential withdrawal of Mr Clueit's amendment and to then resolve for yourselves to act as that scrutiny body in relation to clause 5.

400 **Mrs August-Phillips:** So is the position then the same as has been outlined in the letter?

405 **Mr Brooks:** At this moment in time, yes, it is. It has not changed since the letter has been issued.

410 **Mrs August-Phillips:** Can I ask why?

415 **Mr Brooks:** In what respect?

420 **Mrs August-Phillips:** Why the policy is not appreciated by the Department, the idea of post-legislative scrutiny?

425 **Mr Brooks:** The Department is not against post-legislative scrutiny. What the Department is concerned about is whether it is appropriate in terms of Council of Ministers doing that review and then laying the report, but I think in the letter that has been outlined is that it is the Minister's understanding that the report which would have recommendations cannot be laid before Tynwald, and those recommendations would have to be voted on by Tynwald.

430 The intention as outlined in the letter is what it is saying, that actually just give some form of independence away from Government and saying that the Legislative Council could be that body to actually scrutinise from a post-legislative aspect of that particular clause.

440 **Mrs August-Phillips:** Interesting.

Gura mie eu, Eaghtryrane.

445 **The President:** I think we just need to be careful, Hon. Members, of asking about policy matters to the Executive.

450 Anything further, Hon. Members?

Mr Craine.

460 **Mr Craine:** Gura mie eu, Eaghtryrane.

465 I am grateful for what we have done here through the Clauses Stage. I am grateful for the extent looking back on the Bill to which the local authorities have been engaged with us in the Evidence Stages and so on, and in correspondence since. I think there are two things in particular that we have done in Council to this Bill.

470 First of all the amendments relating to clause 5, especially the amendment, the consultation now has to include financial and operational matters going forward. I think that strengthens it quite substantially and I think what is important out of the amendment that has just been under discussion here, it has been an important addition that Council has introduced the idea of reviewing the legislation after three years. I think how that is actually achieved is perhaps open to further debate in here, but the important bit is that reviewing of the legislation after three years, whether that is by the Department or whether that is by post-legislative scrutiny I do not

430 think matters too much. The important thing is that there is a review looking back at what the effects of this Bill are as it goes forward.

Thank you, Mr President.

**The President:** I call on Mr Clueit.

435 **Mr Clueit:** Gura mie eu, Eaghtyrane.

I do have some sympathy with the Department's position on this, and what I can say is if it goes back – if we pass this today and it goes back to Keys, I, and I believe certain other Members, are certainly willing to work with the Department and the Minister on amending this in Keys to make it more palatable to both the Department and to this Chamber.

440 Gura mie eu.

**The President:** I call on Mr Mercer to reply.

445 **Mr Mercer:** Nothing further to add, Mr President.

I beg to move.

450 **The President:** Hon. Members, we now come to vote on this Item, which is the final stage of the Local Government (Amendment) Bill 2025. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. The final stage do pass.

That, Hon. Members, concludes the business today. Council will now stand adjourned to the next sitting. It just leaves me to say to you and wish you Nollick Ghennal as Blein Vie Noa.

**Members:** Nollick Ghennal, Eaghtyrane.

455 The Council adjourned at 10.35 a.m.



## **ONCHAN DISTRICT COMMISSIONERS**

DRAFT submitted to CEO  
08/01/2025 superseded  
16/01/2025 & 18/02/25  
Sent to DOI February 2025  
Updates March & May 2025  
Circulated to ODC  
Managers 30/05/25  
Met with CEO 23/10/25  
Amendments 23/10/25  
Issued to Lead Member for  
Housing for review 28/10/25

### **APPENDIX 10.2.**

## **SAFEGUARDING POLICY AND PROCEDURES**

Date: January 2026  
Review: January 2029

# ONCHAN DISTRICT COMMISSIONERS



## SAFEGUARDING POLICY AND PROCEDURES

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Please be aware that a hard copy of this document may not be the latest available version, which is available in the Authority's document management system, and which supersedes all previous versions.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

Effective from:	Replaces:	Originator:	Page X of Y
November 2025	New Policy	Chief Executive/Clerk	1 of 7
Board Ratification:			

History or Most Recent Policy Changes – MUST BE COMPLETED		
Version:	Date:	Change:
1	23/10/25	New Document

**Onchan District Commissioners**  
**Safeguarding Policy and Procedures**

**1. PURPOSE**

Onchan District Commissioners (the "Authority"), will come in to contact with people who may be at risk and need extra support to stay safe and well.

This policy seeks to provide awareness and guidance regarding safeguarding in relation to the services provided by the Authority.

The Authority will refer concerns to appropriate external agencies, and will not undertake investigations.

**2. SCOPE**

This policy defines:

1. The Authority's aims
2. What key words mean
3. Roles and responsibilities
4. How to report concerns
5. Training requirements
6. How the Authority records and keeps information private
7. Where to get more help
8. Which laws apply

**3. AIMS**

- To protect vulnerable individuals from abuse, neglect and exploitation
- To promote awareness of safeguarding practices within the Authority
- To create a safe, supportive environment where individuals can report concerns without fear of judgement or retribution.
- To follow recognised good practices.
- Help people make informed choices about their own safety, in line with Making Safeguarding Personal.
- To identify and respond to safeguarding concerns.
- Work with the right agencies to get people the support they need

#### 4. DEFINITIONS

##### 4.1 **Safeguarding:**

The protection of individuals from harm, abuse, neglect, and exploitation, and promotion of their health and well-being.

##### 4.2 **Vulnerable Individuals:**

Individuals who may be at risk of harm, abuse, neglect, and exploitation, due to factors such as age, disability, mental health issues, social isolation or other personal circumstances.

##### 4.3 **Abuse:**

Any act, intentional or unintentional, that causes harm or distress to an individual. Types of abuse but are not limited to:

- **Physical abuse** – hitting, slapping, pushing, or other forms of physical harm.
- **Sexual abuse** – unwanted sexual contact or exploitation.
- **Emotional or psychological abuse** – threats, intimidation, or humiliation.
- **Financial abuse** – illegal or unauthorised use of a person's financial resources.
- **Neglect** – failure to meet an individual's basic needs, including food, shelter, and healthcare.
- **Discriminatory abuse** – treating someone unfairly based on their race, gender, disability, etc.

##### 4.4 **Making Safeguarding Personal:**

Making Safeguarding Personal means putting the person first, focusing on what matters to them and improving their quality of life, choice and control. The six principles of safeguarding are:

1. **Empowerment** – An individual being supported and encouraged to make their own decisions and informed consent.
2. **Prevention** – It is better to take action before harm occurs.
3. **Proportionality** – The least intrusive response appropriate to the risk presented.
4. **Protection** – Support and representation for those in greatest need.
5. **Partnership** – Communities have a role to play in preventing, detecting and reporting.
6. **Accountability** – accountability and transparency in delivering safeguarding.

## 5. ROLES and RESPONSIBILITIES

### 5.1 Onchan District Commissioners

The Authority does not have statutory duties under the Safeguarding Act 2018. The Authority will act as a referral body and work in collaboration with appropriate external agencies.

### 5.2 Chief Executive/Clerk

- Promote a safeguarding culture.
- Advise management, staff and Board Members on safeguarding risks and policy implications.
- Develop, implement and review safeguarding policies and procedures.
- Collaborate with external agencies in referrals.
- Represent the Authority in safeguarding meetings.
- Give staff clear guidance on thresholds, referrals and processes.
- Provide training for staff.

### 5.3 Staff

- Complete safeguarding training appropriate to their role.
- Follow safeguarding policies and procedures.
- Identify and report concerns.
- Treat concerns confidentially and with respect for privacy and dignity.
- Actively contribute to creating a safeguarding culture.
- Encourage individuals to raise concerns in a confidential and supportive manner, ensuring their wishes are respected.

### 5.4 Individuals

- Individuals are encouraged to report any safeguarding concerns to any trusted member of staff or external agency.
- All concerns will be handled with confidentiality to protect the individual's privacy and ensure they feel safe to do so.

### 5.5 External Agencies

- In cases where concern involves criminal activity or requires expert intervention, agencies such as the police, social services, or health professionals will be informed.

