



# HOUSE OF KEYS OFFICIAL REPORT

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# PROCEEDINGS

## DAALTYN

### HANSARD

**Douglas, Tuesday, 27th March 2012**

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**Present:**

The Speaker (Hon. S C Rodan) (Garff);  
The Chief Minister (Hon. A R Bell) (Ramsey);  
Hon. D M Anderson (Glenfaba); Mr L I Singer (Ramsey);  
Hon. W E Teare (Ayre); Mr A L Cannan (Michael); Hon. T M Crookall (Peel);  
Hon. P Karran, Mr Z Hall and Mr D J Quirk (Onchan);  
Mr R H Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North);  
Hon. D C Cretney and Mrs K J Beecroft (Douglas South);  
Hon. C R Robertshaw and Mrs B J Cannell (Douglas East);  
Hon. J P Shimmin and Mr C G Corkish MBE (Douglas West);  
Mr R A Ronan (Castletown); Mr G D Cregeen (Malew and Santon);  
Hon. J P Watterson, Mr L D Skelly and Hon. P A Gawne (Rushen);  
with Mr R I S Phillips, Secretary of the House.

**Business Transacted**

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*The House adjourned at 12.18 p.m.*

## House of Keys

*The House met at 10.00 a.m.*

[MR SPEAKER *in the Chair*]

5 **The Speaker:** Moghrey mie, good morning, Hon. Members.

**Members:** Good morning, Mr Speaker.

**The Speaker:** The Chaplain will lead us in prayer.

### PRAYERS

*The Chaplain of the House of Keys*

## Questions for Oral Answer

### TREASURY

#### Tax cap

#### Taxpayers benefiting since introduction

1.1. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

10 *How many taxpayers have benefited from the tax cap in each year since the cap was brought in; and in the year of its introduction, how many of those eligible had resided on the Island for more than 12 months prior to its introduction?*

15 **The Speaker:** We turn to Item 1 on the Order Paper, Questions for Oral Answer, and I call on the Hon. Member for Douglas South, Mrs Beecroft.

**Mrs Beecroft:** I ask the Question standing in my name.

**The Speaker:** I call on the Minister for Treasury, Hon. Member for Ayre, Mr Teare, to reply.

20 **The Minister for Treasury (Mr Teare):** Thank you, Mr Speaker.

The tax cap was introduced in the 2006 Budget with effect from 6th April 2006. In the five years since its introduction, the following number of individuals have benefited from the tax cap: in 2006-08, 72 individuals and one joint assessed married couple; 2007-08, 95 individuals and two married couples; in 2008-09, 83 individuals; 2009-10, 77 individuals and one married couple; 25 and in 2010-11, 72 individuals. However, I should inform Hon. Members that not all 2010-11 tax returns have yet been assessed and therefore this number could be subject to change.

30 Of the 74 individuals who benefited from the tax cap in its year of introduction, 67 have resided on the Island for more than 12 months prior to 6th April 2006. I am aware that there has been a significant economic boost as a consequence of these high net-worth individuals making a very real and tangible commitment to their home in the Isle of Man.

**The Speaker:** Mrs Beecroft, a supplementary.

**Mrs Beecroft:** Thank you, Mr Speaker.

35 Is the Minister satisfied that the tax cap is achieving its objectives; and, if so, what is he basing his satisfaction on?

**The Speaker:** Minister to reply.

40 **The Minister:** The short answer is yes, I am very satisfied this is working out well. There are currently 12 companies owned by tax caps employing 347 employees and in 2010-11 they paid £3.34 million in ITIP and £3.5 million in National Insurance Contributions.

45 **The Speaker:** Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.

Would the Minister consider introducing a tax cap that only came into force if people actually set up business and employed people on the Island?

50 Is the Minister satisfied that we have not ended up with a situation where it is working people who are actually paying more tax than the wealthy on the Island?

**The Speaker:** Minister.

**The Chief Minister:** What nonsense!

55 **The Minister:** No, in response to the last part of that question, I am satisfied that this brings overall a degree of comfort and there is not a cross-subsidy from, in effect, the less well-off in the community to those who are subject to the tax cap.

60 I am satisfied that it is having the effect it was designed to do. Quite clearly from the figures I gave in the answer to the previous supplementary question, it has brought a major economic boost to the Island.

65 The Hon. Member did ask, would we consider restricting the tax cap to those who brought, in effect, new businesses to the Island. Part of the difficulty with that, I would respectfully suggest, some people who come to the Island come with the intention to retire and then after six months or so, they decide that retirement really is not for them and then they start in business again. So I do not want to close that door down. We need to have flexibility.

We have also got to recognise, Mr Speaker, that we are in a very competitive market here. In the UK budget, which was announced last week, the UK equivalent to the tax cap is currently £30,000 – a quarter of the Isle of Man tax cap.

#### **FD8 waivers in last 12 months Number of retrospective requests**

1.2. The Hon. Member for Malew and Santon (Mr Cregeen) to ask the Minister for the Treasury:

70 *How many FD8 waivers were considered over the last 12 months; and how many were retrospective?*

**The Speaker:** Question 2, Hon. Member for Malew and Santon.

75 **Mr Cregeen:** Thank you, Mr Speaker. I beg leave to ask the Question standing in my name.

**The Speaker:** Again, Treasury Minister to reply.

**The Minister for Treasury (Mr Teare):** Thank you, Mr Speaker.

80 In answering the Hon. Member's Question, I have referred to the period February 2011 to February 2012. During this period, Treasury considered 26 FD8 waiver requests. To the best of my knowledge, five of these requests were in nature retrospective.

85 **The Speaker:** Mr Cregeen.

**Mr Cregeen:** Can the Minister inform whether he approved the retrospective FD8 approvals? If he did not, would it be the Accounting Officer who is held liable if this were not approved?

**The Speaker:** Treasury Minister.

90 **The Minister:** Not all of the retrospective ones were approved. Two were not approved; one was given a short-term approval, in order to allow the Department sufficient time for fair tender; and two were subsequently approved.

In terms of who would be responsible if they in effect went ahead and ignored the provisions of FD8, it would be the Chief Accounting Officer of the Department.

95 **The Speaker:** Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.

100 Could the Minister confirm which Departments were involved with the retrospective FD8 waivers?

**The Speaker:** Minister to reply.

105 **The Minister:** I have not got it broken down between those which were retrospective and those which were, in effect, before the event. There were 26 all told. The various Departments involved were the Departments of Education and Children, Economic Development, DEFA, Home Affairs, Health, Infrastructure, Social Care, the MEA, Manx National Heritage, the Office of Human Resources and the Post Office.

110 **The Speaker:** Mr Singer, Hon. Member.

**Mr Singer:** Thank you, Mr Speaker.

115 Could I ask the Hon. Minister, are there any genuine reasons why FD8 waivers should ever be retrospective?

**The Speaker:** Reply, sir.

120 **The Minister:** There are in some instances, yes, for good operational reasons. On occasions, when they have tenders, they go out to tender and there may be only one company which actually responds to that tender. So Mr Speaker, the effect is that because it could be described as not being a competitive tender process, when there is only one tender on the plate, then an FD8 waiver would be required.

125 **The Speaker:** Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.

130 Will the Minister provide a list of the names and the amounts of these retrospective ones; and what period the retrospective ones were over? Is it just a couple of months, or is it a year or two years that they are asking for approval on?

