

ISLE OF MAN OFFICE OF FAIR TRADING



# Isle of Man Office of Fair Trading

## BUSINESS PLAN

### 2022-2023



**Isle of Man  
Government**

*Reiltys Ellan Vannin*

**Version 1.0  
July 2022**

# INDEX

	Page
<b>FOREWORD BY THE CHAIRMAN</b>	<b>3</b>
<b>OUR ISLAND PLAN</b>	<b>4</b>
<b>WHO WE ARE?</b>	<b>5</b>
<b>BUDGET</b>	<b>6</b>
<b>OUR TARGETS</b>	<b>7</b>
<b>SUMMARY OF ACTIVITIES</b>	<b>9</b>

**Office of Fair Trading  
The Slieau Whallian  
Foxdale Road  
St Johns  
Isle of Man  
IM4 3AS  
Tel: (01624) 686500  
Email: [iomfairtrading@gov.im](mailto:iomfairtrading@gov.im)  
Website: [www.gov.im/oft](http://www.gov.im/oft)**

## FOREWORD BY THE CHAIRMAN



"[Our Island Plan](#)" was launched in January 2022 and sets out the overall ambition and vision for our Island, with details of the direction of travel for the next five years.

The work of the OFT closely supports the objectives of the Plan.

As well as maintaining our frontline consumer services for the people of our Island, our efforts will focus on developing secondary legislation under the Competition Act 2021 and also progressing work on an Estate Agents Bill and the General Product Safety Regulations. Post-BREXIT, the international landscape continues to develop rapidly and we continue to react quickly to help support wider trade."

**John Wannenburgh MHK  
Chairman**

## OUR ISLAND PLAN

Within 'Our Island Plan', the overarching vision for Government is to build a secure, vibrant and sustainable future for our Island nation.

### Core Objectives:

**SECURE** - We have an Island where everyone feels safe, our economy is secure, our health and education systems support everyone, and we have housing, food, energy, and transport security.

### What the OFT does:

- **We protect consumers from unfair trading practices through advice, education and enforcement**
- **We provide an effective and appropriate legislative and regulatory framework for consumer protection**
- **We promote equality and fairness in accessing all goods and services**

**VIBRANT** - Our Island is vibrant, diverse and welcoming, providing excellent educational, recreational and economic opportunities for all, and our businesses are able to grow with confidence, accessing the skills and people required now and into the future.

### What the OFT does:

- **We facilitate businesses that wish to trade fairly**

**SUSTAINABLE** - We look after and nurture our Island and our resources, driving forward our local agenda towards a fair, inclusive and sustainable society and environment.

### What the OFT does:

- **We help to ensure that markets function in the long-term interests of consumers and the economy as a whole**
- **We work to ensure value for money in service delivery by providing the right services in the right way.**

## WHO WE ARE?

The Isle of Man Office of Fair Trading is a Statutory Board for the purposes of the Statutory Boards Act 1987.

Section 57 of the Consumer Protection Act 1991 specifies that the function of OFT is to protect, inform, advise, support and represent generally the interests of consumers as such, and to provide information and advice to persons on legislation for which it is responsible.

Policy is agreed by a Board which is constituted under the Board of Consumer Affairs Act 1981 which consists of:-

- A chairman and a vice-chairman, who shall be members of Tynwald; and
- No more than 3 other persons, each capable of representing consumers, who shall not be members of Tynwald.

Members of the Board are appointed by the Council of Ministers, subject to the approval of Tynwald.

The current Members of the Board are:

