



**LEGISLATIVE COUNCIL
OFFICIAL REPORT**

**RECORTYS OIKOIL
Y CHOONCEIL SLATTYSSAGH**

PROCEEDINGS

DAALTYN

(HANSARD)

Douglas, Tuesday, 7th December 2010

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The Council adjourned at 11.17 a.m.

Present:

The President of the Council (The Hon. N Q Cringle, OBE)

The Lord Bishop of Sodor and Man (The Rt Rev. R M E Paterson),
The Attorney General (Mr W J H Corlett QC),
Mr R P Braidwood, Mr D M W Butt, Mr D A Callister, Mrs C M Christian,
Mr E A Crowe, Mr A F Downie, Mr E G Lowey and Mr J R Turner,
with Mr J King, Clerk of the Council.

Legislative Council

The Council met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

The President: Hon. Members, I call on the Lord Bishop to lead us in prayer.

PRAYERS

The Lord Bishop

Questions for Oral Answer

INFRASTRUCTURE

Linkspan User Agreement Number of sailings required and provided

1.1. The Hon. Member of the Council, Mr Turner, to ask a Member of the Department of Infrastructure:

5 *What minimum number of sailings to ports in the North West of England the Isle of Man Steam Packet Company is obliged to provide under the terms of the Linkspan User Agreement; in the past year how many sailings it has provided over and above this number and to which ports; and of these, how many were outside the TT period?*

10 **The President:** Hon. Members, a short Order Paper to deal with this morning, but we have Questions this morning, so for the first Question, I call the Hon. Member of Council, Mr Turner.

Mr Turner: Thank you, Mr President.
I beg leave to ask the Question in my name.

15 **The President:** Mr Callister, Member for Infrastructure.

Mr Callister: Thank you, Mr President.
The Road Races Act 1982, section 1(1) states that, and I quote –

20 **Mrs Christian:** No, no, wrong Question.

Mr Crowe: It is about the Steam Packet.

25 **Mr Callister:** I do beg your pardon. I have my papers out of order – sorry, Mr President.

Mr Lowey: You're all at sea! (*Laughter*)

Mr Callister: We could have finished early!

30 **The President:** I was about to say that the Answer is in the hands of the Member and he has to reply as he sees fit! On this occasion, I think it has been drawn to your attention, Mr Callister.

Mr Callister: Thank you very much. Sorry about that, Mr President.

35 Right, the Question relating to the Steam Packet Company. Under the terms of the extension document of the User Agreement, the Company are required to provide 936 return journeys per year to the north west UK ports. During 2010 using *Ben my Chree*, *Snaefell* and *Manannan*, the Company scheduled a total of 1,063 return sailings, that being 127 more sailings than required under the User Agreement.

40 The User Agreement is not specific with a number of sailings required over the TT period, only that the capacity provided by such sailings should not be less than that required to meet the aggregate number of passengers or accompanied passengers... or passengers with accompanied vehicles who use the corresponding return services in the same week, or appropriate part thereof in the immediate preceding TT period. Of the 1,063 return sailings, 974 were outside of the TT period, if my mathematics are right, that is 89 sailings within the TT period.

45 Thank you, Mr President.

The President: Mr Turner.

Mr Turner: Thank you, Mr President.

50 I thank the Hon. Member for those figures. Does the Member have the Department's response to the current threats that there may be a reduction in service, and if so, what will be the Department's stance, and what effect do they think that will have on the public? Would he not agree that the effect overall may well be marginal, and there is still quite a high level of service required under that Agreement?

55

The President: Mr Callister.

Mr Callister: Thank you, Mr President.

60 Scheduled sailings for 2011 to these ports, aforementioned, are a total of 1,018, which is fewer than this present year. That would be 92 sailings over and above the present situation.

There is, in fact, a reducing number of sailings at the present time, but they are not down to the basic 936.

65 **The President:** Mr Turner.

Mr Turner: Would the Member not agree then that, based on the figures he has given us this morning, the extra sailings over and above amount to approximately two sailings per week – extra to that required by the Agreement?

70 **Mr Callister:** Yes, that is approximate, yes.

The President: Okay, in that case –

75 **Mr Lowey:** Could I ask a simple question, and I am sure there will be a simple answer, hopefully: is the User Agreement a public document?