## 6. SAFEGUARDING PROCEDURE

<b>Identification of Concerns</b>	
Concerns	Concerns may arise from staff observations, individual disclosures, or reports from external sources.
Internal Reporting	Safeguarding concerns to be reported to: <ul style="list-style-type: none"><li>• Chief Executive/Clerk</li><li>• Housing Manager</li><li>• Deputy Clerk</li></ul>
External Agencies	To address safeguarding concerns, the Authority will refer and work with agencies such as the Police, Social Services, Eastern Wellbeing Partnership or Health Care Providers.
<b>Immediate Action (if necessary)</b>	

Immediate Danger	If there is immediate danger staff should act swiftly to ensure the person's safety.
Serious Concerns	Serious concerns should be escalated directly to external agencies, (e.g. Police, social services).
Recording	Document the action taken, including the reason for any emergency intervention.
<b>Support for the Individual</b>	
Collaboration	In collaboration with external agencies, offer ongoing support to keep the person safe and well.

## 7. AUDIT TRAIL AND DOCUMENTATION

Record all actions clearly so we can show what support we offered, what referrals are made and why.

## 8. CONFIDENTIALITY

- Handle all concerns in strict confidence.
- Share information only with those who need to know to protect the person and provide support.
- Personal data will be protected in accordance with data protection laws.

## 9. DATA PROTECTION and PRIVACY

### Data Protection

The data provided will be treated with care and in compliance with the General Data Protection Regulations and the Data Protection Act 2018. Personal data will only not be shared with third parties without the individual's consent unless there is a lawful basis for doing so.

The Authority understands the sensitivity of special category data and the information individuals may share with them. Any personal data collected will be stored in line with the Authority's privacy policy.

## 10. RISK MANAGEMENT

Employees have a right to work in an environment that is free from aggressive, threatening behaviour or abusive behaviour. The Authority is committed to maintain a safe and respectful workplace where all individuals can carry out their duties without fear of harm, intimidation or harassment.

In the event that an employee experiences such behaviour, they will receive immediate support. This may include access to counselling services, guidance from management and a clear process for reporting and addressing incidents.

## 11. FURTHER GUIDANCE

Due to the complexities of safeguarding further guidance and procedures are available through Isle of Man Safeguarding Board at [https://www.proceduresonline.com/iom/sb/contents\\_adult.html](https://www.proceduresonline.com/iom/sb/contents_adult.html)

- Email:** [safeguardingboard.co@gov.im](mailto:safeguardingboard.co@gov.im)
- Phone:** +44 (0)1624 687365

## **12. LEGAL AND REGULATORY FRAMEWORK**

This policy has been developed considering the Safeguarding Act 2018, IOM Safeguarding Multi-Agency Safeguarding Procedures, the General Data Protection Regulation (GDPR) and other relevant legislation



**Isle of Man**  
Government  
*Reilleyv Ellan Vannin*



# **Consultation on proposals for the Shared Equity Purchase Assistance Schemes**

**Housing Agency**  
**Department of Infrastructure**

**Closes:** 15 January 2026  
**Opened:** 04 December 2025

## Executive Summary

The Housing Agency in the Department of Infrastructure currently provides house purchase assistance through two schemes offering Shared Equity Loan Assistance:

- First Home Fixed Scheme<sup>1</sup>
- First Home Choice Scheme<sup>2</sup>

This consultation outlines proposed amendments to these schemes aimed at improving affordability and access to home ownership. The proposals respond to a June 2024 Tynwald resolution requiring a review of home purchase assistance schemes and the development of an affordability framework. They also reflect recent policy developments, including the 2022 scheme updates and expanded eligibility for second-time buyers.

Key proposals include:

- Resetting income thresholds and discounted purchase prices using updated earnings and construction cost data, with annual indexation applied going forward to maintain affordability and scheme relevance.
- Extending interest-free periods and increasing equity loan assistance under the Choice Scheme to support market access.
- Reducing residency requirements under the Choice Scheme to improve access for new residents who have recently settled on the Island and committed to staying here.

In line with this resolution, the Housing Agency has reviewed the affordability framework and proposes an approach that guides applicants on their repayment capacity. This aims to support practical affordability while maintaining inclusive access.

The Department is now instructing the drafting of amendment legislation for implementation by 1<sup>st</sup> April 2026. This consultation seeks feedback from stakeholders and the public to help shape the final proposals.

Please note: For clarity on which proposals are open to feedback and how your input will be used, see the Consultations Scope section immediately following this summary.

## Consultation Scope

This consultation seeks your views on proposed changes to the Shared Equity Purchase Assistance Schemes. We are committed to meaningful engagement and want to be transparent about the areas where your feedback can have the most impact:

- Some proposals are required by law, policy, or previous decisions (such as Tynwald resolutions). For these, we welcome your feedback on how they are implemented and any potential impacts or unintended consequences.
- Other proposals are more flexible, and we are genuinely seeking your ideas, alternatives, and suggestions.
- All feedback will be reviewed and summarised for the Housing Agency Board. While not every suggestion can be adopted, your input will help shape the final approach and ensure the schemes remain responsive to the needs of the Island.

We encourage you to be as specific as possible in your responses, especially where you have evidence or experience that could inform our decisions.

---

<sup>1</sup> "First Home Fixed Scheme" is the short name for the Shared Equity Purchase Assistance (First Home Fixed) Scheme 2014

<sup>2</sup> "First Home Choice Scheme" is the short name for the Shared Equity Purchase Assistance (First Home Choice) Scheme 2014

## Section 1. About You

**In what capacity are you responding to this consultation?  
(required)**

Individual

Organisation

**If you are an individual responding in your own right, please indicate your home ownership status:**

Homeowner (no mortgage)

Homeowner (with mortgage)

Private renter

Social or subsidised renter

Living with family

Living with friends

Other (please specify): \_\_\_\_\_

**If you are responding on behalf of an organisation, please provide details:**

Organisation name: \_\_\_\_\_

Organisation type:

Government Department

Local Authority

Charity or Non-Profit

Developer

Estate Agent

Financial Advisor

Mortgage Provider

Law Firm

Other (please specify): \_\_\_\_\_

**May we publish your response?**

**(required)**

Please read our Privacy Policy for more details and your rights

Yes, you may publish my response anonymously

No, please do not publish my response

## **Section 2. Responding to Tynwald's Resolution on Income Thresholds**

In June 2024, Tynwald passed a resolution recommending that income thresholds for shared equity purchase assistance schemes be based on the principle that repayments should not exceed 35% of a purchaser's net income (after tax and national insurance), assuming a total borrowing level of 95% of the property's value (including both mortgage and equity loan assistance).

The Housing Agency supports the principle that home purchase assistance should be targeted at those who genuinely need support, and that affordability should be a key consideration in determining eligibility, based on 95% borrowing on a property, while keeping repayments within the 35% threshold.

However, analysis shows that using this principle in determining eligibility would create unintended consequences:

- Households earning just above the threshold could be excluded from assistance, even if they still need support.
- Those who do qualify might still face financial strain, as they could be approved despite not earning enough to meet the minimum affordability criteria.

To avoid these issues, the Agency's current position is to consider the affordability of the applicant but not to apply affordability as a strict eligibility test. Applicants identified as potentially needing to spend more than 35% of their net income on repayments will not be excluded but will be advised to seek financial advice before proceeding.

In addition, the Housing Agency proposes to:

- Reset income thresholds using updated earnings data.
- Index link these thresholds going forward to maintain alignment with wage growth and economic conditions.

This approach aims to balance affordability with practical implementation and transparency.

### **Consultation questions**

1. What would help applicants better understand their financial position when applying for shared equity assistance?
2. What practical issues or unintended consequences should the Agency consider with this approach?

### **Section 3. Index linking income thresholds and discounted purchase prices**

The Agency proposes that, from the 1 April 2026, both the income thresholds for eligibility under the Fixed and Choice Schemes, and the discounted purchase prices for affordable homes under the Fixed Scheme, be automatically adjusted each year based on relevant economic indicators. This process – known as index linking – would mean that these figures are reviewed and updated annually without requiring separate policy decisions.

#### **Why is this being proposed?**

Over time, inflation and rising costs can erode the effectiveness of fixed thresholds and price caps. Without regular updates:

- Fewer people may qualify for assistance.
- The level of support available may no longer reflect the realities of the housing market.