**The Speaker:** Minister.

135 **The Minister:** Some are only very, very short-term. Certainly, the Procurement Officer does report to Treasury on a regular basis and I am quite prepared to make that information available to Hon. Members.

## ECONOMIC DEVELOPMENT

### Small and medium-sized businesses Increasing level of banks' lending

1.3. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Economic Development:

*What assessment he has made of the level of lending by banks and other lending institutions on the Isle of Man to small and medium-sized businesses; and what steps he is taking to increase new net lending access to finance?*

140 **The Speaker:** Question 3, Hon. Member for Onchan, Mr Hall.

**Mr Hall:** Thank you, Mr Speaker.  
I beg leave to ask the Question standing in my name.

145 **The Speaker:** The Minister for Economic Development, Mr Shimmin.

**The Minister for Economic Development (Mr Shimmin):** Thank you, Mr Speaker.  
My Department is aware of some reduction in lending, though most notably in terms of reduced overdrafts to small and medium-sized businesses, such as small manufacturers on the Island. This position is, of course, not dissimilar to that which pertains in the UK and much of the European Union as a result of the credit crisis and the resultant pressure on the banking industry.  
150 A number of discussions have taken place between representatives of my Department and the Isle of Man Bankers' Association in the past year, as well as with individual banks, concerning the more restrictive lending market, which has arisen from the global credit crisis. However, the local lending market is arguably better served at the present time than the neighbouring markets of the UK and Ireland, given that our banks have a closer understanding of the local market and, in some cases, autonomous decision-making powers.  
155

However, some local banks have no flexibility and are obliged to follow the policies and risk management approach dictated by their parent groups. It is unlikely that the Department can wield much influence in such cases.

160 Nevertheless, the Government is about to embark on a programme of visits to bank head offices, to discuss a number of policies and services affecting the Island, and indeed to seek to positively influence thinking about the Isle of Man, including, wherever possible, policies on lending and opportunities for local services. In addition to this, the Isle of Man Finance Partnership is playing an integral part in the overall Banking Strategy, as promulgated by the local banking fraternity. This Strategy endorses the approach to attract further banks to the Isle of Man and we are working together in this regard.  
165

We are also monitoring the potential emergence of a moneylender on the Isle of Man, who we understand has appetite to fill some of the perceived gaps in the market.

170 Mr Speaker, it is fair to say that the Isle of Man has so far managed to avoid the worst effects of the economic and employment difficulties encountered by the neighbouring isles, and thus the risks for lenders on the Island are somewhat different, particularly as our economy has continued to grow throughout the global economic crisis.

175 I am also encouraged by discussions my Department has had recently, with banks that are expanding services in the Island. It may be that where some banks restrict their levels of lending, this will be mitigated by others stepping in to take advantage of potential opportunities. In spite of the limitations imposed by conditions outside the Island, our standing as an international finance centre means that Island residents benefit from a wider choice of banks, products and services that might otherwise be expected for such a relatively small population.

180 In summary, while there is some shortfall between supply and demand, this is much less acute than in the UK. We have a strong working relationship and liaison with the banks locally and will continue to strive to work with them and persuade them to provide the services that are needed and, where possible, to seek to influence head offices off Island. I can therefore assure the Hon. Member for Onchan and the House that the Department is well aware of the importance of the matter he has raised, and that my Department is doing all we can to influence the situation.  
185

**The Speaker:** Mr Hall.

**Mr Hall:** Thank you, Mr Speaker.

190 I thank the Minister for his constructive reply. Is the Minister aware that the Small- and Medium-Sized Enterprise Finance Monitor Report in the UK of March 2012 indicated that over 40% of first-time applications by small and medium-sized enterprises for bank support were turned down in 2011? Would he not agree with me that this disappointing statistic is highly likely, being reflected on our own shores, and that we must do more than just monitor the situation, if we are ever to get enterprise to fill the void as Government is forced to retract in the economy?  
195

**The Speaker:** Minister to reply.

**The Minister:** I think the Hon. Member, Mr Speaker, has alluded to the issue and situation in the United Kingdom that we are aware of and inevitably does have an impact on small and

200 medium-sized businesses on the Island. That is why we continue to, as outlined in my Answer, talk with local and indeed off-Island central headquarters of these banks, to try and identify the difference between our economy and that in the adjacent countries.

205 **The Speaker:** Hon. Member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker.

210 Mr Speaker, if the Minister would be aware – and I am sure he is – previous to the banking crisis, banks always gave umbrellas to businesses while the sun was shining and took them off them when it was raining. If the situation where genuine enterprises make application to his Department, could he offered the services of a reasonable guarantor in cases that merit and warrant the provision of finance from the bank, but with the appropriate support from the Government?

**The Speaker:** Reply, sir.

215 **The Minister:** The issue about guarantees is one which we constantly grapple with. Inevitably, businesses would like Government to step in, in order to secure a progression of that business. We are sympathetic and try and work with businesses to that effect. However, if the banks have made a commercial decision, it would be dangerous of the Isle of Man Government to use taxpayers' money potentially to guarantee businesses which will be aspirational, but cannot guarantee success. Inevitably, were we to do so, and for the company to then fail, I am sure Hon. Members in this House would look at why we have taken such a step.

220 However, we find a number of ways in which we can identify other forms of financing, which may not be through the banks but through investment and support of other parties in the community. I have a good deal of sympathy with what the Hon. Member is requesting but unfortunately, were we to open that doorway, I think we would have a rush of potential ambitious businesses, with lots of schemes that would appear beneficial, and it would be difficult for my Department to be able to take on that guarantee without putting at risk taxpayers' money.

230 **The Speaker:** Further supplementary, Mr Hall.

**Mr Hall:** Thank you, Mr Speaker

235 I think that the jury is very much still out on these cuts and to the best of my knowledge, cuts have never grown any economy. Whilst the banks have had their contribution to play in all this, I think that... Would the Minister not agree with me that we have got to trade our way out of this problem and that means introduce policies to help small and medium-sized... to grow the economy? I think the proof of the pudding is if it happens.

Could he spell out precisely what new policies that he has got in mind, in the months or years ahead and –

240 **The Speaker:** No, I am going to disallow that question. It is broadening out far too much from the Question on the Paper.

Hon. Member for Douglas South, Mr Cretney.

245 **Mr Cretney:** Yes, could I ask the Minister, when he is having discussions with the banks, would he take the opportunity to make the point with them that it is even more important in terms of small and medium-sized enterprises, because about three quarters of the businesses on the Island fall into just that category?

250 **A Member:** Hear, hear.

**The Speaker:** Mr Shimmin.

255 **The Minister:** I strongly agree with the Hon. Member for South Douglas. The reality is when we try and compare ourselves with the United Kingdom, with small and medium-sized enterprises, they are talking about businesses that in many cases reflect the entire business community on the Isle of Man. There are very few businesses on the Island which would not fall into that category.

260 We still need to continue to differentiate in the eyes of the UK banks the reality of the economy on the Isle of Man. Our economy has been and continues to be built on small and medium-sized enterprises. We have got to find the mechanism of getting funding into those people to allow them to grow, in order provide jobs for our people.

**The Speaker:** Mr Quirk, Hon. Member for Onchan.

**Mr Quirk:** Thank you, Mr Speaker.

265 Could I ask the Minister, with reference to a recent article regarding banks wanting to spread their load in the housing market, could I seek an assurance from the Minister, when he talks to the banks, that we will not be left with housing estates that first-time buyers cannot get, because the banks are not prepared to loan to an estate?