Mr Callister: I understand it is.

80 **Mr Lowey:** It is and it is available?

Mr Callister: I have not read it in great detail but, yes, I gather it is.

Mr Lowey: That is fine. That is all I required.

TREASURY

**Air passengers from outside UK
Customs clearance in Isle of Man**

1.2. The Hon. Member of the Council, Mr Turner, to ask a Member of the Treasury:

85

Whether air passengers travelling to the Isle of Man from beyond the UK can opt to go through customs clearance in the Isle of Man rather than at the UK airport through which they pass?

90

The President: Question 2, then. Mr Turner.

Mr Turner: Thank you, Mr President.
I beg leave to ask the Question in my name.

95

The President: This time I turn to a Member for Treasury, Mr Braidwood, to answer.

Mr Braidwood: Thank you, Mr President.

100 The short answer is no. However, for the benefit of the Hon. Member, I will explain the rationale behind the Answer. When an air passenger presents himself or herself at a United Kingdom airport, having travelled from a foreign country, even if their final destination is the Isle of Man, the passenger must submit himself or herself to the immigration and Customs controls of the United Kingdom. This is a statutory requirement in the country of arrival.

105 There is no general exemption available in Customs law, because the person is travelling on to the Isle of Man. Similarly, if a person arrives direct from a foreign country to the Isle of Man, then he/she must subject themselves to the Island's Customs and immigration controls. The arrangements for these matters are reciprocal. Once a passenger has cleared Customs and immigration requirements, then they have the right to continue their journey, whether that is to Manchester, London or the Isle of Man.

110 In terms of Customs requirements, the Island's agreements usually provide for any further movement of the passenger from the United Kingdom to the Island to be unimpaired. In practical terms, that means that passengers may continue to travel, subject to any local stipulations, for example, anti-terrorism. Arrangements do exist with some airlines for baggage, but not people, to be routed through to the Island direct. This procedure is known as interlining. When this occurs, the baggage comes under local Customs controls at Ronaldsway. The passenger will, of course, 115 have already cleared immigration procedure in the United Kingdom.

Passengers who use direct flight holiday packages and return to the Island from foreign holidays do, of course, fall under local immigration and Customs controls at Ronaldsway.

120

The President: Mr Turner.

Mr Turner: No, Mr President, I thank the Hon. Member for his detailed Answer.

HOME AFFAIRS

**DED Motor Sport Group
Seconded police officers**

1.3. The Hon. Member of the Council, Mr Turner, to ask a Member of the Department of Home Affairs:

125

How many police officers are currently seconded to the Motor Sport Group of the Department of Economic Development; what their ranks are; from the budget of which Department their salaries are paid; whether their position has been 'back filled' in the police; and if so whether this has meant an enhancement of pay for the person back filling?

130

The President: We go on, then, Hon. Members, to Question 3. Again, Mr Turner.

Mr Turner: Thank you, Mr President.
I beg leave to ask the Question in my name.

135 **The President:** This time, a Member for the Department of Home Affairs, Mr Crowe.

Mr Crowe: Thank you, Mr President.
Mr President, there are no serving police officers currently seconded to the Motor Sport Group.

140 **The President:** Mr Turner.

Mr Lowey: Since when?

145 **Mr Turner:** Thank you, Mr President.
The Member has given quite an interesting response to this. Since when has this been the case? The Group originally that was set up was to have a senior police officer on it. When has this change of policy come about? Why has it come about? Would he not agree that it would appear that it may have come about because there are so many who have recently retired and are now full-time on this Group?

150 **The President:** Mr Crowe.

Mr Crowe: I do not want to stray into the Answer for the next Question, which talks about retired police officers, so...

155 **Mr Turner:** If I may simplify the question, Mr President – a supplementary.

The President: Mr Turner, right, okay.

160 **Mr Turner:** Is this a change in policy, as up until, quite clearly, recently, there has always been a senior police officer party to this Group?

The President: We will just stop at that one, then, because I think you did ask that at the start.

165 **Mr Crowe:** Thank you, Mr President.
In response, I can say that when the Group was first established in April 2008, Detective Superintendent Carolyn Kinrade and Inspector Nigel Shimmin were both seconded from the Isle of Man Constabulary. Detective Superintendent Kinrade retired in November 2009, and Inspector Shimmin retired in 2010.