Index linking aims to:

- Maintain the relevance and fairness of the schemes over time.
- Reduce the need for ad hoc reviews and one-off adjustments.
- Provide greater certainty and transparency for applicants, developers, and stakeholders.

The Agency intends to implement index linking for these elements. What remains open for feedback is how this should work in practice – for example, which metrics to use and what impacts to consider.

#### **Consultation questions**

3. The Agency intends to introduce annual index linking for income thresholds and discounted purchase prices. What practical issues or challenges do you think this might create for applicants, developers, or the wider housing market?
4. What considerations should be taken into account when selecting appropriate economic indicators for index linking, such as earnings data or construction cost indices?
5. What unintended consequences should we anticipate with this approach?

## Section 4. Proposed metrics for indexation

To keep the Shared Equity Purchase Assistance Schemes fair and responsive to economic conditions, the Agency proposes the following approach from 1 April 2026:

### Income thresholds

These will be reset using the latest Isle of Man median annual earnings data. For example, the proposed threshold for a single person under the Fixed Scheme is £40,000, based on the 2024 median earnings figure. Thresholds for other household types will be calculated using percentage uplifts on this base figure.

**Table A – Proposed First Home Fixed Scheme Maximum Annual Income Thresholds**

Eligible Persons	Current Threshold	Proposed Threshold	Methodology
Single person without children	£33,000	£40,000	Median annual earnings
Couple without children	£44,000	£52,000	Median annual earnings + 30%
Single or couple with 1 child	£55,000	£58,000	Median annual earnings + 45%
Single or couple with 2+ children	£55,000	£64,000	Median annual earnings + 60%

**Table B – Proposed First Home Choice Scheme Maximum Annual Income Thresholds**

Eligible Persons	Current Threshold	Proposed Threshold	Methodology
Single person without children	£39,000	£48,000	Median annual earnings + 20%
Couple without children	£62,000	£62,000	Single person threshold + 30%
Single or couple with 1 child	£67,000	£70,000	Single person threshold + 45%
Single or couple with 2+ children	£67,000	£77,000	Single person threshold + 60%

**Note:** These figures are based on the latest available earnings data and proposed methodology. The principle of resetting thresholds using median earnings is fixed; feedback should focus on practical implications or unintended consequences.

After this reset, the Agency intends to update income thresholds annually using the most recent Isle of Man median earnings data available. This means the April update will use the previous year's published figure (typically released in the Spring), so thresholds will always reflect actual income trends, even if slightly delayed.

### Discounted purchase prices (Fixed Scheme)

These will be updated to reflect the increase in construction costs since the data for setting the discounted prices was last analysed in early 2022 and then index linked annually using the latest

available data from the ONS Construction Output Price Index for Housing (Public and Private). This protects affordability and ensures prices reflect real changes in building costs.

Why these metrics?

- **Median earnings for income thresholds:** This measure reflects actual income levels on the Isle of Man, which is the most relevant factor for determining affordability. Using earnings data ensures thresholds remain aligned with what households earn.
- **Construction cost indices for discounted purchase prices:** These indices directly track changes in building costs, which affect the viability of affordable housing delivery. Linking price caps to construction costs ensures discounted prices remain realistic in the context of market conditions.
- **Annual updates using official data:** Both metrics are published by recognised sources (Isle of Man Government for earnings and ONS for construction costs), providing transparency and credibility.

### **Consultation questions**

6. The Agency intends to use median earnings data for income thresholds and construction cost indices for discounted purchase prices. What practical issues or challenges might arise from implementing these changes?
7. How might these proposals affect scheme accessibility, developer participation, or long-term affordability?

## **Section 5. Proposed changes to loan terms and affordability measures**

The Agency is proposing a series of changes to the terms for new loans under both the Fixed and Choice Schemes. These changes aim to improve affordability, increase flexibility for purchasers, and ensure the schemes remain responsive to market conditions and applicant needs.

### **Extending the Interest-free period**

Choice Scheme:

The Agency proposes to extend the interest-free period for new equity loans from 1 year to 3 years.

This change is intended to:

- Reduce initial repayment obligations and improve mortgage affordability.
- Increase the likelihood of successful purchases on the open market.
- Reflect the typical pattern of rising household income over time.

Fixed Scheme:

The Agency is considering whether an extended interest-free period may also be appropriate for new loans under this scheme. Currently, the interest-free period is 1 year. The Agency is open to views on whether this should be extended (for example, to 2 years) to support affordability for households with lower initial incomes or higher outgoings such as childcare.

### **Increasing maximum loan assistance (Choice Scheme only)**

The Agency proposes to raise the maximum equity loan assistance available under the Choice Scheme from 30% to 40% of the property's value.

This would:

- Increase total borrowing potential for eligible purchasers.
- Be balanced by the extended interest-free period to mitigate repayment risk.
- Retain flexibility for early capital repayments.

### **Introducing fixed-value capital repayment options (Choice Scheme only)**

At present, assisted persons in the Choice Scheme may make optional semi-annual capital repayments if they obtain an updated property valuation. The Agency now proposes allowing repayments up to 4% of the original loan amount within the first five years, without requiring a new valuation.

This change would:

- Enable repayment up to 40% of the equity loan without incurring valuation costs.
- Support household budgeting and long-term financial planning.
- Allow assisted persons to pay off a significant proportion of the equity share before property value changes affect the amount owed.

### **Reducing the residency requirement (Choice Scheme only)**

The Agency proposes to reduce the residency requirement for applicants under the Choice Scheme from 5 years to 1 year.

This reflects:

- The Choice Scheme supports purchases on the open market, with all public funds fully repayable.
- Unlike the Fixed Scheme, it does not involve discounted property prices or approved dwellings.
- A shorter residency requirement would allow earlier access for people who have recently settled on the Island and committed to staying here.

## Consultation questions

## **Section 6. How to respond and stay involved**

Thank you for taking the time to read and consider the proposals outlined in this consultation on changes to the Shared Equity Purchase Assistance Schemes.

### **How to provide feedback**

You can submit your responses and comments using any of the following methods:

- Email: [housingconsultations@gov.im](mailto:housingconsultations@gov.im)
- Online form: <https://consult.gov.im>
- Post: Housing Agency, Markwell House, Market Street, Douglas, Isle of Man, IM1 2RZ
- Telephone: +44 (0)1624 685955
- In person: By appointment at Markwell House at the above address

### **Preferred feedback channels**

To help us improve future consultations and engagement, please let us know your preferred method(s) for providing feedback on housing policy and scheme development:

- Written feedback form
- Email
- Website feedback form
- Telephone
- Face-to-face
- Social media

### **Additional comments**

Do you have any other comments, questions, or suggestions regarding the proposed changes to the Shared Equity Purchase Assistance Schemes?

**Alyson Crellin**

**To:** Admin  
**Subject:** FW: Homelessness Legislation Consultation

**From:** [REDACTED]  
**Sent:** 19 December 2025 12:05  
**To:** [REDACTED]  
**Subject:** Homelessness Legislation Consultation

You don't often get email from [REDACTED] [Learn why this is important](#)

Good Afternoon

Today the Housing and Communities Board has launched a consultation on a framework for an Isle of Man Homelessness Prevention and Support Act. This consultation aims to identify the most effective approach to support vulnerable individuals and establish a robust legal framework for homelessness prevention and assistance.

In looking at legislation for the Isle of Man, various Acts passed by the UK, Scottish and Welsh Parliaments were reviewed as a base for the development of a suitable/appropriate Manx equivalent. This consultation seeks views on the various elements of the UK legislation and the distinctive differences with the Scottish and Welsh amendments since devolution and their applicability for the Isle of Man. The use of the neighbouring jurisdictions' framework as a starting point should not be taken as an endorsement in full of the approach taken by those countries. They are simply a useful starting point in the assessment of the needs for the Isle of Man in legislation.

Your input is invaluable to ensure that the legislation meets the needs of the Island and our communities. If you have any questions or require further information, please do not hesitate to contact me.

The consultation is available here and is open until 25 February: <https://consult.gov.im/cabinet-office/isle-of-man-homelessness-prevention/>

Thank you for your attention and participation.