270 **The Speaker:** Minister.

275 **The Minister:** Yes, Mr Speaker, we had meetings yesterday with the Construction Forum, attended by a number of political representatives from Departments. The issue out there for the construction industry and the housing market is difficult. We know that houses are not moving and therefore, there will be no enticement for Government or indeed banks to be lending to a large extent, but it is Government's responsibility to try and ensure we keep the market moving. So we are aware of what is happening in the United Kingdom. We are talking internally within Government to see if there are ways of kick-starting the housing market, but we still do have a major housing issue, which is why the Department has got a housing review out at the moment, in order to make sure people put forward their views to see what sort of housing market we have into  
280 the future going forward.

## HEALTH

### Poor patient care Disciplinary action for failure to raise concerns

1.4. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Health:

*What action his Department is taking to make all doctors aware of the recent guidelines issued by the General Medical Council that they could face disciplinary action if they ignore or fail to raise concerns about poor patient care by other doctors or healthcare professionals?*

285 **The Speaker:** Question 4, Hon. Member for Douglas South, Mrs Beecroft.

**Mrs Beecroft:** I ask the Question standing in my name.

290 **The Speaker:** I call on the Minister for Health, the Hon. Member for Glenfaba, Mr Anderson.

**The Minister for Health (Mr Anderson):** Thank you, Mr Speaker, and I thank the Hon. Member for this Question concerning the General Medical Council (GMC) guidelines on doctors' duties in relation to poorly performing clinical colleagues.

295 The current GMC guidance, 'Good Medical Practice', was issued in 2006 and is currently under review. The GMC consultation, which may lead to revision of present guidance, commenced in October 2011 and has recently closed. The GMC is planning to launch the new guidance in the autumn of 2012.

The current guidance, under point 43, Conduct and Performance of Colleagues, states, and here I quote from the guidance:

300  
305 'You must protect patients from risk of harm posed by another colleague's conduct, performance or health. The safety of patients must come first at all times. If you have any concerns that a colleague may not be fit to practise, you must take appropriate steps without delay so that the concerns are investigated and patients protected where necessary. This means you must give an honest explanation of your concerns to an appropriate person from your employing or contracting body, and follow their procedures.'

310 It is worth noting, Mr Speaker, that the GMC's 'Good Medical Practice' guidance is written in two ways: guidance points commencing with 'you should' and also 'you must'. You must note that point 43 actually begins 'you must' and it is confirmed in the guidance that the phrase 'you must' is used to indicate an overriding duty or principle.

It also goes on to say that, and here again I quote from the guidance:

‘Serious or persistent failure to follow this guidance will put your registration at risk.’

315 All doctors are fully aware of the GMC guidance and have a duty to inform their employer of any restrictions on their practice. It is also incumbent on the Department of Health as the employer to check those we employ in detail to ensure they are fully registered with the GMC and are able to fulfil their requirements of the post they are employed for.

320 **The Speaker:** Mrs Beecroft, supplementary.

**Mrs Beecroft:** Thank you, Mr Speaker.

325 Does the Minister agree that there must have been concerns in the UK about this element, for them to even consider amending the guideline and introducing a new stronger one that is quoted as saying ‘to foster a culture of openness’? Does the Minister have any concerns previously about how things were operated in the Isle of Man in this regard? I would have thought, if the UK was having a problem, then we would. Does he welcome this new guideline?

330 **The Speaker:** Minister.

**The Minister:** Yes, Mr Speaker. I am not aware of any problem in relation to this that we have actually had on the Island, but I take the point the Hon. Member makes, that there must be some concern in the UK, if they are doing a full review, and I look forward to the recommendations of that review.

335 **The Speaker:** Hon. Member for Douglas North, Mr Henderson.

**Mr Henderson:** Gura mie, Vainstyr Loayreyder.

340 I thank the Shirveishagh for giving us the latest update on the advice, but could he give an undertaking to circulate Members with further information, when he is able, with regard to several years ago, which is pertinent to this Question, Vainstyr Loayreyder, the infamous Dr Nath case, whereby a locum consultant was employed and a pensioner – my constituent, Mr Moore – was killed. It was public knowledge. It came to the fore, Vainstyr Loayreyder – if the Minister could agree to look into that – that there were concerns raised, and they had been raised on an ongoing basis. We could do with some guidance from the Minister, how the recommendations – sorry, Mr  
345 Watterson I am referring to, Vainstyr Loayreyder – how the changes have been made following that and married up to what the Hon. Member for South Douglas is talking about, because the staff were making concerns known.

350 **The Speaker:** Now, we are going into an individual case, which I expect you will not have information on, and I am not sure that it is absolutely appropriate that you should answer that question.

Insofar as it is already in the public domain, it is up to you, sir.

355 **The Minister:** Yes, Mr Speaker, I will not make reference to an individual case, which I do not have the details of, in any case. However, I will give an assurance to the Hon. Member that when the recommendation comes out from GMC, I will make those recommendations fully public.

360 **The Speaker:** Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.

365 Does the Minister agree that the other part of the recommendation is a good thing and that it states the new guidance also bans doctors from signing contracts with gagging clauses that attempt to prevent them from reporting problems to the GMC or other regulators, such as the Care Quality Commission, and as we do not have a regulator such as the Care Quality Commission or indeed any independent audit, how does he intend to implement that part of the guideline?

**The Speaker:** Minister.

370 **The Minister:** I thank the Hon. Member for her supplementary question. However, I think we must recognise that in this particular instance it is very clear in their contract that all medical professionals should act in a professional manner and report any hint of any wrongdoing by another medical practitioner. I am not sure what bearing the Quality Commission will have on the

375 Island as we do not have one. However, if the Hon. Member has any individual circumstances she would like to flag up with myself, I will certainly look into them.

**The Speaker:** Mr Henderson.

380 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Far be it from me to have a go at the Minister, Vainstyr Loayreyder, what I am seeking here is that the case referred to previously, which is in the public domain – I accept he does not have the information now – could he look into it, so that any recommendations flowing from that, he could come back to us on that, and let us know, Hon. Members, how it measures up to the new guidelines as well and do the new guidelines take care of the issues that were raised at that time?  
385 That would be most helpful to the House, Vainstyr Loayreyder.

**The Speaker:** Minister.

390 **The Minister:** If the Hon. Member could give me the details of the historic case, I will look into them and report back to him, if it has any bearing on that case.

**The Speaker:** Hon. Member for Onchan, Mr Karran.

395 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh not agree that there are great assets, as far as being a small community, but there are great disincentives, as far as the Island is concerned?

Does he not think that we need to make sure that, because we are a small community, we must make sure that, with this commitment as far as professionals telling on other professionals that they are not doing their jobs right, we need to be more vigilant to make sure we do not discourage people who want to work in the Isle of Man from not doing their professional duty by exposing bad practice?  
400

**The Speaker:** Minister.

405 **The Minister:** Mr Speaker, I have every confidence in our medical professionals that they will actually honour their contracts and report any misgivings they have of any other medical practitioner. If the Hon. Minister has any concerns in any particular area, I am happy to look into those.

410 **The Speaker:** Final supplementary, Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.