170 **The President:** Mr Turner.

Mr Turner: Can I ask, are those individuals now working on the Group in a private capacity?

175 **Mr Crowe:** I think this is the response to Question 4.

The President: We will pick that up in Question 4.

ECONOMIC DEVELOPMENT

DED Motor Sport Group Members' contracts and licences

180 1.4. The Hon Member of the Council, Mr Turner, to ask a Member of the Department of Economic Development:

- (a) *How many retired police officers have been given contracts or remunerated positions on the Motor Sport Group;*
- (b) *how these posts were advertised;*

185 (c) how many of the people in the DED Motor Sport Group have held an MSA or ACU licence relating to event organisation or event steward and if so what licence and grade;
(d) whether the Director of the Motor Sport Group has ever held an ACU/FIM or MSA/FIA competition or organiser's licence and if so what grade and in what years;
(e) whether there were any applicants for the Director of Motor Sport post who declared they had held a licence issued by one of the four governing bodies?
190

The President: Question 4, Mr Turner.

Mr Turner: Thank you, Mr President.
I beg leave to ask the Question in my name.
195

The President: I think Mrs Christian this time, Member for the Department of Economic Development.

Mrs Christian: Thank you, Mr President.
200 In answer to part (a) of the Question, there are currently three personnel contracted by the Department of Home Affairs and seconded to the motorsport team who have formerly served as police officers. Two of these contracts are part time.

205 In answer to part (b), how were the posts advertised, the role of Safety Co-ordinator was advertised in the local press for expressions of interest. There were four responses: three were due to be interviewed and one withdrew prior to interview. The other two posts were not advertised, but were filled by identifying individuals with specific skills and knowledge required.

210 Part (c) of the Question asks how many people in the Motor Sport Group have held an MSA or ACU licence or event steward qualification. One member of the motorsport team held an FIM international technical steward's licence and an MSA scrutineer's licence. Neither are relevant to his current role. Another member of the team currently holds an ACU licence as a national steward and an ACU clerk of the course national B licence.

215 Part (d) of the Question asks whether the Director of Motor Sport has ever held an ACU/FIM or MSA/FIA competition or organiser's licence, and if so, at what grade and what years. The Assistant Director of Tourism (Motorsport), which is the formal title of the role to which he alludes, I think, Mr President, has not held an ACU, MSA or FIM competition or organiser's licence in any grade. Holding such a licence was not a requirement for the post, since the motorsport team promotes motor sport on the Isle of Man and assists the Department of Infrastructure in the decision-making process for road closure orders. In the case of the TT and MGP, the Motor Sport Group contracts an event organiser to organise the racing elements of the event, and thus there is no need for the Assistant Director post to require such qualifications.
220

225 In respect of part (e) of the Question, one applicant for the post of Assistant Director of Tourism (Motorsport) included reference in their CV to an MSA clerk of the course national A licence. This was not a requirement of the job description or person specification against which all applicants were judged. Other applicants were considered a better fit for the post.

The President: Mr Turner.

Mr Turner: Thank you, Mr President.

230 I am concerned that these posts were not advertised. However, would the Member not agree with me that to write a job description for a Director of Motor Sport and not have a basic requirement that they have had any involvement with two of the world's governing bodies in motorsport, is a serious flaw in the job description, particularly when one of the applicants has held a licence? Why was that not a requirement in the job role?

235 **The President:** Mrs Christian.

Mrs Christian: I cannot say, Mr President. This was done in a previous Department by a previous administration, so I cannot tell you why it was not deemed appropriate. However, I think that the current Department is satisfied that the functions being performed by the holder of the post fit the job description which was provided, and that the relationship with motorsport organisations is being developed.
240

The President: Mr Turner.

245 **Mr Turner:** Mr President, thank you.

The Member stated, in the Answer, that the job is to assist organisers. Would the Member not agree with me when I say that, in an event I was involved in a voluntary capacity, this Group did require those organisers to submit all their event documents? If they do not have the experience of organising, why does this Group require this information if, quite clearly, they have not got people there with the experience to know what documentation they are looking at? What is the purpose of event organisers...? I am only using this example because I have had first-hand experience of it. What is the requirement of all this information to be submitted to this Group? Are they, in effect, taking the liability of the organisers and rubberstamping all their documents and endorsing them?