Best regards  
[REDACTED]



**Policy Development Officer**  
Central Government Offices, Bucks Road, Isle of Man, IM1 3PN

**Contact:**



## Alyson Crellin

---

**To:** Admin  
**Subject:** FW: Extension - Housing consultation

**From:** [REDACTED]  
**Sent:** 15 December 2025 10:29  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Housing consultation

Morning [REDACTED]

You are not the only ones requesting an extension, and we appreciate your Board taking the time to respond to the consultation.

The consultation closes 15<sup>th</sup> January 2026, and we must finalise the analysis for our Housing Agency Board on 28<sup>th</sup> January to meet the timetable for March Tynwald.

We can, however, include consideration of Onchan Commissioner's comments in the Board paper if we receive your response (or an officer draft) by 26<sup>th</sup> January; any formal confirmation on 30<sup>th</sup> January would be recorded before submission to the Council of Ministers on 05 February.

I hope that these dates work for you.

Kind regards  
[REDACTED]

**From:** [REDACTED]  
**Sent:** 15 December 2025 08:43  
**To:** [REDACTED]  
**Subject:** RE: Housing consultation

**Caution: This email is from an external sender. Please take care before opening any attachments or following any links.**

Good morning [REDACTED]

The Board will not have time to consider a response before the deadline, could we please submit a response after the deadline.

Thanks.



## Onchan District Commissioners

**IMPORTANT:**

This email is confidential and intended for the exclusive use of the addressee.

Any views or opinions expressed in this email do not necessarily represent the views or opinions of Onchan District Commissioners and are not to be relied upon without subsequent written confirmation by an authorised representative. The content of this e-mail is not to be disclosed to any third party without the express permission of the author.

If you are not the addressee, any disclosure, dissemination or other use is prohibited and you are asked to contact Onchan District Commissioners immediately.

**From:** [REDACTED]  
**Sent:** 09 December 2025 13:12

**To:** [REDACTED]

**Subject:** Housing consultation

Good afternoon all,

You may have read/heard about our Housing Consultation re shared equity purchase assistance schemes that is currently live. We really want to have as much feedback as possible so would really appreciate you and your teams taking the time to review and make your comments on the consultation. I have attached a link and responses can either be online or on a paper submission to us here at Markwell House.

<https://consult.gov.im/infrastructure/proposals-for-the-shared-equity-purchase/>

Kind regards



**Business Support Officer (Housing)**



Public Estates and Housing Division | Department of Infrastructure | Isle of Man Government | 2<sup>nd</sup> Floor  
Markwell House | Market Street | Douglas | Isle of Man | IM1 2RZ  
Business Support Section  
Tel: 01624 686668  
Email [REDACTED]

Web: [www.gov.im/infrastructure](http://www.gov.im/infrastructure)



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**RAAUE:** S'preevaadjagh yn chaghteraght post-l shoh chammah's coadanyн erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmeydey yn chooid l'ayn er agh erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-l shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoо rish peiagh ny possan erbee lesh post-l er son Rheynn ny Boayrd Slattyssagh erbee jeh Reilys Ellan Vannin dyn co-niartaghey scrut leayr veih Reireyder y Rheynn ny Boayrd Slattyssagh l'eh bentyn rish.

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Cha nel kied currit da failleydagh ny jantagh erbee conaant y yanno rish peiagh ny possan erbee lesh post-l er son Rheynn ny Boayrd Slattyssagh erbee jeh Reilts Ellan Vannin dyn co-niartaghey scrut leayr veih Reireyder y Rheynn ny Boayrd Slattyssagh t'eh bentyn rish.



**Isle of Man**  
Government

*Reiltys Ellan Vannin*

## **Cabinet Office**

# **Consultation: A framework for an Isle of Man Homelessness Prevention and Support Act**

**December 2025**

## Introduction and purpose

1. The Homelessness Strategy approved by Tynwald in December 2023 contained a commitment to the introduction of statutory requirements to prevent and address homelessness on the Isle of Man. This consultation is to help develop the specifics for the legislation.
2. In looking at legislation for the Isle of Man, we are using various Acts passed by the UK, Scottish and Welsh Parliaments as a base for the development of a Manx equivalent. This consultation seeks views on the various elements of the UK legislation and the distinctive differences with the Scottish and Welsh amendments since devolution and their applicability for the Isle of Man. The use of the UK nations' framework as a starting point should not be taken as an endorsement in full of the approach taken by those countries. They are simply a useful starting point in the assessment of the needs for the Isle of Man in our legislation.
3. The other Crown Dependencies do not have Homelessness Legislation so offer no comparison on this area.

## Background

### *Nature of homelessness on the Island*

4. Homelessness exists across the world. It is a complex social challenge that has profound implications for communities, services, organisations, governments, as well as the individuals at risk of or experiencing it. What has become the stereotypical image of individuals experiencing homelessness, is that of people sleeping on the streets. It is now widely understood that homelessness goes beyond this image and has many other forms. Homelessness can be hidden, such as sleeping on a friend's sofa, living in unsuitable or unsafe accommodation, or individuals facing eviction for example.
5. The Isle of Man is not exempt from having people who are facing homelessness within its community. In December 2023, the Island's first Homelessness Strategy 2023-2028, went before Tynwald and was approved. It is attached as appendix A.
6. The strategy is designed to address complex issues associated with homelessness and housing instability. It includes a set of coordinated actions aimed at preventing homelessness, providing immediate assistance to those experiencing it and offering long-term solutions for housing stability. This strategy involves a strong collaboration between government agencies, third sector organisations and individuals with lived experiences of homelessness. The strategy comprises five focus areas:
  - 1) **Clear Pathways** - Easy access to support services,
  - 2) **Legislation** - Long lasting statutory legacy,
  - 3) **Core Data** - Ensure core data to support provision to services,
  - 4) **Needs Assessment** - Process to review the needs of those who require support,
  - 5) **Prevention** - Evidence informed.

## *Progress of the Homelessness Strategy*

7. Significant progress has been made during the first year of the Homelessness Strategy Action Plan and Implementation Plan and several actions within the plan have been completed.
8. Progress has been made standing up a dedicated Manx Care team. Two new Lead Practitioners for the Wellbeing Partnership's and four Community Support Workers commenced their roles in early 2025. The Community Support Workers commenced employment in January 2025 and the Partnership Leads in February 2025. Further work is needed for the service to have its greatest impact.
9. The focus for this year is embedding the work already completed and establishing a more **sustainable foundation** for the Homelessness Pathway and Emergency Accommodation Service. This includes determining the ongoing funding and placing the services on a statutory footing.

