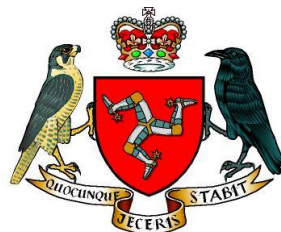




# Isle of Man Office of Fair Trading

## BUSINESS PLAN

2018/2019



**Isle of Man**  
Government

*Reiltys Ellan Vannin*

**Version 1.0**  
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## FOREWORD BY THE CHAIRMAN



Enjoying a pint at the end of a busy week, filling the family car with petrol, or buying a joint of beef at the local butchers - Manx consumers can shop in confidence, safe in the knowledge they are getting what they paid for. The OFT has an important part to play in safeguarding and enhancing the quality of life enjoyed by the people of the Isle of Man, protecting the interest of consumers and also those who do business here. Our work covers many different aspects of community life and we take great pride in ensuring that the Island meets the highest international standards.

This plan sets out how we will strive to continue to offer a high quality service for consumers and the community in general. Our services range from providing individual consumer support, advising on problems with goods and services, advising on tenancy issues and providing debt counselling, to our mediation service provided through the Financial Services Ombudsman Scheme, and the monitoring of prices and potentially anti-competitive practices.

We also provide an advisory service under the Disability Discrimination Act 2006 in relation to goods and services and, from January 2019, we will be providing a formal mediation role in relation to goods and services under the Equality Act 2015.

**Martyn Perkins MHK  
Chairman**

## WHO WE ARE?

Policy within the OFT is agreed by a Board which is constituted under the Board of Consumer Affairs Act 1981 and receives much of its powers from the Consumer Protection Act 1991.

The OFT Board comprises:

- a Chairman, who shall be a member of Tynwald;
- a Vice-Chairman, who shall be a member of Tynwald; and
- three persons, not being members of Tynwald, capable of representing consumers in relation to the functions of the Board.

The current Members are:

**Mr M J Perkins MHK**  
Chairman

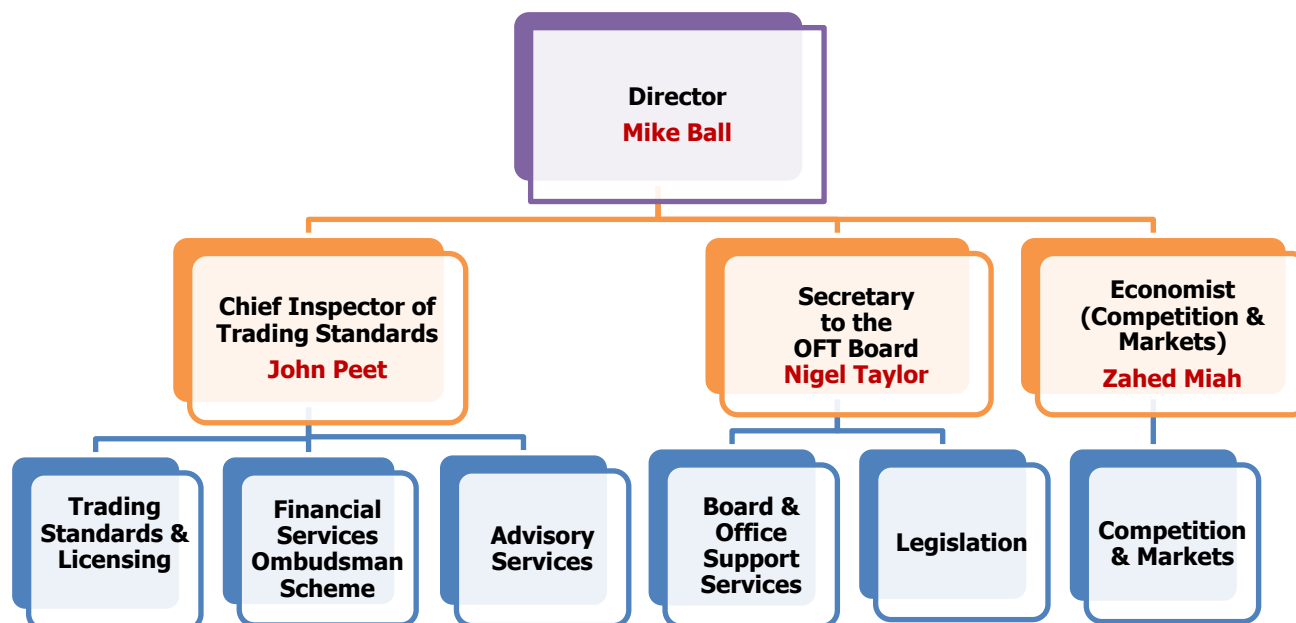
**Mrs C Convery**

**Mrs J Bridson**

**(Vacant)**

**Mrs K Lord-Brennan MLC**  
Vice-Chairman

The OFT is organised as follows:



## **OUR STRATEGIC AIMS**

**To protect consumers from unfair trading practices through advice, education and enforcement**

**To facilitate businesses that wish to trade fairly**

**To ensure that markets function in the long-term interests of consumers and the economy as a whole**

**To provide an effective and appropriate legislative and regulatory framework for consumer protection**

**To promote equality and fairness in accessing all goods and services**

**To ensure value for money in service delivery by providing the right services in the right way**

## OUR TARGETS

### FINANCIAL

Achieve the agreed Gross and Net Budget for each Financial Year

Review all fees on the basis that service provision should be revenue-neutral. New fees in place by 31st December 2018.

### TRADING STANDARDS

Conduct a risk assessment of the Island's businesses with 100% of those identified as being 'high risk', from a trading standard perspective, to be visited.