415 Would the Minister acknowledge that he has previously said that we will not have an independent audit, unless he considers it relevant? Does the Minister now consider it relevant to have some sort of regulator, as the guidance says, such as a Care Quality Commission, in order to fulfil the obligation under this new guideline?

**The Speaker:** Minister.

420 **Mr Anderson:** Mr Speaker, I am quite happy to have an independent audit, where the evidence is shown that it is needed.

#### **GP appointments Reducing number missed by patients**

1.5. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Health:

*Further to his reply to the Written Question dated 14th February 2012, what steps he is taking to reduce missed GP appointments by patients?*

425 **The Speaker:** Question 5, Hon. Member for Onchan, Mr Hall.

**Mr Hall:** Thank you, Mr Speaker.  
I beg leave to ask the Question standing in my name.

430 **The Speaker:** Minister for Health to reply.

**The Minister for Health (Mr Anderson):** Thank you, Mr Speaker.

Over the last three years, officers of my Department have actively encouraged GP practices to publish the number of missed appointments in their individual practices to draw attention to this subject. All practices on the Island do this each month.

435 Currently, the missed appointment rate in the Isle of Man is approximately 3.45%. Unfortunately, there does not appear to be an easily accessible comparative UK figure, although anecdotal evidence suggests that the missed appointment rate in general is higher in the UK. There are, of course, a variety of genuine reasons for missed appointments, some of which will never be  
440 totally eliminated – for example, a domestic emergency or sudden illness.

One of the GP practices recently introduced a dedicated mobile phone number, which is available for patients to text and cancel an appointment. Use of this service is growing steadily and is already proving to be useful, both in terms of ease for the patient and for reducing the overall rate of missed appointments. In addition some initial consideration has been given to a texting reminder service, which other professional groups use to send a text to a patient the day before the  
445 appointment as reminder. A pilot for has recently been completed in a clinic in Noble's Hospital and once the results have been collated, they will be shared with general practitioners to determine whether it would be considered appropriate for this type of service to be introduced to the Island's GP practices.

450 **The Speaker:** Mr Hall.

**Mr Hall:** Thank you, Mr Speaker, and the Minister for his reply.

I appreciate that, for their part, patients have got a responsibility to keep or cancel appointment, but does the Minister not agree with me that these hundreds and thousands of missed appointments  
455 are only leading to significant inefficiencies in GP services, and we must be proactive?

Could he spell out his thoughts on a survey by developing patient partnerships, which actually found that two thirds of the GPs questioned in the survey back the idea of actually fining routine regular non-attenders? Does he think that is something for consideration and implementation?

460 **The Speaker:** Minister.

**The Minister:** First, Mr Speaker, the GPs are contracted to the Health Service. We are not directly... they work for themselves, so the responsibility for the missed appointments is something they have to deal with as a practice themselves. However, we are encouraging them to set up systems – I have already alluded to the ones that have already started in one practice, where  
465 texting reminders are going out to individuals the day before their appointment to remind them. I think it is a pilot study for many others and I am sure it will be closely monitored by the other GP practices, to see if it is of benefit.

## EDUCATION AND CHILDREN

### Pre-school nursery provision and mobile libraries Plans for September 2012

1.6. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Education and Children:

470 *If he will make a statement on the situation regarding the Department's pre-school nursery provision and mobile libraries for September 2012 and what, if any, provisional plans he may have –*

*(a) to keep this provision open and continuing; and*  
475 *(b) to assist those parents who may struggle to pay for their children to attend these facilities?*

**The Speaker:** Question 6, Hon. Member for Douglas North, Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question standing in my name.

480

**The Speaker:** I call on the Minister for Education and Children, Hon. Member for Onchan, Mr Karran.

**The Minister for Education and Children (Mr Karran):** Vainstyr Loayreyder, as explained last week, the working party of CoMin met to review all possible options to reduce the costs to £400,000 per annum, whilst demonstrating support for pre-school provision. The Department will shortly go out for expressions of interest in the letting of the premises which are suitable for nursery provision. We hope to attract interest from the private and voluntary sector and the budget dictates that we cannot support pre-school education in the current manner beyond August 2012. The working party on the Early Years has fully considered how to support the most economically needy, and they have found a way forward, with their recommendation.

As far as the libraries are concerned, as I said in Tynwald Court last week, we are working with two other Ministers. The Department of Education and Children – Rheyynn Ynsee – have potentially already obtained sources of funding and development to give the service a sustainable future. As I have stated before, on a number of occasions, Vainstyr Loayreyder, the Department of Education and Children is trying to secure our core functions, but in line with the Scope of Government recommendations of 2006 and the Chief Minister’s stated policies, we have had to find alternative ways of funding non-core services.

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**The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Vainstyr Loayreyder, we all understand that services have to be changed and reorganised in the times that we are in. However, can the Shirveishagh clarify, just to make it quite clear basically from his answer, that he is hopeful of attracting private individuals/charities and his Department is looking into letting these facilities out, which gives me the impression – and if he could confirm – that there will be, come September, operational facilities in the Island’s pre-school nurseries, etc?

500

**The Speaker:** Mr Karran.

**The Minister:** Vainstyr Loayreyder, I am happy to give the assurance that, as far as the Department of Education is concerned, I am hoping that they will be out, either to voluntary or commercial units, as far as the pre-school provision is concerned.

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**The Speaker:** Hon. Member for Michael, Mr Cannan.

**Mr Cannan:** Thank you, Mr Speaker.

Can I ask the Minister, accepting the need for change, I still have not been able to fathom out why we simply did not start charging parents for this service, surely which would have been the most simplistic solution here.

520

Also, can the Minister confirm to me that he does recognise that, in those regions where parents might be described as vulnerable or are struggling to make ends meet, the pre-school is vital in supporting very young children, who might otherwise not receive early stage support and guidance; and also the pre-school plays a key role in integrating those particular children into their future educational facilities?

525

**The Speaker:** Mr Karran.

**The Minister:** Vainstyr Loayreyder, the reality is if we brought in charges, the very children that we want to bring into this facility would not go. The situation is that any child that shows any danger or any concerns will actually be picked up as far as the present facilities are concerned, with our present unit that we already have. So the reality is that if we brought in charges, we believe that the charges would actually stop an awful lot of the parents from doing it.

530

What we are bringing in, as the presentation will be at dinner time to you from the working party’s recommendations, is the people on the very low incomes will be sorted out. Obviously, Vainstyr Loayreyder, if there is more money, one would like to push that level as far up as possible, as far as this issue is concerned, but Hon. Members have to realise that we have lost

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something like a third of our income. We have all got to make hard decisions, and that is part of being part of this Government of National Unity.

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**The Speaker:** Mr Cregeen, Hon. Member.

**Mr Cregeen:** Thank you, Mr Speaker.

545

Will the Minister confirm whether this will be nursery or childminding or actually pre-school? If it is going to be a pre-school provision, what monitoring of these services are you going to put in place? It is a concern that somebody goes in there and put it over the pre-school and it does not hit that... Is he concerned that in the UK, when they did provide free pre-school, a number of families did not use it, because of the additional add-on costs that were put in place?

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**The Speaker:** Minister.

555

**The Minister:** Vainstyr Loayreyder, the part that we are working with is the pre-school provision. Obviously, it will have to change. There is a sizeable reduction in the amount of money. What we are looking at is working with the Department of Social Care in order to make sure that the strategy, as far as what we want for pre-school, is there as part of those criteria.