255 **The President:** Mrs Christian.

Mrs Christian: Mr President, perhaps I can describe the processes gone through to try and get a clearer understanding of the function of the Group.

260 The motorsport team do not organise events. They assist the DoI with the safety elements of the events. My question to them was: why can the organisers not do it? The answer to that is that the events are controlled by two governing bodies – the MSA, which controls four-wheeled events, broadly speaking; and the ACU, which deals with the two-wheeled events. They grant permits. The Department of Infrastructure is responsible for public roads and therefore they have an interest in safety and we are well aware of the incident at the 26th mile stone, which led to the formation of this particular team. Part of the Motor Sport Group (MSG) has a function in regard to safety on public roads.

265 An application comes in from an organiser and goes to the Department of Infrastructure seeking a road closure. That is where the documentation is required. The DoI needs to understand what the event is about, where it is being run and needs the documentation, which should be in line with the governing bodies requirements – the MSA or ACU requirements. That is passed to the MSG, who check the documentation and give some advice to DoI on road safety aspects. The DoI then determine whether they will make a road closure order. In fact, they have never refused a road closure order.

270 Perhaps it would help Members to know that the MSG do want to work with organisations and they do want to simplify this process. There is a meeting taking place this week with the MSA, the governing body of four-wheel sport, and the objective is to try and create a template to assist organisers and to simplify the processes.

275 So there is not a wish to be obstructive in any way. They are trying to work forward to work positively with the groups who are seeking to organise these events, Mr President; indeed, some already do it very well and are exemplars, really, in terms of organisation.

The President: Mr Turner.

285 **Mr Turner:** Mr President, would the Member not agree with me that this Motor Sport Group is unique in the world? In every other country in the world, the sports governing bodies are recognised as the governing body responsible for motorsport, with the relevant insurance. Why is it in the Isle of Man we need this extra level of bureaucracy and checks, clearly with people who have had no experience in the motor sport regulation regime, particularly at a time when Government is looking to save costs? This, in fact, is operating as an unnecessary quango.

290 **The President:** Mrs Christian.

Mrs Christian: Thank you, Mr President.

295 I cannot say whether it is unique. I have no knowledge of whether it is unique or not. In terms of its function, it is there to advise the DoT. I think the Hon. Member has said that the motorsport governing body shall be the controller and they work to that body's provisos. Someone has to examine whether the organisers are working within those frameworks.

300 **Mr Turner:** Governing bodies.

The President: Mr Lowey.

305 **Mr Lowey:** Just three points: would the Member not agree that safety has always been a high priority for the organisers of the TT Races? It is not something that happened just after the very tragic accident which we refer to as the 26th milestone? These actions have taken place... Can I

come back... but we have always taken a great interest in road safety, and we have always had an advisory group on safety on the TT course over the years. I speak as someone who had 25 years' experience of chairing that and running it. So I do know a little bit about the TT.

310 Can I come to the point: two posts were not advertised, I think the Member moved. Perhaps she could explain – and she said the reason for that was they held experience. How do we, in the future, replace these people and their expertise, if these people are now the only acknowledged experts who are available? It seems to me that we are leaving no training facilities for people to fill these positions, other than the people from whence they came – in other words, the police officers who were doing this job will now automatically come into these places, and that is unhealthy –

315

The President: Hold on at that, Mr Lowey.

Mr Lowey: There are two. I will put the third one...

320

Mrs Christian: First of all, I would acknowledge what the Hon. Member has said. Safety has always been of concern in the Island. It has always been recognised that road racing, rallying, whatever, have elements of danger about them. What we do have to recognise is that they have changed: they are faster, the roads are different and there have been instances of court direction which have had to be responded to.

325

With regard to the posts – and clearly I have indicated that two were appointed to in the first instance – there is going to be a review of staffing of the Motor Sport Group, going on with the concurrence of the Department of Home Affairs, who contract retired officers to participate in this Group. It is thought that it will be probable that there will be re-advertising and appointments made to this Group in the future.

330

The President: Mr Lowey.