Each of the ten local businesses of greatest concern having regard to the relative volume and seriousness of consumer concerns recorded during the preceding year to be the subject of targeted action aimed at improving standards.

Undertake at least thirty enforcement visits to reinforce compliance with the age restriction and display regulations on sales of cigarettes.

Continue to actively target those who knowingly trade unfairly or to unacceptable standards.

Undertake three projects targeted at specific risks of non-compliance with consumer protection, trading standards and weights and measures legislation.

Revalidate the Manx Standards of Weights and Measures and their traceability to international standards by October 2018

### BREXIT

Use section 62A of the Consumer Protection Act 1991 to apply to the Island the Consumer Protection from Unfair Trading Regulations 2008 (of the United Kingdom) with appropriate modifications. Regulations to be in force by 1st January 2019

Monitor and assess the need for additional legislative change in the light of the new trading position of the Isle of Man post-BREXIT.

## **CONSUMER ADVICE & DEBT COUNSELLING**

Acknowledge new enquiries and complaints within three working days of receipt.

75% of consumer advice enquiries and complaints to be concluded within 14 days of receipt.

The time between the initial contact for Debt Counselling and the first meeting to review budget to be within 10 working days in 90% of cases and within 15 working days in 100% of cases.

Provide intelligence to enable trading standards to target non-compliance with consumer protection, trading standards and weights and measures legislation.

Undertake at least eight educational presentations to community groups.

Issue at least 18 media releases of significance to the wider community

## **REGISTRATION OF ARCHITECTS & ESTATE AGENTS**

Submit Drafting Instructions for the Estate Agents (Amendment) Bill to the Legislation Sub-Committee of the Council of Ministers by June 2018.

## **FINANCIAL SERVICES OMBUDSMAN SCHEME**

Maintain service standards at a level consistent with membership of the Ombudsman Association in order to provide quality assurance of meeting international standards

Acknowledge new complaints within three working days of receipt.

Action correspondence within 20 working days.

Close 75% of complaints within six months.

## **REGISTRATION OF MONEYLENDERS**

Acknowledge new applications within three working days of receipt.

Introduce a Fees Order which will decrease the registration period from 3 years to 2 years whilst retaining the fee level by July 2018.

Continue to promote the transfer of responsibility for registration of moneylenders to the Financial Services Authority.

## **DISABILITY DISCRIMINATION ACT 2006**

Acknowledge new complaints within three working days of receipt.

Action correspondence within 20 working days.

Endeavour to promote the settlement of all disputes taking cognisance of any relevant time limits specified within the Act.

## **EQUALITY ACT 2015**

Put in place all necessary procedures, operating standards and training to enable launch of the OFT services as determined by the Appointed Day Orders made by the Cabinet Office.

Acknowledge new complaints within three working days of receipt.

Action correspondence within 20 working days.

Endeavour to promote the settlement of all disputes taking cognisance of any relevant time limits specified within the Act.

## **COMPETITION & MARKETS**

Complete the passage of the Competition Bill by 31st March 2019.

Support a review of the economic regulation of monopolies and oligopolies.

With the support from Treasury accountants, analyse the data provided by Manx Gas to ensure the obligations under the regulation agreement are continuing to be met.

Review the Gas Regulation Agreement in the light of the Chief Minister's Gas Review Committee and the review of economic regulation of monopolies and oligopolies. (Timescale dependent upon completion of tasks outside the control of the OFT).

All investigations under sections 9, 19 & 19A of the Fair Trading Act 1996 completed within six months of commissioning.

Continue to collect publish and monitor comparative pricing data for domestic heating fuel, road fuel and travel; and identify anomalies and concerns for further investigation.



# SUMMARY OF OFT ACTIVITIES

Central Services	<p>Services to the Board</p> <p>Corporate Governance</p> <p>Financial Management</p> <p>Business Planning</p> <p>Administration</p> <p>Legislation</p>
Competition and Pricing	<p>Competition or Pricing Investigations under the Fair Trading Act 1996</p> <p>Monitoring trading practices in relation to competition and pricing</p> <p>Monitoring consumer issues and concerns</p> <p>Monitoring compliance with Regulatory Gas Agreement</p> <p>Monitoring road fuel and travel fare prices</p>
Trading Standards	<p>Consumer Protection including:</p> <ul style="list-style-type: none"> <li>• Weights and measures (including maintenance of the Manx Standards)</li> <li>• Safety of consumer goods (e.g. toys, electrical goods, furniture and furnishings)</li> <li>• Rogue traders</li> <li>• Age-restricted sales</li> <li>• Timeshare</li> <li>• Cinematograph exhibitions</li> <li>• Shop opening hours</li> <li>• Price marking</li> <li>• Intellectual property</li> <li>• Tobacco advertising</li> <li>• Trade Descriptions</li> <li>• Auctions</li> <li>• Unsolicited goods &amp; services</li> <li>• Misleading prices</li> <li>• Misleading advertisements</li> </ul> <p>Registration:</p> <ul style="list-style-type: none"> <li>• Moneylenders</li> <li>• Estate Agents</li> <li>• Architects</li> <li>• Suppliers of video recordings</li> </ul> <p>Licensing:</p> <ul style="list-style-type: none"> <li>• Non-resident traders</li> <li>• Chapmen</li> <li>• Dangerous goods (safe storage of fireworks on retail premises)</li> <li>• Dangerous goods (safe storage of petrol)</li> </ul>
Consumer Advice	<p>Consumer Advice</p> <p>Debt Counselling</p> <p>Consumer Education</p>
Financial Services Ombudsman Scheme	<p>Mediation of cases</p> <p>Adjudication of cases by Adjudicators independent of the Office</p>
Disability Discrimination Act 2006	<p>Mediation of cases</p>
Equality Act 2017	<p>Mediation of cases</p>