As far as the United Kingdom is concerned, I think that they have learnt the lessons. You will see that, from the provision, people who have the least will have a sizeable opportunity to make sure that their children will have the facilities – maybe not as much as it was in the past, but near enough.

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**The Speaker:** I have got a number of Members. You must be patient.  
Mrs Cannell, Hon. Member for Douglas East.

**Mrs Cannell:** Thank you, Mr Speaker.

565

How can the Minister say that he and the Department believe that parents would not be interested in paying to retain the service currently provided by his Department when he has not canvassed the opinions or the views of parents of this latest financial crisis that we currently face?

570

Further, can he advise the House whether or not, when he is going out for expressions of interest, that there will be an obligation, extended to those interested, that they will have to follow the National Curriculum? Is that the intention of the Department? Shifting it from his Department to Social Care: does he not appreciate, there is no obligation, under the legislation with Social Care, for such nursery facilities provided by the private sector to follow the National Curriculum and it is that that is the most pressing and most important aspect of this whole debate for parents?

575

**The Speaker:** Reply, sir.

580

**The Minister:** Vainstyr Loayreyder, the Department will be looking for the Early Years Development Strategy as part of that equation. The situation is that we had to make a decision, as far as the severe cutbacks we had to face as a Department. One had to make decisions over where we make those decisions. The situation is we believe that we would have to, if we are to bring in such a provision would be about £70 a week, as far as the cost is concerned and that the situation is that a lot of people would not be able to afford that sort of costings, as far as the present system. We have to look how we are going to deal with providing the service from a different aspect. We are in a new administration and this administration will have to learn how to govern without throwing money at a problem.

585

**The Speaker:** If we could cease the repetition, we would get through quite a number of supplementaries. Mr Henderson.

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**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

We understand the Government of National Unity and the problems faced. All this Hon. Member is seeking to do is to dispel the original myth that there was nothing going to be provided in September and that the Department is working to provide something in September, which is good news.

595

Could he confirm that, with regard to his statement he is looking at private or charitable organisations etc, there will be some charges in that case, or the possibility of some for some parents – fair enough – and that for those who have children now, booked in for September, who

are financially struggling now, there will be some sort of mechanism in place to allow those to access that kind of pre-school education as well?

600 Those are the reassurances, Vainstyr Loayreyder.

**The Speaker:** Reply, sir.

605 **The Minister:** Vainstyr Loayreyder, I can give the Hon. Member, the assurance that, allowing for the fact that the private sector comes in, and the voluntary sector takes up the opportunity, there will be provision there. I would take it that provision will be there and what we have done with the recommendations of the pre-school provisions, as far as the working group is concerned, is decided on a two-rate system, which we are giving a presentation on to all Tynwald Members at dinner time. I hope that assures the Hon. Member that the idea that there would be no provision  
610 there as far as that is concerned, we always wanted to see provision there, but fortunately with the initiative of the Chief Minister, money was found to help provide a credit scheme, which I am very grateful for.

615 **The Speaker:** Mr Singer.

**Mr Singer:** Thank you, Mr Speaker.

Can I ask the Minister to answer a question, which he has not answered and it is a simple 'yes' or 'no'. Basically, it is will the new pre-school facilities be educationally based with qualified staff and not be merely playgroups? Can I have a 'yes' or a 'no'?

620

**The Speaker:** Minister.

**The Minister:** Vainstyr Loayreyder, yes –

625 **Mr Singer:** Thank you!

**The Minister:** – but the fact is whether they decide to take on fully-qualified teachers will be a matter for their provision. The fact is that a successful pre-school provision does not need to always have a teacher to lead it, but qualified staff in Early Years development.

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**Mr Singer:** So is it yes or no?

**The Speaker:** Mr Quirk, Hon. Member.

635 **Mr Quirk:** Thank you, Mr Speaker.

Can I ask the Minister, or the working group really: the number of places he has indicated which will be available around the Island, are we going to get 100% coverage round the Island?

Also could I ask the Minister, or the working group as well, what would be the criteria? Most of these premises are on school property, which is Government-owned property. Who will be in charge of the facilities? Who will set, as Members in this House have said here today, the criteria? Will it be the working party that sets those criteria and will Members have an input into that?

640

**The Speaker:** Reply, sir.

645 **The Minister:** Vainstyr Loayreyder, as far as the facilities are concerned, the facilities that are available at the moment, that can independently operate, will be open in September.

As far as the criteria are concerned, the Department of Education and Children will be working with the Department of Social Care to make sure that the facilities that are operating specifically in our schools who are providing this service will have to provide the standards of Early Years development the Department wants.

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**The Speaker:** Hon. Member for Middle, Mr Quayle.

**Mr Quayle:** Thank you, Mr Speaker.

655 I would just like to ask the Minister for Education, is he putting his political aspirations above his practical responsibilities? This is Liberal Vannin policy, not as he calls it, the Government of the National Unity policy. He has made these decisions on his own, without the support of his

other political Members, and whilst we accept cuts have to be made in his Department, other alternatives were put forward but were ignored by him.

660

**The Speaker:** Minister.

**The Minister:** Vainstyr Loayreyder, these policies are made on the basis of what is best for education, what is best as far as the Island is concerned. Allowing for the fact that we had something like 60 jobs go out of Education in the last two years alone, I do not want to see a postcode lottery as far as education is concerned, like in large chunks of the United Kingdom, because of the fact that you have got to go into private education to make sure that your children get a decent educational standard.

665

Hard decisions have got to be made and I think it is important that when we listen to the likes of the Hon. Member trying to lecture me on this subject, this Hon. Member was keen enough to want to see us quadruple the cuts that he was wanting to see from this Government, which would have made the pain that we have had to go through at the present time even more difficult.

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Vainstyr Loayreyder, I also tell the Hon. Member that as far as the decisions are considered, this Hon. Minister had to make difficult decisions. It would have been easy to run away from the hard decisions that we are going to have to do, as far as a rebalancing of this Budget is concerned.

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**The Speaker:** A supplementary from the Hon. Member for Douglas East, Mr Robertshaw.

**Mr Robertshaw:** Thank you, Mr Speaker.

680

Does the Minister think it might be helpful if I pointed out to Hon. Members, with particular regard to their concerns about nursery care moving further out into the private sector, that actually my Department has a Regulation of Care Bill going through, which is now at the consultation stage, which is particularly interested and focused on the matter of nursery care and that both Departments will be working hard in the future to progressively and continually improve the service provided?

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**The Speaker:** Minister

**The Minister:** Vainstyr Loayreyder, gura mie eu, Shirveishagh.

690

I thank the Minister for highlighting these points. These are hard decisions. We have to find ways of how we are going to provide these services and I believe that done correctly, we will end up making a more secure facility for the whole community, instead of what we have got at the present time where we have just got over about 50% that can have this provision, and allowing for recent census reports, would have gone even further down as far as that opportunity.

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This is a way forward. It is a way forward that has to be partly finance led, but it is a way forward as far as based on sound sustainable educational practice.

**The Speaker:** Hon. Member for Michael.

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**Mr Cannan:** Thank you very much, Mr Speaker.

I go back to my original Question, when I asked the Minister why he did not simply start charging for services and he said something about parents would not be willing to accept those charges; and yet on the other hand, he is telling us that we are going to bring in private facilities, which surely parents are going to have to pay more.