335

Mr Lowey: Which leads me nicely to my final point, really. When Mrs Christian said that the Motor Sport Group does not organise the races, they appoint the ACU to run the races on their behalf, I have just put down here, if they are doing that to get the ACU to run the races, couldn't they contract this out... of safety, to the ACU at the same time as part of the deal?

The President: Mrs Christian.

340

Mrs Christian: Mr President, the ACU have a function in respect of two-wheeled events, but they do not have a function, as far as I understand it, in respect of car races, car rallies, and so on.

The President: Mr Butt.

345

Mr Butt: Thank you, Mr President.
The Member may not be able to answer this query today –

Mrs Christian: Sorry, I cannot –

350

Mr Butt: The Member may not be able to answer this query today, but I have a question I would like her to take back to the Department. I read the Onchan Commissioners' minutes a few weeks ago about their torchlight procession, which they planned to have through the village and they needed a road closing order to do so.

355

I gather from the minutes that they had to consult with the TTFMAG Group to get that order and the group actually caused some problems in terms of when it could be opened and how it could be opened. That may not be an accurate record of the Commissioners themselves, maybe it was the DoI, but could the Member see if the TTFMAG Group are involved in all road closing orders to give their advice on how things could be made safe?

360

The President: Mrs Christian, if you have that answer.

Mrs Christian: I am afraid I do not have the answer. I will endeavour to find out for the Hon. Member.

365

I cannot see that there is a direct linkage between the Motor Sport Group and an event in Onchan. There are event planning codes which I understand used to be operated through the former DoLGE, which may now be DoI. I do not know how they take their advice in respect of

lantern parades. I do not know, but I will endeavour to find out and circulate the answer to Hon. Members.

370 **Mr Butt:** Thank you, Mr President. That may have been a misconception by the Commissioners themselves.

The President: Mr Turner.

375 **Mr Turner:** Thank you, Mr President.

Would the Member not agree that the original establishment of this Group was to review the findings of the coroner's report, which specifically said that he would recommend that someone with experience of a command structure, such as a senior police officer, should examine the chain of command, and that this Group was established for a period of, I think we were told 18 months, while that review was to take place? Would the Member also confirm that the establishment of this Group on a formal footing was actually on the recommendation of this Group itself? That was minuted in a Council of Ministers' public summary document approximately this time, maybe autumn, last year, and the permanent establishment was recommended by themselves.

385 **The President:** Mrs Christian.

Mrs Christian: I am afraid I do not have an answer to that, Mr President. All I can say is that the definition is approved by the Council of Ministers. Their functions are set out as defined in the Council of Ministers' approved motorsports policy. What advice they took and from whom they took it, before they reached that decision, I am afraid I cannot say, Mr President.

INFRASTRUCTURE

Road Races Act

Powers of DED Motor Sport Group and race organisers

1.5. The Hon. Member of the Council, Mr Turner, to ask a Member of the Department of Infrastructure:

395 *What provisions race organisers have to comply with in order to apply for a road closing order under the Road Races Act; and what powers the Department of Economic Development's Motor Sport Group has under the Road Races Act?*

The President: We move on, then, to Question 5. Mr Turner.

400 **Mr Turner:** Thank you, Mr President.
I beg leave to ask the Question in my name.

The President: Again, I come back to the Member for Infrastructure, Mr Callister.

405 **Mr Callister:** Part 2! (*Laughter*)
The Road Races 1982, section 1(1) states:

'The Department may on the application of the promoter by order'

410 - which is called a road race order -

'authorise the use of any road for a race or races with such vehicles on such days during such times and subject to such conditions as may be specified in the order.'

415 In order to determine whether it would be appropriate for the Department to close a public highway for a racing event, careful consideration needs to be given to the effects that this would have on the general public, in terms of disruption to their daily lives, effects on businesses, emergency services, public transport and other aspects of concern. Where these are considered to

420 be significant, the organisers may be asked to carry out consultation with people who will be affected by their event.

The final say on whether an event will proceed rests with the Minister for Infrastructure, based on a recommendation by the Director of Highways. It is also necessary for the Department to consider its duty of care by ensuring that, before an order is made, it is satisfied that any event taking place on the highway network is being managed competently and will not present a significant risk to participants or officials or the public. In order to determine whether this is the case, documentary evidence is required.