## *Scale of homelessness on the Island*

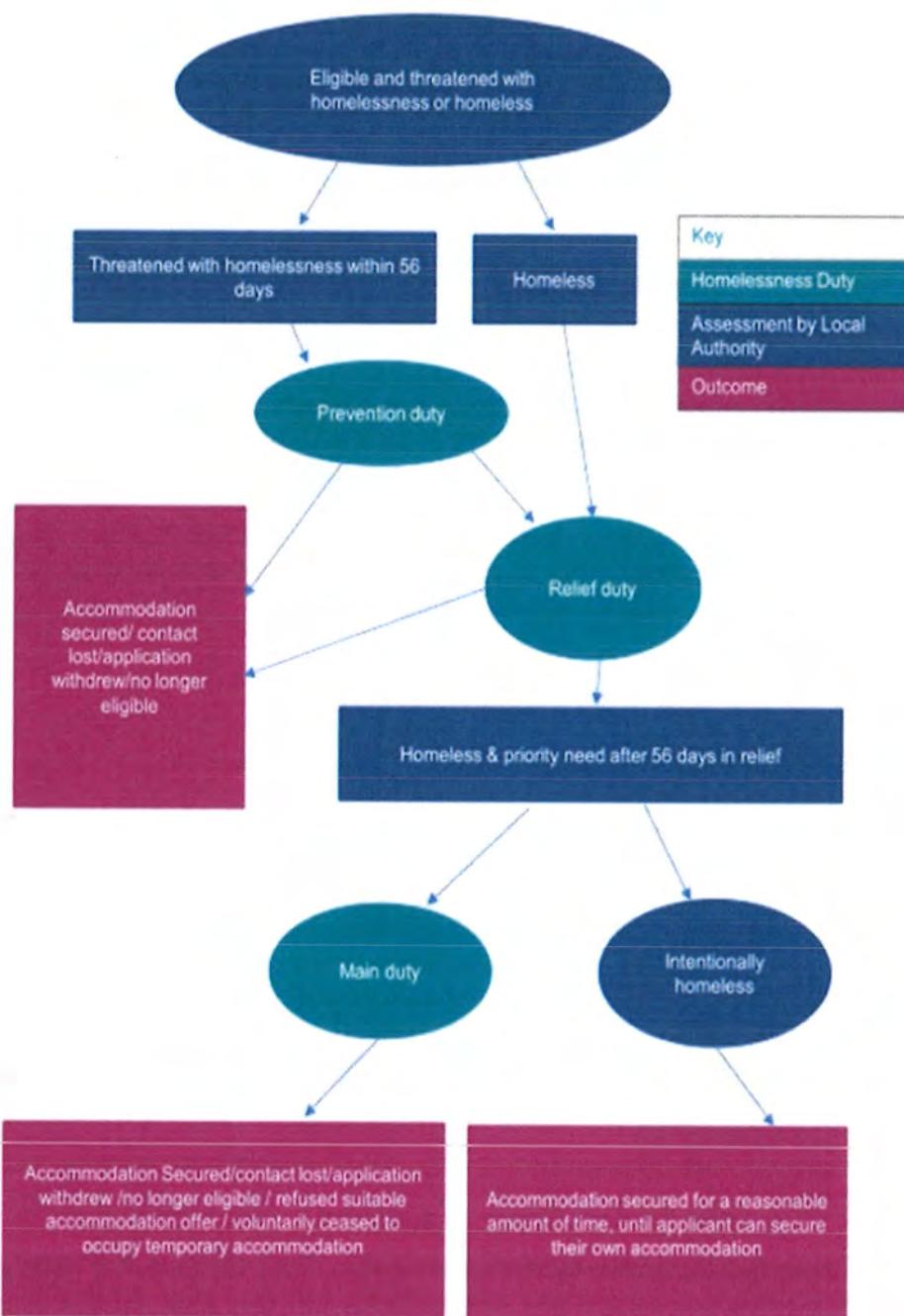
10. It is hard to determine the exact scale of homelessness on the Island. However, the Homelessness Pathway delivered by Manx Care and funded by the Housing and Communities Board via Cabinet Office provides some insights.
11. From July 2024 to June 2025, Manx Care provided 9,139 bed nights in temporary accommodation to people presenting as homeless. There were on average 23 individual clients per month, new and recurring.

## Framework in the UK legislation

### **How does the UK homeless process work?**

12. The process begins when an individual is either threatened with homelessness within 56 days or is already homeless. At this stage, the local authority assesses the situation to determine the appropriate duty that the local authority owes to that person. If the person is threatened with homelessness, the **Prevention Duty** applies, which focuses on helping them retain their current accommodation or secure alternative housing before they become homeless. If the person is already homeless, the **Relief Duty** applies, aiming to help them find suitable accommodation as quickly as possible. The Relief Duty being owed does not mean automatically that emergency accommodation will be provided. Only those with priority need will receive accommodation.
13. During these duties, several outcomes can occur. The individual may secure accommodation, lose contact with the authority, withdraw their application, or become ineligible for assistance. If none of these outcomes occur and the person remains homeless after 56 days under the Relief Duty, the next step depends on their circumstances. If they have a priority need, the **Main Duty** applies, requiring the authority to provide longer-term housing. If they are found to be intentionally homeless, the assistance provided will be limited.

Diagram 1: Flow Chart of the UK Homelessness process



## UK definitions of homelessness, threatened homelessness, priority need, vulnerability

14. The UK Act makes several definitions that determine who the duties apply to in the UK system. The definitions are important elements of the assessment process for people who are homeless.

### **Definition of Homelessness and threatened homelessness<sup>1</sup>**

*(1) A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he—*

- (a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,*
- (b) has an express or implied licence to occupy, or*
- (c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.*

*(2) A person is also homeless if he has accommodation but—*

- (a) he cannot secure entry to it, or*
- (b) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.*

*(3) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.*

*(4) A person is threatened with homelessness if it is likely that he will become homeless within 56 days.*

*(5) A person is also threatened with homelessness if—*

- (a) a valid notice has been given to the person under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) in respect of the only accommodation the person has that is available for the person's occupation, and*
- (b) that notice will expire within 56 days*

15. The definition of homelessness is wider than someone sleeping rough and may depending on the circumstances include:

- People staying temporarily with friends or family or have been asked to leave.
- Sofa surfers.
- Those in unaffordable or overcrowded accommodation.
- Those in refuges or other short-term accommodation.

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<sup>1</sup> S175 Housing Act 1996

16. However, this definition does not appear to be as comprehensive as the working definition adopted by the Housing and Communities Board. The interim working definition is attached in **Appendix B**.

### **Intentionality**

17. Intentionality is a key element of the UK homelessness legislation. If someone is intentionally homeless and does not have priority need the main housing duty does not apply to them (no requirement to offer emergency accommodation). Housing authorities are legally required to determine intentionality.

#### ***Becoming homeless intentionally<sup>2</sup>***

*(1)A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.*

*(1A)But a person does not become homeless intentionally if—*

*(a)the accommodation the person ceases to occupy is supported exempt accommodation,*  
*(b)the person's reason for ceasing to occupy the accommodation relates to the standard of the accommodation, or the standard of care, support or supervision provided there, and*  
*(c)the accommodation, or the care, support or supervision provided there, does not meet National Supported Housing Standards.*

*"Supported exempt accommodation" has the meaning given by section 12 of the Supported Housing (Regulatory Oversight) Act 2023.*

*(2)For the purposes of subsection (1) an act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate.*

*(3)A person shall be treated as becoming homeless intentionally if—*

*(a)he enters into an arrangement under which he is required to cease to occupy accommodation which it would have been reasonable for him to continue to occupy, and*  
*(b)the purpose of the arrangement is to enable him to become entitled to assistance under this Part,*

*and there is no other good reason why he is homeless*

18. Shelter Scotland provides several illustrations to help explain what this means in practice<sup>3</sup>:

*you could be unintentionally homeless if you:*

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<sup>2</sup> S191 Housing Act 1996

<sup>3</sup> [https://scotland.shelter.org.uk/housing\\_advice/homeless/decisions/intentionally\\_homeless](https://scotland.shelter.org.uk/housing_advice/homeless/decisions/intentionally_homeless)

- *had to leave your home because of abuse or harassment, including domestic abuse*
- *were evicted through no fault of your own*
- *were forced to leave by family you lived with*
- *could not afford to pay your rent or mortgage without going into significant debt*
- *did not know that your partner or a joint tenant had stopped paying rent*
- *did not know you had the right to stay in your home*

*You could be found intentionally homeless if you:*

- *voluntarily gave up a home that you could have stayed in*
- *were evicted for something you did deliberately*
- *ignored advice that could have helped you keep your home*

### **Priority need**

19. Priority need is a key element of the UK homelessness legislation. If someone is intentionally homeless and does not have priority need, the main housing duty does not apply to them.

#### *Priority need for accommodation<sup>4</sup>.*

*(1)The following have a priority need for accommodation—*

- (a)a pregnant woman or a person with whom she resides or might reasonably be expected to reside;*
- (b)a person with whom dependent children reside or might reasonably be expected to reside;*
- (c)a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;*
- (d)a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.*
- (e)a person who is homeless as a result of that person being a victim of domestic abuse.*

*(2)The Secretary of State may by order—*

- (a) specify further descriptions of persons as having a priority need for accommodation, and*
- (b) amend or repeal any part of subsection (1).*

*(3)Before making such an order the Secretary of State shall consult such associations representing relevant authorities, and such other persons, as he considers appropriate.*

*(4)No such order shall be made unless a draft of it has been approved by resolution of each House of Parliament.*

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<sup>4</sup> S189 Housing Act 1996

*(5) In this section "domestic abuse" has the meaning given by section 1 of the Domestic Abuse Act 2021.]*

## The duties

20. The UK legislation applies several duties to UK housing authorities. They ensure that all homeless persons have a certain minimum level of support and assistance written into statute. The Isle of Man needs to determine which of these duties should apply in the equivalent Manx legislation.