705

I still do not understand why the Department did not simply start charging for these services.

**The Speaker:** Minister.

**The Minister:** Vainstyr Loayreyder, it might seem rather strange to the Hon. Member, but the fact is that what we believe is the provision the way we have run it would be a lot more expensive, as far as providing that service, than probably the way the private sector will provide that service. As he has already had assurances from the Shirveishagh of Social Care about the issue of the standards, I am sure that that is the most important situation that the money will actually go further by doing it this way, than by trying to keep the old system, which would have been alright, if you could extend it for the rest of the community, but that would have meant not just another £1.3 million, but another million on top of that, without the capital charges to provide a unified service for all of our children of that age.

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720 **The Speaker:** A final supplementary, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

725 Would the Minister agree with me – and I would ask him, has he read the Social Care Bill that is out for public consultation...? Would he agree with me that it actually makes no changes at all to registered private childcare nurseries, but does make provision for small households to take on childcare responsibilities, which is a mile away from what we are talking about this morning?

730 But can I ask him, does he appreciate the differences between NVQ qualified nursery managers and assistants, and teachers who hold degree levels to teach children following the National Curriculum and it is the teachers that we are losing by his inevitable move toward privatisation?

735 Can he further confirm, when he said that those nurseries that can accommodate a private sector operator, is he actually suggesting now that there will be a limited amount of number of current nurseries that will be able to accommodate such a practice and that what we will see is the closure of a lot of the state-run, pre-school facilities that we currently enjoy? Therefore, the reduction in the postcode lottery that he refers to just makes a nonsense of the whole thing. He says it is 50% at the moment. In fact, there would be fewer children under his new postcode lottery that will have access to a much more inferior service than we currently enjoy.

**The Speaker:** Minister.

740 **The Minister:** Vainstyr Loayreyder, I do not know whether the Hon. Member purposely wants to try and give this misinformation, as far as the reality is. There actually will be more opportunity. In certain constituencies, there will actually be more provision, as far as this is concerned. There will be more flexibility as far as the opening hours of these facilities.

745 As far as the issue of the pre-school provision is concerned, what we are looking at is whether we should be developing it more on play and social interaction or on education, and what we have said is that the provision does not need to have highly qualified teachers providing this service in order to do what is best by the young children that are going to use the service in the future.

750 The fact is that we are in difficult times and we could have tried to develop to fill the void that there is for the rest of the community, but the money is not there. This has to come about, it will be more flexible, it will provide as good a service as it is, as far as the children are concerned and I hope that the Hon. Member will see that what happens under the new provision will be far more flexible, it will be more universal and will actually give everyone that opportunity with the limited funds that have been made available, as far as this policy is concerned.

## SOCIAL CARE

### Glenside residential home Policy and plans re closure

1.7. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Social Care:

755 *If he will make a statement on his Department's policy and plans regarding the closure of Glenside residential home; and whether there have been any revisions to these plans since the original announcement of its forthcoming closure?*

**The Speaker:** Question 7, Hon. Member for Douglas North, Mr Henderson.

760 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

**The Speaker:** Minister for Social Care to reply, Mr Robertshaw.

765 **The Minister for Social Care (Mr Robertshaw):** Thank you, Mr Speaker.

The Department's policy and plans with regard to the rebalancing of all Adult Services were developed based on both research into good practice and also analysis of the Island's specific needs in order to ensure the policy and plans best meet the wishes and needs of service users,

770 whilst delivering best value for money. The closure of Glenside Resource Centre is one element of these policies and plans.

Since the policy was announced in this Hon. House on 7th February, I and my staff have met with many stakeholders to discuss this strategy, including residents of Glenside and their families, staff and trade unions amongst others. We have listened carefully to their concerns and explained our policy and plans. As a result, I am more confident than ever that the policy to rebalance Adult Services is the right one.

775 As I have explained on previous occasions, it is vital that the affected service users, their family, staff and trade unions are all actively involved in the detailed implementation planning to enable my Department to make the necessary changes in an appropriately sensitive and sympathetic manner. To that end, we have held several meetings with residents and their families to answer their questions and have followed this up by privately addressing individual concerns. Detailed assessments of the specific needs of the affected residents are due to commence over the next couple of weeks. All efforts will be made to take their wishes into account.

780 Also, I and my staff have met with staff and trade union representatives on several occasions. In addition, individual interviews – and with effect last night we had completed 61 of the 64 personal staff interviews – have now taken place to explore each individual’s wishes. A joint staff newsletter has been produced in consultation with both the Hon. Member for Douglas North and our staffside partners as part of our efforts to ensure effective and consistent communication. I can confirm that many meetings held to date have been very helpful in assisting my Department to develop our plans further.

790 Therefore, in answer to the Hon. Member’s Question, I believe the detailed plans are progressing well. I am sure there will be further Questions in due course, as our plans become more detailed, such that the future for individual service users and staff becomes clearer. I look forward to answering further Questions in the fullness of time.

795 **The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

800 I thank the Shirveishagh for his update on the situation. Can he give us a little bit more information on the timescale involved, which was postulated at around 30 months, and in respect now that there are possibilities that two thirds of the residential home may actually be closed and residents dispersed within this year; or whatever new information he may have on that?

**The Speaker:** Minister.

805 **The Minister :** I thank the Hon. Member for North Douglas. We are still set to endure the final closure – early 2014 are current estimates. It is perfectly true that a number of residents have already, as it were, chosen to leave. I think the number is four at the present time who have chosen to move to other facilities elsewhere and yes, it will be a progressive closure over the two-year period.

810 We would expect Sweetbriar residents in the main – and I say in the main because it may not be the wish of some of the relatives of the residents that they should go to Thie Meanagh – but in the main, the group will go from Sweetbriar to Thie Meanagh, which is a good thing, along hopefully with a significant number of the staff.

815 So what I think I am trying to explain here is a progressive and gradual closure which will, as far as we possibly can, coincide with opportunities for the staff at Glenside to find opportunities for employment elsewhere as time goes on. I actually have a list here somewhere, which shows that currently we have identified 33 vacancy opportunities for Glenside staff to consider even in the current year.

820 As far as balancing off the number of residents with the number of staff is concerned, that is a management issue which we will be very, very sensitive about indeed.

Thank you, Mr Speaker.

**The Speaker:** Supplementary, Mrs Cannell.

825 **Mrs Cannell:** Thank you, Mr Speaker.

Can I ask the Minister, if he will actually give us an idea of whether he has made any revisions to his current plans? Although he has given a long comprehensive Answer, he has not answered the actual Question on the Paper which says, have there been any revisions to it?

830 Further, has he not taken cognisance of the fact that we had an expert in this area come to the  
Island about a week ago to give a presentation to Hon. Members, of which very few attended, but  
he did. Has he not taken cognisance of the evidence based in the UK that specifies that by splitting  
up a residential home and sending residents here, there and everywhere increases mortality rate  
and that the only safe and effective way of closing down a residential home is to move all of the  
835 residents together as a group, together with their carers, to maintain the family unit?

**The Speaker:** Minister.

**The Minister:** Thank you, Mr Speaker.

840 With regard to the first part of the question on reviews, there have been no significant reviews  
in the timescale. If there is, I will be the first to come back to the House and inform Members  
accordingly.