430 This is then assessed in conjunction with the motorsport team of the Department of Economic Development. The motorsport team has no powers specified under the Road Races Act, but acts in an advisory capacity to the Department of Infrastructure. The role of the Department is not to approve the documentation which is submitted, but merely to ensure that it is satisfied that appropriate assessments have taken place and that measures to mitigate any identified risks will be put in place and that the organiser holds suitable insurance.

435 The Department also needs to be satisfied that the individuals managing the event are competent and appropriately qualified, with contact details being provided in the case of problems arising during the event. Again, this is provided by the motorsport team for the Department.

The President: Mr Turner.

Mr Turner: Thank you, Mr President.

440 How can the Department decide whether an event is being managed competently when, quite clearly, they have not got the experience or competence in the Department with regard to organisation of motorsport events? How do they know whether the information being given to them by organisers is appropriate or not?

445 **Mr Callister:** I would suggest, Mr President, that is a question for the Department for Economic Development, as they come under their auspices, of course, but, nevertheless, they have already, since they were first formed, dealt with a number of events, so there must be an acknowledgement, certainly by the organisers, that there is someone there that can have some responsibility for these matters.

450

The President: Mr Turner.

Mr Turner: Thank you, Mr President, but in the Member's answer he said that it is not for them to endorse, but surely by accepting this documentation and granting the order they are clearly endorsing that the documentation is satisfactory. Would the Member not agree?

455

Mr Callister: The answer is, as I indicated, that the team does not have powers under the Road Races Act, but they are advisers to the Department of Infrastructure. The role of the Department is not to approve the documentation. I have clearly said that. It is to ensure – let's hear it again – that it is satisfied that appropriate assessments are taking place and that the organiser, particularly, holds suitable insurance.

460

The President: Mr Lowey.

465 **Mr Lowey:** Would the Hon. Member not agree that if we had to go through the programme that he has just mentioned in 1907, we would not have had the TT Race, for a start? And, secondly, could I come back to the point of road closing orders, for whatever purpose, and would he not agree that it does seem a little bit over the top – I was going to say OTT, but it is over the top – to suggest that we need belt, braces and a piece of string to help the organisers, whether we should close the roads for carnivals or for torchlight processions or whatever?

470

Mr Callister: Well, if I were to present my personal opinion, I would have a considerable amount of agreement with the Hon. Member. I wonder, though, if in 1907, if he had his small committee running then about safety, what consideration would be given to motorcycles travelling at 37 miles an hour, as against those who are now going at in excess of 200, in my view?

475

Mr Lowey: Geoff Duke was the organiser.

The President: Mr Downie.

480 **Mr Downie:** Thank you, Mr President.

Is the Hon. Member aware that a recent charitable event, namely the soapbox derby, which was held for several years very successfully in Port Erin, raised a significant amount of funding for charity and created innovation in the schools and in various workplaces in the Isle of Man, was cancelled by order of what was then the Department of Transport, because it was found that the
485 running of a soapbox derby was in contravention of the Road Races Act? Can he advise whether this is actually being addressed, because it also, in my understanding, affects things like time trials for bicycle racing on a Sunday morning and a host of other events?

490 **The President:** Mr Callister.

Mr Callister: Yes I do not have much in the way of detail about the soapbox derby, but I have heard this.

I think, probably the difficulty the Department has, it has the responsibility of deciding whether a highway shall be closed or not. It has to weigh up the reasons for and against that. I cannot
495 answer for the soapbox derby because I am not aware of the actual facts that occurred with that. Their responsibility is, shall we, can we, close this road? Is it appropriate to close it? And they may well have had reasons in that case for not doing so. To me, the little I know about it sounded somewhat ridiculous, but I can certainly get a more clear answer on that and let the Hon. Member know.

500

The President: I think there is a difference in the soapbox derby to require a road closure, while the cycle time trials do not. I think that is the inference. *(Interjection by Mr Lowey)*
Mr Turner –

505 **Mr Downie:** But, Mr President, why? They are both... One is racing in a soapbox and the other one is racing on a pedal cycle.

The President: Pedal cycles in a time trial have to abide by the highway rules. Soapboxes, I do not think do.
510 Mr Turner.

Mr Downie: But they close the roads, though.

515 **Mr Turner:** I am on one of those this morning, Mr President!