**Mr J C Wannenburgh MHK**

**Chairman**

**Mr S G Peters MHK**

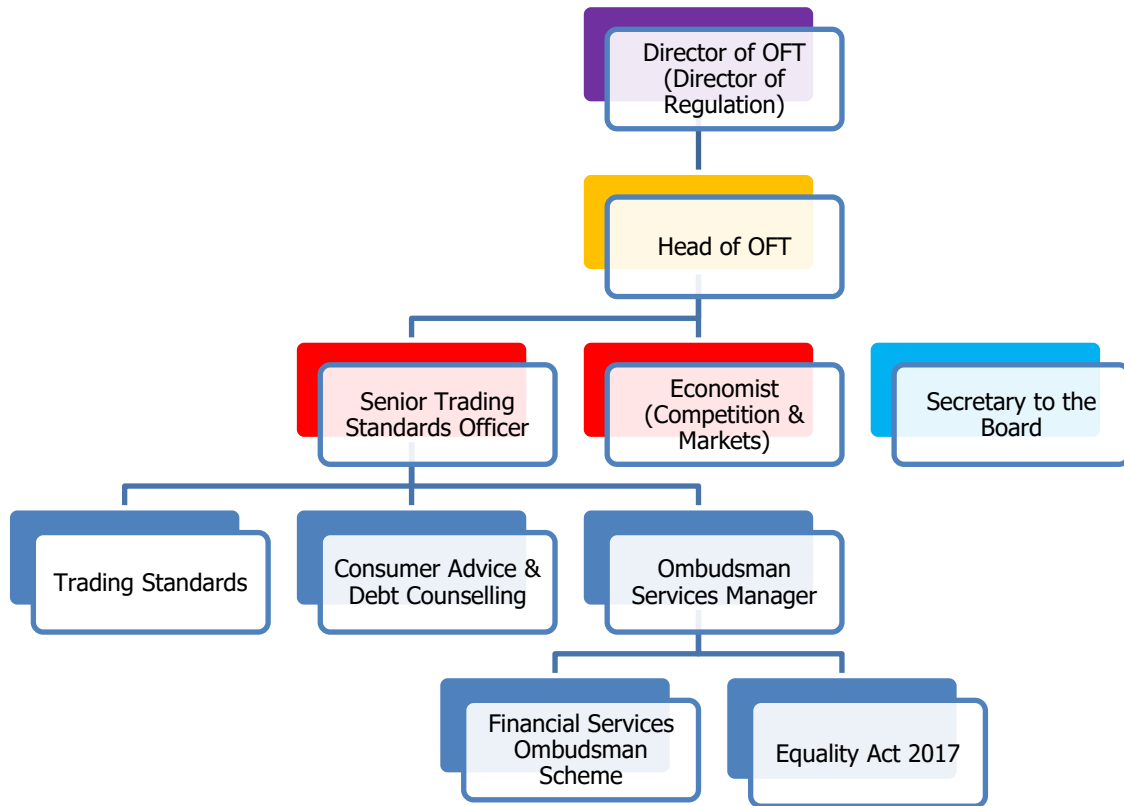
**Vice Chairman**

**Dr M Maska**

**Mr M Bathgate**

**Mr L Wong**

The small staff team dedicated purely to OFT work consists of 15 staff amounting to 13 full time equivalent. Several staff work part-time. The team is currently organised as follows:



## BUDGET

The OFT budget for 2022/23 is as follows:

<b>Gross Expenditure</b>	<b>£815,021</b>
<b>Budgeted Income</b>	<b>£45,212</b>
<b>Net Expenditure</b>	<b>£769,809</b>

## OUR TARGETS

### COVID-19

React in a timely fashion to any urgent and/or unforeseen issues arising from Covid-19.

### CORPORATE GOVERNANCE AND FINANCIAL MANAGEMENT

Ensure that appropriate systems are in place to manage risk within the OFT. Risk Register to be reviewed regularly and submitted for Board scrutiny quarterly.

Develop and agree a strategy which will achieve a staffing structure suitable to deliver the activities of the OFT to include succession planning, subject to financial constraints.

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 to be in place by 31<sup>st</sup> March 2023.

Undertake the specified statutory duties for public bodies under the Climate Change Act 2021

### TRADING STANDARDS

Monitor compliance with, and, if necessary, take proportionate enforcement action under trading standards legislation, including the administration of a number of licensing and registration regimes.

Provide specialist advice on trading standards matters.

Conduct a risk assessment of the Island's businesses, with visits to be made to reinforce compliance at 100% of those identified as being 'high risk'.

Continue to actively target those who knowingly trade illegally or unfairly.

Undertake at least three projects to reinforce compliance with existing provisions and/or identify gaps in trading standards law.

Maintain the Manx Standards of weights and measures.

### LEGISLATION/BREXIT

Monitor legislative developments in other jurisdictions to assess the need for change to Manx legislation in the light of BREXIT.

Progress the Manx equivalent of the UK's General Product Safety Regulations 2005

Progress the requisite secondary legislation under the Competition Act 2021.

Progress the Estate Agents (Amendment) Bill.

Progress the Business Protection from Misleading Marketing Regulations.

Progress a review of the legislation for which the OFT has responsibility, in particular the consumer safety and weights & measures provisions, to ensure that it is fit for purpose and proportionate.

Progress a review of the Manx consumer rights legislation to ensure that it is fit for purpose and proportionate.

### **CONSUMER ADVICE & DEBT COUNSELLING**

Provide appropriate advice and support to consumers experiencing problems with purchases of goods or services.

Provide intelligence to enable trading standards to target non-compliance with trading standards legislation.

Provide a confidential debt counselling service.

### **FINANCIAL SERVICES OMBUDSMAN SCHEME**

Provide a free alternative dispute resolution service for consumers with complaints about defined financial services provided in or from the Island.

Promote good complaint handling by the Island's finance industry so that its reputation is bolstered in the market place.

### **EQUALITY ACT 2017**

Assist individuals in resolving complaints concerning alleged contraventions of the Equality Act 2017 through conciliation as an alternative to the Tribunal or Courts.

### **COMPETITION & MARKETS**

When required to do so, undertake investigations under the Fair Trading Act 1996 into alleged anti-competitive practices and prices of major public concern, and when it is enacted, under the Competition Act 2021 into alleged anti-competitive practices or any market where it believes that the market is not functioning in the interests of consumers or the economy

Monitor prices, trading practices, consumer issues and consumer concerns. Collect, review and, where appropriate, publish statistical data to inform the Board, the Council of Ministers and the public.

Continue to monitor and publish monthly and annually comparative pricing data for domestic heating, road fuels and online travel, identifying anomalies and concerns for further investigation.



## SUMMARY OF ACTIVITIES

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>• Estate Agents</li> <li>• Architects</li> <li>• Suppliers of video recordings</li> <li>• Moneylenders</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 & Debt Counselling	<p>Consumer Advice Debt Counselling Consumer education</p>
Ombudsman (Financial) Services	<p>Financial Services Ombudsman Scheme:</p> <ul style="list-style-type: none"> <li>• Mediation of cases</li> <li>• Adjudication of cases by Adjudicators (independent of the Office)</li> </ul> <p>Assist individuals in resolving complaints concerning alleged contraventions of the Equality Act 2017 through conciliation</p>
Competition & Markets	<p>Investigations under the Fair Trading Act 1996 or Competition Act 2021 into alleged anti-competitive practices and pricing Monitor prices, trading practices, consumer issues and consumer concerns</p>
Board & Office Support Services	<p>Services to the Board Corporate governance Financial management Business planning Administration Legislation</p>