With regard to the lady to whom she refers, I think it is always a good thing to listen very  
carefully to one's critics, which is why I attended. It does not always mean, of course, that you  
agree with your critics and I think the Hon. Member, my fellow Member for Douglas East, will  
845 recall that the lady concerned was an advocate and as such she will have put a particular picture or  
spin upon what she said. She was also, I think you will recall, quite quick to try to discredit the  
Woolham Report, which actually was brought out by a colleague of hers, who came out with an  
alternative set of opinions. So it was just one particular opinion that she expressed on that day and  
I agreed with some of the comments.

850 I certainly did not agree with them all and I certainly did not agree with her when she was  
asked about staffing and I quote: 'Time to get rid of dead wood'. I just wonder whether my hon.  
friend would consider that I would want to consider such actions, 'getting rid of dead wood' – and  
here she refers to the staff – because I certainly do not intend to do that.

855 She also said – and this is where I do agree with her – it should be done creatively, be open  
with our plan and provide constant updates and I hope Hon. Members will agree, that is exactly  
what I am doing.

**The Speaker:** Hon. Member for Onchan Mr Quirk

860 **Mr Quirk:** Thank you, Mr Speaker.

As the Minister has just commented, he did have someone alongside of him. Could the  
Minister then provide us the notes that his Department have actually transcribed and share them  
with the Members that were there? There is a precedent set on that, so I do warn the Minister on it,  
and he is quite well aware of it himself.

865 But can I ask the Minister, would he not be concerned about a person who lives in his own  
constituency area in East Douglas, who resided at Noble's and is now based in Ramsey Cottage  
Hospital, because of not getting respite care or referrals back to Glenside. Could the Minister  
explain to me, how does the family visit Ramsey Cottage Hospital and how does that give that  
person continuity with his family on the Island?

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**The Speaker:** Minister.

**The Minister:** Mr Speaker, thank you. I am perfectly happy to address particular cases with  
the Member should he so wish me to do.

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**Mr Quirk:** I do.

**The Minister:** As far as the notes are concerned, if the Hon. Member was in attendance at the  
meeting – was he?

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**Mr Quirk:** Yes, I was.

**The Minister:** Okay, then in that case, if there are any particular, pertinent questions he has to  
raise with me with regard to what the lady said, I am perfectly happy to answer them.

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**The Speaker:** Mr Hall.

**Mr Hall:** Thank you, Mr Speaker.

890 The Department certainly appears to be trying to promote the move from residential care to community-based care as a cost saving, but would he not agree with me that comparing £39,000 a year for residential care with £6,000 for home care is wholly distorted and inappropriate?

895 Would he further not agree with me that £6,000 for home care will only cover about one or two hours a day, if that, which is probably only enough for minor cases, so what is the realistic figure for home care, which includes weekends, holidays and night cover?

**The Speaker:** Mr Robertshaw.

**The Minister:** Thank you, Mr Speaker.

900 No, I stand by those numbers. In fact, I think it was not £6,000; it is £6,700, but these are aggregate figures representing an average across a variety of different services provided to a variety of individuals with a variety of different needs, and it is certainly, without hesitation and doubt, absolutely clear that residential care costs – and we should know what they are because we run the homes – are in the figure that we identified and I am confident that figures on the home care side are also accurate.

905 I am uncertain what the Hon. Member's concerns are.

**The Speaker:** Mr Cretney.

910 **Mr Cretney:** Could the Minister confirm that the prime motivation here is what is best for the older residents, rather than any cost-saving measures?

**A Member:** Hear, hear.

915 **The Minister:** I am very happy indeed to agree wholeheartedly with my fellow Minister on the matter and ask Hon. Members to appreciate that we are gearing up and preparing our services for the significant growth in the elderly, which we are anticipating will occur over the years between now and 2026. We will be providing services in line with the wishes of the elderly themselves and in fact the overarching position is one where, net, our services are growing, and there is only a small reduction in the amount of provision of elderly home care as such. I do ask Members, please, to see this particular issue in the wider context, as pointed out by my fellow Minister.

**The Speaker:** Two more supplementaries, Mr Quirk.

**Mr Quirk:** Thank you Mr Speaker.

925 It is just to ask the Minister for a correction. He missed me when I did indicate he had a member of his own Department taking notes. All I was asking the Minister was, would he provide those notes to the Members?

**The Speaker:** Minister.

930

**The Minister:** No.

**The Speaker:** Mr Cregeen.

935 **Mr Cregeen:** Thank you, Mr Speaker.

940 The Minister says that he is confident in the figures that he has got. Will he publish how he has got to those figures? Does it include EMI or is it just a part he is hoping that it is going to go out to home care? It is easily distorted. Will he provide the breakdown for home care and also his own Department costs?

**The Speaker:** Minister.

945 **The Minister:** I have not really got a problem about providing that sort of information, Mr Speaker. I am happy to do so.

**The Speaker:** Finally, Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

950 Will the Minister confirm that the complete opposite is true to what we have heard here from some of his colleagues this morning, Vainstyr Loayreyder; that if he asked the residents of Glenside if they would like to stay in the home that they have become used to living in –

**The Minister:** The answer is yes.

955 **Mr Henderson:** – they say would say yes? That is the first point. If he would care to canvass the opinions of the residents of Glenside, my constituents, he would find that they were very happy with the facilities there.

960 The second point, Vainstyr Loayreyder, is that can he confirm that *this* Hon. Member, contrary to some spurious rumours being bandied around, I am quite happy if he can confirm that older folk, if they wish to stay in their own homes is a good thing. (**A Member:** Hear, hear.) What I am worried about though, along with the rest of the Hon. Members who are also concerned is the fact that when somebody reaches a point of frailty where they cannot feed themselves properly, forget to take their medication (**Mr Houghton:** Hear, hear.) or at night-time fall over, how is the new strategy... or is he examining ways that the new strategy will be able to cope with that  
965 (*Interjections*) and supply the support necessary? There may well be then in the future a bottleneck, whereby a person who needs residential care may not be able to get it as quickly as they might have.

**The Speaker:** Minister.

970

**The Minister:** Mr Speaker, thank you very much.

I am grateful to the Hon. Member for raising the point, because I think it is a very important one. Perhaps I can gently suggest that the reverse is actually the case, that if it becomes possible to support the elderly in staying in home care for as long as possible, which is their desire, then that  
975 actually takes the pressure off care home provision to some degree, and thus then provides us with the opportunity to make the transfer from one to the other at the appropriate time, which is what we will be doing. We will be taking enormous care to make sure that that point is recognised and identified accurately. We have all heard – all of us – of the failure in home care provision in other jurisdictions. (**Mrs Cannell:** And here.) It will not happen here under my watch. (*Interjections*)

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**Mr Houghton:** How sure can you be?

**Standing Order 3.5.1(2) suspended  
to allow continuation of Question Time**

**The Speaker:** Now, Hon. Members, we have reached the end of our allotted time.  
Mr Singer.

985 **Mr Singer:** Mr Speaker, I beg to move the suspension of Standing Order 3.5.1(2) to permit the remaining Questions for Oral Answer to be taken at this sitting.