Would the Member for the Department of Infrastructure acknowledge that the MSA, which is the four-wheel governing body, and the ACU, the two-wheel body, are recognised worldwide, in some countries actually in legislation, as competent bodies? Would he not accept that all of those checks that he refers to are carried out by the governing bodies before they issue their permits to event organisers to proceed?

520 Would he also agree that the permit is what gives the event organisers the insurance required under section 2(3) of the Road Races Act, and surely the Department, rather than having all this expensive bureaucracy, should be satisfied that by an event organiser holding the relevant governing body permit, all of those safety checks and competent personnel are already in place, and therefore we could save the taxpayer many hundreds of thousands of pounds by getting rid of
525 this extra layer of bureaucracy?

The President: Mr Callister.

530 **Mr Callister:** Thank you, Mr President.

I should imagine – I think I would be fairly sure in saying – that the motorsports team must have taken this into consideration. Nevertheless, I will take that matter back to the Department and see if we can get some more clarification on it.

535 **The President:** Mrs Christian.

Mrs Christian: Would the Hon. Member agree that the motorsports governing body largely deals with events which are run off public highways and that the situation is somewhat different in the Isle of Man, where many of them are run on public highways? It is for that reason that the Department of Infrastructure requires to feel that there is a defensible level of safety provision in relation to these events. Can I also suggest to the Hon. Member, would it not be reasonable to
540

suppose that in the light of experience if it is seen that these bodies are complying in a satisfactory manner, that the scrutiny, which they have to undergo to satisfy the DoI, could perhaps be reduced?

545 **The President:** Mr Callister.

Mr Callister: Yes, Mr President, I would agree with those comments. Certainly, the situation I find myself in is that is that my knowledge of TT racing and motorcar racing began and finished with Geoff Duke, I think, and some driver called Prince Bira. Beyond that, my knowledge of all these events is practically zero.

The President: I think, finally, Mr Turner.

555 **Mr Turner:** Thank you, Mr President – final supplementary.
Would the Member now for the Department of Infrastructure acknowledge that the former Department of Transport were actually part of the organising team of the event, which resulted in the inquest, and it was actually acknowledged in the report that the criticism was levied at their role in the organisation of that event, not as in the authority that deals with road closing orders? It was their involvement in the event which was criticised.

560 **Mr Callister:** Yes, Mr President. I am sure that the Hon. Member is right in that matter. Nevertheless, we are where we are. All I can do is to take back the views of the Hon. Members here to our Department, who actually are not the direct Department dealing with this group.

565 **The President:** I think Lord Raglan is smiling down at us from up there this morning.

Mr Lowey: I bet he is!

570 **The President:** He might be wondering what the position currently is – Mr Lowey raised it – but nevertheless, Hon. Members, an interesting discussion and I am sure the Department will, as Mr Callister has already indicated, take that on board and perhaps Mrs Christian, looking at it from the economic side as well, might circulate the answer to us, when she has the answer, which she has indicated.

Orders of the Day

Sewerage (Amendment) Bill 2010 Third Reading approved

575 2. Mr Callister to move:

That the Sewerage (Amendment) Bill 2010 be read a third time.

580 **The President:** Hon. Members, having completed our five Questions, we turn to Item 2, which is the Sewerage (Amendment) Bill 2010. Members will remember that we took two stages of the Bill last week, the First and Second Reading and clauses, and we are now at the Third Reading stage.

Mr Callister, Third Reading of the Sewerage (Amendment) Bill, please.

585 **Mr Callister:** Thank you, Mr President.

I thank all Hon. Members for their support in taking the Bill through the First and Second Readings and clauses, and Mrs Christian, in particular, for seconding.

590 It is simply a short Bill to strengthen the existing powers in the 1999 Sewerage Act. It grants the Isle of Man Water and Sewerage Authority powers to construct, maintain, alter or replace sewage disposal works. It also enables an authorised person to enter on any land and take heavy equipment onto that land.

I was curious to know the difference between ‘sewerage’ and ‘sewage’ in this Bill. Having looked at some definitions, you could, essentially, say that there is not any difference, but they are defined differently, in that ‘sewage’ is the waste matter that we leave from our domestic premises or industry or whatever, and that is carried away through the sewer pipes for conversion to something that is non toxic; ‘sewerage’ is the arrangement of the pipes themselves, the systems that carry the sewage to the sewage disposal works.