### Advice and information duty<sup>5</sup>

21. Housing authorities have a duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness, free of charge. These services form part of the offer to applicants who are also owed other duties under the legislation, for example the prevention and relief duties. They must also be available to any other person in their district, including people who are not eligible for further homelessness services because of their immigration status.

### Prevention duty<sup>6</sup>

22. Housing authorities have a duty to take reasonable steps to help prevent any eligible person (regardless of priority need status, intentionality and whether they have a local connection) who is threatened with homelessness from becoming homeless. This means either helping them to stay in their current accommodation or helping them to find a new place to live before they become homeless. The prevention duty continues for 56 days unless it is ended by an event such as accommodation being secured for the person, or by their becoming homeless.

### Relief duty<sup>7</sup>

23. If the applicant is already homeless, or becomes homeless despite activity during the prevention stage, the reasonable steps will be focused on helping the applicant to secure accommodation. This relief duty lasts for 56 days unless ended in another way. If the housing authority has reason to believe a homeless applicant may be eligible for assistance and have a priority need, they must be provided with emergency accommodation. Those who do not have priority need are not entitled to emergency accommodation.

### Main housing duty<sup>8</sup>

24. If homelessness is not successfully prevented or relieved, a housing authority owes the main housing duty to applicants who are eligible, have a priority need for accommodation and are not homeless intentionally. Certain categories of household have priority need if homeless, such as pregnant women, families with children, and those who are homeless because of being a victim of domestic abuse or due to an

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<sup>5</sup> S179 Housing Act 1996

<sup>6</sup> S195 Housing Act 1996

<sup>7</sup> 189B(1) Housing Act 1996

<sup>8</sup> 188 Housing Act 1996

emergency such as a fire or flood. Other groups may be assessed as having priority need because they are vulnerable as a result of old age, mental ill health, physical disability, having been in prison or care or because of becoming homeless due to violence.

25. Under the main housing duty, housing authorities must ensure that suitable accommodation is available for the applicant and their household until the duty is ended, usually through the offer of a settled home. The duty can also be ended for other reasons, such as the applicant turning down a suitable offer of temporary accommodation or because they are no longer eligible for assistance. A suitable offer of a settled home (whether accepted or refused by the applicant) which would bring the main housing duty to an end includes an offer of a suitable secure or introductory tenancy with a local authority, an offer of accommodation through a private registered provider (also known as a housing association) or the offer of a suitable tenancy for at least 12 months from a private landlord made by arrangement with the local authority.

#### **Duty to assess every eligible applicant's case and agree a plan<sup>9</sup>**

26. Housing authorities have a duty to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness. This identifies what has caused the homelessness or threat of homelessness, the housing needs of the applicant and any support they need to be able to secure and retain accommodation. Following this assessment, the housing authority must work with the person to develop a personalised housing plan which will include actions (or 'reasonable steps') to be taken by the authority and the applicant to try and prevent or relieve homelessness.

#### **Duty to refer<sup>10</sup>**

27. Since 1st October 2018, duty to refer has required specified public bodies to refer, with consent, users of their service who they think may be homeless or be threatened with homelessness to a local housing authority of the individual's choice. These bodies are set by secondary legislation and include:
  - prisons
  - young offender institutions
  - secure training centres
  - secure colleges
  - youth offending teams
  - probation services (including community rehabilitation companies)
  - Jobcentres
  - social service authorities (both adult and children's)
  - emergency departments
  - urgent treatment centres
  - hospitals in their function of providing inpatient care
  - Secretary of State for defence in relation to members of the regular armed forces

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<sup>9</sup> s189a Housing Act 1996

<sup>10</sup> 213A of the Housing Act 1996

## The evolution of the UK legislation in Scotland and Wales since devolution

28. The UK legislation at one time applied to all the UK (using various identical acts and orders). But since devolution, Scotland and Wales have amended the legislation to match the needs of their communities. This has resulted in differences, based on the differences in policy approach of the Governments and Parliaments of the UK, Scotland and Wales.

### Scotland

#### *Priority need*

29. In Scotland, there is no requirement for priority need to access the main housing duty and in temporary accommodation. In practice this means that everyone who is homeless through no fault of their own is entitled to emergency accommodation<sup>11</sup>. The Homelessness etc. (Scotland) Act 2003, provided a pathway for the development of an automatic right to accommodation if you are unintentionally homeless. It was not implemented until 2012 when it was brought into force by statutory instrument.

30. This is a significant departure from the scheme in the UK legislation which only provides an automatic right to temporary accommodation for those in priority need. In particular, Shelter notes that this difference means a substantial increase in the support available to single people and has caused a reduction in the number for rough sleepers in Scotland<sup>12</sup>.

31. There is an open question for the Isle of Man in terms of which approach is best suited to our needs. The Isle of Man may well have differing cultural expectations regarding the nature of the support given to those who are homelessness. This is also relevant given the vision set out in the Tynwald approved Homelessness Strategy which sets a vision that:

*"Everyone has access to the right service, the right housing, at the right place & at the right time, whatever the situation, cause or need"<sup>13</sup>.*

32. We seek views specifically on the role of priority need in any future Isle of Man legislation. Essentially, should all persons not intentionally homelessness be entitled to temporary accommodation or should only certain groups be eligible.

#### *Intentionality*

33. In Scotland, a housing authority is no longer compelled to investigate whether an applicant is intentionally homeless, but they may do so if they think fit. This allows Councils to use discretion on a case-by-case basis<sup>14</sup>.

<sup>11</sup> S 2 Homelessness etc. (Scotland) Act 2003

<sup>12</sup> Homelessness legislation | The Plan To End Homelessness

<sup>13</sup> [https://www.gov.im/media/1381706/gd-2023-0119-uploaded-120124\\_compressed.pdf](https://www.gov.im/media/1381706/gd-2023-0119-uploaded-120124_compressed.pdf)

<sup>14</sup> The Homelessness (Abolition of Priority Need Test) (Scotland) Order 2012

34. We are interested in views regarding the applicability of this provision for the Isle of Man. There is a balance to be struck between personal responsibility and ensuring a housing first approach. That is to say people do have a responsibility to prevent themselves from becoming homeless. But it is possible that intentionality is applied harshly on some occasions.

## **Wales**

### *Priority need*

35. Wales has a wider definition of priority need that includes those who are street sleeping. The intent of this is to provide accommodation to those whose only option is to sleep rough. This excludes those who can stay with friends or family but are still classified as homeless<sup>15</sup>. This appears to be a halfway point between the UK (English) and Scottish positions and seeks to ensure no one sleeps rough.

### *Intentionality*

36. A similar position exists in Wales, but the decision is made by the housing authority in general and is applied day to day to all applicants<sup>16</sup>. This is unlikely to work in an Isle of Man context given our size and government structure.

## **Summary of differences between England, Scotland and Wales**

Country	Intentionality	Advice and information duty	Prevention duty	Relief duty	Main Housing Duty (requirement to provide emergency accommodation)	Duty to assess every eligible applicant's case and agree a plan	Duty to refer
England	Yes	Yes	Yes	Yes	Priority need only	Yes	Yes
Wales	Optional (Council by Council decision)	Yes	Yes	Yes	Priority need only including rough sleepers	Yes	Yes
Scotland	Optional (Council by Council decision)	Yes	Yes	Yes	Applies to all	Yes	Yes

## **Initial Assessment of the UK legislation**

37. It is difficult to reach full conclusions on the UK legislation without views from stakeholders. But there are several topics that need further consideration before final decisions are made:

<sup>15</sup> ibid

<sup>16</sup> s78 Housing (Wales) Act 2014

- a. The impact of applying intentionality and priority need, which may leave some people without emergency accommodation.
- b. The cost of providing the duties outlined in the legislation should be considered.
- c. The complexity of the legislation and the ease of implementation.