On that note, Mr President, I would again thank the Members for their support for this Bill and I beg to move that the Sewerage (Amendment) Bill 2010 be read a third time.

Mrs Christian: I beg to second and reserve my remarks, Mr President.

Mr Braidwood: Sorry, Mr President –

The President: If I may, Mr Callister, you intrigued me with your definitions there. In that case, why have we got:

“sewage disposal works” includes the pumping stations and any other works used for the reception, handling or disposal of...’

when you say that the sewerage is the infrastructure, and sewage...?

Mr Callister: Well, I am working on various dictionary definitions, Mr President. I cannot – (Interjections)

The President: Mr Braidwood.

Mr Braidwood: Thank you, Mr President.

It was only because Mr Callister did mention the equipment and heavy equipment which, of course, you mentioned last week, sir. Mr Callister has given the definition between ‘sewage’ and ‘sewerage’. Did he find out what the definition of ‘heavy equipment’ was?

Mr Callister: No, sir. (*Laughter*)

The President: Mrs Christian.

Mrs Christian: No.

The President: No. Right.

Mr Callister, definition of ‘heavy equipment’.

Mr Callister: No, I have not researched that, Mr President. If it is on your foot, you will know how heavy it is!

The President: Mr Crowe.

Mr Crowe: Just can I ask the hon. mover, when heavy equipment, or any equipment, is put onto land, does the owner of the land get compensation and who would justify or value that loss of use of that land or that allowance onto their land? Who would actually value that cost to the landowner?

The President: Mr Callister.

Mr Callister: Well, I do not have the answer to that, Mr President. Certainly, there would be compensation. I am at a loss to suggest how that would be assessed, but I presume it would be by arrangement with the Department and the landowner.

The President: Mr Lowey.

Mr Lowey: I support the Bill. Where we can be a little bit light-hearted from time to time, sewerage and sewage is one of the most important public health matters that central governments and local governments have to deal with. It is right and proper, I think, that the two should be

655 married in the Water and Sewerage Authority. There is a huge investment going into it. I think it is a very important piece of social necessity, and I think the Bill, forgetting our nuances and illustrative points about heavy machinery, the reality is that treating our sewage in the most efficient and environmental way is a priority and this Bill helps to that end. That is why I support it.

The President: Does any other Member wish to comment?

660 Mrs Christian.

Mrs Christian: I think, Mr President, in the original Bill, the provision for compensation had been made.

665 **Mr Callister:** Yes, I do have that.

The President: In that case, Mr Callister, would you care to reply, sir?

Mr Callister: Yes, thank you, Mr President.

670 In response to the Member, Mr Lowey, it is important, and of course the situation... The reason this Bill is before us, essentially, is because the former DoT Drainage Division would have been dealing – the DoT itself – with sewerage and sewage, and that has now transferred to what was the old Water Authority; it is now the Water and Sewerage Authority. So that is essentially why we have the Bill in front of us. They will be required to carry out the work that was previously in the Department itself.

675 I think that is it, Mr President.

The President: In that case, Hon. Members, the motion that I put to the Council is that the Sewerage (Amendment) Bill 2010 be read for a third time.

Those in favour, please say aye; and against, no. The ayes have it. The ayes have it.

Procedural

680 **The President:** That completes the business, Hon. Members, of the Legislative Council Order Paper for today. You have just been circulated with the proposed legislative programme which we are currently facing, depending on how the other House gets on with its Order Paper today. The Legislative Council will meet for Tynwald, which will be our next setting and then, as we discussed last week, 21st December would be our next sitting. The question mark is put there against the Criminal Justice (Witness Anonymity) Bill, to see whether or not that crops up or where that goes – we do not know.

685 The other items which are apparently going to come before us will be all First Readings, so I think we decided last week that we were content to sit on the 21st and, if we are content with that, that is the way it will be, Hon. Members, though we acknowledge it will be depending on the Keys, how they get on and they will be First Readings only. Okay, Hon. Members? (**Members:** Yes, thank you.)

690 Thank you very much. In that case, Hon. Members, I look forward to seeing you at the Mount Murray shortly.

The Council adjourned at 11.17 a.m.