## Eligibility criteria

38. To be eligible for Manx Care's support on the homelessness pathway you must meet the residency criteria for Income Support. Which are:

*To be entitled to Income Support you normally must satisfy the Isle of Man residential condition.*

*You will satisfy this condition if you—*

- were born in the Isle of Man;*
- have been ordinarily resident in the Isle of Man for a continuous period of at least 5 years at any time; or*
- have been ordinarily resident in the Isle of Man for 3 or more separate periods which, when added together, amount to at least 10 years.*

*Or you are -*

- the husband, wife or civil partner of a person who satisfies any of the conditions listed above;*
- the widow, widower or surviving civil partner of a person who satisfies any of the conditions listed above;*
- the former husband, wife or civil partner of a person who satisfies any of the conditions listed above; or*
- the child of a person who satisfies any of the conditions listed above and that person was (or their spouse or civil partner was) serving in HM Forces when they were born*

39. Discretion is retained by Manx Care to support someone who does not meet these criteria, if on a case-by-case basis a situation is considered to be one of "grave need". This matches the discretion provided for in s6 of the Social Services Act 2011.

## UK eligibility

40. The UK eligibility rules are complex but are based on citizenship and residence. It is focused on those with British and Irish citizenship who are habitually resident in the Common Travel Area.

41. The proposed eligibility for the Isle of Man, is stricter in terms of residency requirements compared to the UK requirements. For example, someone arriving on the Island with no connection to the Isle of Man would not ordinarily be eligible for services. However, a Manx person moving to the UK would be eligible as they are "habitually resident in the Common Travel Area" based on their previous residency on the Isle of Man.

## Comparison to the current Isle of Man position / status quo

42. Most of the duties are already applied in the Homelessness Pathway in some form. Primarily by operational practice and by the criteria approved by the Housing and Communities Board in May 2025. However, there may be a need to embed these in legislation. Specifically:

- No Manx legislation applies a duty of care or assistance to homeless persons. This means the pathway relies on the goodwill of the agencies involved. In a time of prioritisation, this may place the pathway at risk, leaving vulnerable people without support.
- The actions of the agencies may lack the necessary vires for the work being undertaken on the pathway. While it is unlikely that a legal challenge to this would be forthcoming, agencies are in a vulnerable position regarding the decisions they make.
- There is no requirement for agencies to share information and make referrals. We understand this happens as a matter of operational practice, but it is possible that some people are missed without a clear legal requirement.
- There is no specific duty to prevent homelessness, potentially resulting in larger issues developing for people due to the lack of quick preventive action.

The criteria applied by Manx Care in the homelessness pathway are attached as **Appendix C**.

## Is there a problem?

43. At a high level, the current situation, whilst helping to alleviate a need, requires a longer-term plan. The pathway has no formal basis in legislation and relies on operational practice goodwill and, up until now, funding provided by the Housing and Communities Board and the Cabinet Office. This stands in contrast to other elements of social service which have a clear statutory basis, such as:

1. Mental health services
2. Care of children
3. Adult social care

44. The criteria currently being used may also not cover those that we wish to be covered by the support services on offer.

## Who would the duties apply to (who will run the process under the legislation)?

45 This will be a critical call for Tynwald to make, and no position will be taken by Ministers on this until decisions are made in response to this consultation. This will allow space for a considered discussion on who is best placed to provide the services required by the legislation and how best to fund them. Possible options include:

- a. Manx Care
- b. Housing Agency/DOI
- c. Local Authorities

## Appendices

Appendix A: Homelessness Strategy 2023-2028

Appendix B: Interim working definition of Homelessness in the Isle of Man

Appendix C: Homelessness Pathway Assistance Policy and Criteria

## Further information and reading:

1. English Homelessness Code of Guidance: [Homelessness code of guidance for local authorities - Overview of the homelessness legislation - Guidance - GOV.UK](#)
2. Scottish Homelessness Code of Guidance: [Homelessness: code of guidance - gov.scot](#)
3. Welsh Homelessness Guidance: [allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf](#)
4. [Homelessness advice - Shelter England](#)
5. [Homeless, sofa surfing, or nowhere safe to stay - Shelter Scotland](#)
6. [Evaluation of the Implementation of the Homelessness Reduction Act: Final Report](#)

## **UK definition of homelessness and threatened homelessness**

The UK Act makes several definitions that determine who the duties apply to in the UK system. The definitions are important elements of the assessment process for people who are homeless.

### **Definition of Homelessness and threatened homelessness as per S175 Housing Act 1996**

1. A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he:
  - a. Is entitled to occupy by virtue of an interest in it or by virtue of an order of a court
  - b. Has an express or implied licence to occupy
  - c. Occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession
2. A person is also homeless if he has accommodation but:
  - a. He cannot secure entry to it
  - b. It consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it
3. A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy
4. A person is threatened with homelessness if it is likely that he will become homeless within 56 days
5. A person is also threatened with homelessness if:
  - a. A valid notice has been given to the person under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) in respect of the only accommodation the person has that is available for the person's occupation, and
  - b. That notice will expire within 56 days

The definition of homelessness is wider than someone sleeping rough and may depending on the circumstances include:

- People staying temporarily with friends or family or have been asked to leave
- Sofa surfers
- Those in unaffordable or overcrowded accommodation
- Those in refuges or other short-term accommodation

However, this definition does not appear to be as comprehensive as the working definition adopted by the Housing and Communities Board.

1. Do you prefer the definition of homelessness that applies in UK or the definition provided for in the Housing and Communities Board working definition?

- UK definition
- Housing and Communities Board definition
- Neither

Please explain why.

UK definition of intentionality

Intentionality is a key element of the UK homelessness legislation. If someone is intentionally homeless and does not have priority need the main housing duty does not apply to them (no requirement to offer emergency accommodation). Housing authorities are legally required to determine intentionality.

**Becoming homeless intentionally as per S191 Housing Act 1996**

1. A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy
  - o But a person does not become homeless intentionally if:
    - a. The accommodation the person ceases to occupy is supported exempt accommodation
    - b. The person's reason for ceasing to occupy the accommodation relates to the standard of the accommodation, or the standard of care, support or supervision provided there, and
    - c. The accommodation, or the care, support or supervision provided there, does not meet National Supported Housing Standards

'Supported exempt accommodation' has the meaning given by section 12 of the Supported Housing (Regulatory Oversight) Act 2023.

2. For the purposes of subsection (1) an act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate
3. A person shall be treated as becoming homeless intentionally if:
  - a. He enters into an arrangement under which he is required to cease to occupy accommodation which it would have been reasonable for him to continue to occupy, and
  - b. The purpose of the arrangement is to enable him to become entitled to assistance under this Part

And there is no other good reason why he is homeless.

You could be unintentionally homeless if you:

- Had to leave your home because of abuse or harassment, including domestic abuse

- Were evicted through no fault of your own
- Were forced to leave by family you lived with
- Could not afford to pay your rent or mortgage without going into significant debt
- Did not know that your partner or a joint tenant had stopped paying rent
- Did not know you had the right to stay in your home

You could be found intentionally homeless if you:

- Voluntarily gave up a home that you could have stayed in
- Were evicted for something you did deliberately
- Ignored advice that could have helped you keep your home

**2. Do you agree with the definition of intentionality in the UK legislation?**

- Yes, I agree**
- No, I disagree**
- I don't know**

**Please explain why.**

**3. Do you agree that the intentionality element should apply in the Manx legislation? Those who are intentionally homeless will receive less support and may not get emergency accommodation.**

- Yes, I agree**
- No, I disagree**
- I don't know**

**Please explain why.**

**UK definition of priority need**

Priority need is a key element of the UK homelessness legislation. If someone is intentionally homeless and does not have priority need, the main housing duty does not apply to them.

**Priority need for accommodation as per S189 Housing Act 1996**

1. The following have a priority need for accommodation:
  - a. A pregnant woman or a person with whom she resides or might reasonably be expected to reside
  - b. A person with whom dependent children reside or might reasonably be expected to reside
  - c. A person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside
  - d. A person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster
  - e. A person who is homeless as a result of that person being a victim of domestic abuse

2. The Secretary of State may by order:
  - a. Specify further descriptions of persons as having a priority need for accommodation, and
  - b. Amend or repeal any part of subsection (1)
3. Before making such an order the Secretary of State shall consult such associations representing relevant authorities, and such other persons, as he considers appropriate
4. No such order shall be made unless a draft of it has been approved by resolution of each House of Parliament
5. In this section 'domestic abuse' has the meaning given by section 1 of the Domestic Abuse Act 2021

4. **Which eligible residents in the Isle of Man should receive emergency accommodation?**

- All Island residents who are homeless**
- Only those who will be especially vulnerable without emergency accommodation**
- Other**

**If other, please specify.**

**Please explain why.**

#### **The duties**

The UK legislation applies several duties to UK housing authorities. They ensure that all homeless persons have a certain minimum level of support and assistance written into statute. The Isle of Man needs to determine which of these duties should apply in the equivalent Manx legislation.

#### **Advice and information duty as per S179 Housing Act 1996**

Housing authorities have a duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness, free of charge. These services form part of the offer to applicants who are also owed other duties under the legislation, for example the prevention and relief duties. They must also be available to any other person in their district, including people who are not eligible for further homelessness services because of their immigration status.

#### **Prevention duty as per S195 Housing Act 1996**

Housing authorities have a duty to take reasonable steps to help prevent any eligible person (regardless of priority need status, intentionality and whether they have a local connection) who is threatened with homelessness from becoming homeless. This means either helping them to stay in their current accommodation or helping them to find a new place to live before they become homeless. The prevention duty continues for 56 days unless it is ended by an event such as accommodation being secured for the person, or by their becoming homeless.

## **Relief duty as per 189B(1) Housing Act 1996**

If the applicant is already homeless, or becomes homeless despite activity during the prevention stage, the reasonable steps will be focused on helping the applicant to secure accommodation. This relief duty lasts for 56 days unless ended in another way. If the housing authority has reason to believe a homeless applicant may be eligible for assistance and have a priority need, they must be provided with emergency accommodation. Those who do not have priority need are not entitled to emergency accommodation.

## **Main housing duty as per 188 Housing Act 1996**

If homelessness is not successfully prevented or relieved, a housing authority owes the main housing duty to applicants who are eligible, have a priority need for accommodation and are not homeless intentionally. Certain categories of household have priority need if homeless, such as pregnant women, families with children, and those who are homeless because of being a victim of domestic abuse or due to an emergency such as a fire or flood. Other groups may be assessed as having priority need because they are vulnerable as a result of old age, mental ill health, physical disability, having been in prison or care or because of becoming homeless due to violence.

Under the main housing duty, housing authorities must ensure that suitable accommodation is available for the applicant and their household until the duty is ended, usually through the offer of a settled home. The duty can also be ended for other reasons, such as the applicant turning down a suitable offer of temporary accommodation or because they are no longer eligible for assistance.

A suitable offer of a settled home (whether accepted or refused by the applicant) which would bring the main housing duty to an end includes an offer of a suitable secure or introductory tenancy with a local authority, an offer of accommodation through a private registered provider (also known as a housing association) or the offer of a suitable tenancy for at least 12 months from a private landlord made by arrangement with the local authority.

## **Duty to assess every eligible applicant's case and agree a plan as per s189a Housing Act 1996**

Housing authorities have a duty to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness. This identifies what has caused the homelessness or threat of homelessness, the housing needs of the applicant and any support they need to be able to secure and retain accommodation.

Following this assessment, the housing authority must work with the person to develop a personalised housing plan which will include actions (or 'reasonable steps') to be taken by the authority and the applicant to try and prevent or relieve homelessness.

## **Duty to refer as per 213A of the Housing Act 1996**

Since 1 October 2018, duty to refer has required specified public bodies to refer, with consent, users of their service who they think may be homeless or be threatened with homelessness to a local housing authority of the individual's choice. These bodies are set by secondary legislation and include:

- Prisons
- Young offender institutions
- Secure training centres
- Secure colleges
- Youth offending teams
- Probation services (including community rehabilitation companies)
- Jobcentres

- Social service authorities (both adult and children's)
- Emergency departments
- Urgent treatment centres
- Hospitals in their function of providing inpatient care
- Secretary of State for defence in relation to members of the regular armed forces

**5. Do you agree that the main housing duty should be in the Manx legislation?**

- Yes, I agree**
- No, I disagree**
- I don't know**

**Please explain why.**

**6. Should everyone who is homeless receive advice and information?**

- Yes, they should**
- No, they should not**
- I don't know**

**Please explain why.**

**7. Do you agree that there should be a duty to assess every eligible applicant's case and agree a support plan in the Manx legislation?**

- Yes, I agree**
- No, I disagree**
- I don't know**

**Please explain why.**

**8. Should there be a duty on the provider to try and prevent homelessness?**

- Yes, there should**
- No, there should not**
- I don't know**

**Please explain why.**

**Eligibility criteria**

To be eligible for Manx Care's support on the homelessness pathway you must meet the residency criteria for Income Support. To be entitled to Income Support you normally must satisfy the Isle of Man residential condition.

You will satisfy this condition if you:

- Were born in the Isle of Man
- Have been ordinarily resident in the Isle of Man for a continuous period of at least 5 years at any time
- Have been ordinarily resident in the Isle of Man for 3 or more separate periods which, when added together, amount to at least 10 years

Or you are:

- The husband, wife or civil partner of a person who satisfies any of the conditions listed above
- The widow, widower or surviving civil partner of a person who satisfies any of the conditions listed above
- The former husband, wife or civil partner of a person who satisfies any of the conditions listed above
- The child of a person who satisfies any of the conditions listed above and that person was (or their spouse or civil partner was) serving in HM Forces when they were born

Discretion is retained by Manx Care to support someone who does not meet these criteria, if on a case-by-case basis a situation is considered to be one of 'grave need'. This matches the discretion provided for in s6 of the Social Services Act 2011.

#### **UK eligibility**

The UK eligibility rules are complex but are based on citizenship and residence. It is focused on those with British and Irish citizenship who are habitually resident in the Common Travel Area.

The proposed eligibility for the Isle of Man, is stricter in terms of residency requirements compared to the UK requirements. For example, someone arriving on the Island with no connection to the Isle of Man would not ordinarily be eligible for services. However, a Manx person moving to the UK would be eligible as they are 'habitually resident in the Common Travel Area' based on their previous residency on the Isle of Man.

**9. Do you agree that the residency criteria for support in the Manx legislation should match the residency criteria for income support?**

- Yes, I agree**
- No, I disagree**
- I don't know**

**Please explain why.**

**10. Do you agree that there should be discretion to waive the residency criteria in cases of 'grave need'?**

- Yes, I agree**
- No, I disagree**
- I don't know**

**Please explain why.**

**11. Do you have any additional comments you would like to add regarding this consultation?**

## **Alyson Crellin**

**To:** Admin  
**Subject:** FW: Working with the Legislature Course

**From:** [REDACTED]  
**Sent:** 05 December 2025 17:32

**Subject:** Working with the Legislature Course

You don't often get email from [REDACTED]. Learn why this is important

## Dear Clerks of Local Authorities

We are contacting all Local Authorities to offer a tailored training session for elected Local Authority Members titled 'Working with the Legislature'. This is based on a session the Office of the Clerk of Tynwald run annually for the Civil Service and we would like to extend the training to Local Authorities.

- The event would be a one-day event scheduled in **February 2026**.
- There is no fee for the session as the intention is for knowledge sharing between Local Authorities and Tynwald.
- The topics covered would be:
  - The work of the legislature: who, what, how, where and when?
  - Process of Parliamentary Questions & Bills
  - Legislative Drafting
  - Bills and Committees
  - Government Business in Tynwald
  - The Register of business
  - Members role in Government and Tynwald
- There is no required pre-preparation and all course materials will be provided.

All sessions will be held in Legislative Buildings. The building is mostly accessible, however the Chambers do have some limitations. Please let us know if you have mobility issues or require any assistance. The access guide for the building is available on the Tynwald website: <https://www.tynwald.org.im/visit/access-guide>

If your Local Authority would be interested in attending, please register your interest on this form - [Local Authority Course Attendance Interest – Fill in form](#) by 19/12/2025:

This does not commit you to attendance, it is so we can review the most suitable dates for training to include as many local authority representatives before sending out confirmed invitations.

Thank you for your time.

Kind Regards

[REDACTED]  
Clerk of Tynwald's Office  
[REDACTED]