**The Speaker:** Mr Quirk.

990

**Mr Quirk:** I beg to second.

**The Speaker:** We go straight to a vote on this one. Suspension of Standing Orders requires 16 votes.

*Electronic voting resulted as follows:*

<b>FOR</b>	<b>AGAINST</b>
Mr Quirk	Mr Bell
Mr Hall	Mr Teare
Mr Karran	Mr Robertshaw
Mr Ronan	Mr Watterson
Mr Crookall	Mr Skelly
Mr Anderson	
Mr Singer	

Mr Quayle  
Mr Cannan  
Mr Cregeen  
Mr Houghton  
Mr Henderson  
Mrs Beecroft  
Mrs Cannell  
Mr Shimmin  
Mr Corkish  
Mr Cretney  
Mr Gawne  
The Speaker

**The Speaker:** With 19 for, 5 against, the motion therefore carries.

## COMMUNITY, CULTURE AND LEISURE

### Swimming pools Incorporation into DCCL

1.8. The Hon. Member for Ramsey (Mr Singer) to ask the Minister for Community, Culture and Leisure:

995 *If he will incorporate the Island's swimming pools into his Department?*

**The Speaker:** We turn to Question 8, Mr Singer.

1000 **Mr Singer:** Thank you, Mr Speaker.  
I beg leave to ask the Question standing in my name.

**The Speaker:** To reply, I call on the Minister for Community, Culture and Leisure, the Hon. Member for Peel.

1005 **The Minister for Community, Culture and Leisure (Mr Crookall):** Thank you, Mr Speaker.

Mr Speaker, the three regional swimming pools in Castletown, Peel and Ramsey are each operated by boards constituted by an Order made by the former Department of Local Government and the Environment, pursuant to section 7 of the Local Government 1985.

1010 When the Department structure of Government was revised in April 2010, oversight and responsibility for the three regional pools was transferred to the new Department of Community, Culture and Leisure. The three Orders establishing the pool boards each provide for a mixture of rate-borne funding and subvention from my Department.

1015 Whilst the current system is good in terms of maximising local input into the pool operations, it means that a share of the budget is provided by the Department, which has no management role. The subsidy provided by the taxpayer is about £1½ million – at least 90% of each pool's costs.

1020 The Department has worked with the regional pools since April 2010 to encourage joint working, with particular attention being given to key matters such as funding, the development of proper planned preventative maintenance schedules, considerations of new ways of working and Health and Safety.

There are legislative provisions in place, which would enable the centralisation of the pools; however, these have never been brought into force. There are also provisions, which would enable new joint boards to be put in place with departmental representation.

1025 Hon. Members, the regional pools represent about 8.8% of my Department's net budget. Hon. Members will be aware that my Department's budget, as everybody else's, is under pressure and it is my duty to the taxpayer to consider the most cost-effective way of managing this responsibility.

1030 I am also mindful of the imminent Report on the Scope of Government, which may have some bearing on this matter. In the light of this, once the Scope of Government Report is made public, I will review the current arrangements for the regional pools considering all options in full consultation with the boards themselves.

Thank you, Mr Speaker.

**The Speaker:** Mr Singer.

1035 **Mr Singer:** Can I thank the Minister for his Answer.

Is the Minister aware of the Sports Strategy Report 2000-12 by Pickering Torkildsen, which recommended at that time that the Island's swimming pools should be incorporated into one body?

1040 Would the Minister agree that by incorporating the Island's swimming pools together into his Department, there would then at least be offered a career structure, common terms of employment, equal standards and equalisation of rates against the local authorities?

**The Speaker:** Mr Crookall, reply.

1045 **The Minister:** Yes, Mr Speaker, thank you. I am well aware of the Report and having read it and it will be taken into consideration when we come to review the scope of government.

## OFFICE OF FAIR TRADING

### Fuel charges Recent increase

1.9. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Chairman of the Office of Fair Trading:

*What the reasons are for the recent increase in fuel charges?*

**The Speaker:** We turn to Question 9. Hon. Member for Douglas South, Mrs Beecroft.

1050 **Mrs Beecroft:** Thank you, Mr Speaker.  
I ask the Question standing in my name.

**The Speaker:** To reply, I call on the Chairman of the Office of Fair Trading, Mr Quirk.

1055 **The Chairman of the Office of Fair Trading (Mr Quirk):** Thank you, Mr Speaker.

As Hon. Members are aware, a full investigation into pricing on the Island was undertaken by the Office of Fair Trading covering the period 2005-08. The detailed Report was published in April 2010. The Report was laid before another place in April 2010.

1060 The Report highlighted that, while prices for road fuels were probably driven by the cost of crude oil and since crude oil is priced in dollars, the sterling exchange rate... there were also a number of additional factors that influence the price. Some factors were the costs associated with the supply of fuel, common both to the Island and its neighbouring jurisdictions. For example, forecourt maintenance, staffing costs, and of course, profit margins; and other factors which were Island-specific such as the cost of shipping, and providing additional small-scale local storage facilities.

1065 The Report also pointed out that the Island had received poor buying powers and economies of scale that ultimately had little choice but to accept the price charged by the refinery. The end result was, the additional factors, which I have mentioned, do not combine to make a price higher in the Island than in those neighbouring jurisdictions from which the fuel is imported.

1070 I quote from the main conclusions of the Report:

'Price differentials with the UK are to be anticipated, given the smaller market size, the more costly importation and distribution routes and the lack of competition from supermarkets, whose business model is built on lower fuel margins but high synergies with other activities.'

1075 The Report also recommends that the Office should continue to monitor fuel prices and it should seek to develop an enhanced relationship with the fuel suppliers in the Island in order to have a better understanding and monitor the way the prices are charged.

1080 I am pleased to confirm that both these recommendations have been progressed. The local petrol suppliers are generally co-operative with the Office and are providing information on a commercially confidential basis, which enables us, with professional help from Treasury, to validate or otherwise, the reasonableness of their margins.

1085 Generally, this information, which we request but is outside the scope of the formal investigation, we cannot require. This, I believe, demonstrates that suppliers are keen to satisfy the Office that they are trading in a reasonable manner.

1090 The Question refers to the recent increase in prices and I have interpreted this as 2012 so far. Based on our price monitoring over a period from 6th January to 16th March this year, the price per litre for unleaded petrol in the Island rose from 139.9p to 146.4p, an increase of at least 6.5p or 4.6%. If you then consider the two major influences on the fuel price over the same period, the published prices of a barrel of crude oil rose from \$108.35 to \$123.0, but the value of sterling against the dollar actually rose from \$1.54 to \$1.58. If you take these two figures together, the price of crude oil in sterling has risen by at least 10.65%. On the basis that it again seems reasonable to assume that, whilst there have been marginal charges and other factors, the main driver of the increase in the cost of road fuel is the cost of the oil, which, of course, has been driven by factors completely outside the control and the influence of the Island.

1095 In order to keep the Answer as straightforward as possible, I have spoken purely about unleaded petrol, but a similar factor also impacts on diesel.

1100 **The Speaker:** Mrs Beecroft, supplementary.

**Mrs Beecroft:** Thank you, Mr Speaker.

1105 Would the Chairman agree with me that the Report that he refers to, which covered the period up to 2008, actually identified that a four pence per litre margin would be about right, as a difference between the Island prices and the UK prices? Even allowing for inflation, it does not allow for the above seven pence per litre difference that we have seen now. Could he state what the Office of Fair Trading is doing to investigate this large differential and could he also state the dates of the recent price rises, and the dates of the deliveries to the Island?

1110 **The Speaker:** Chairman to reply.

**The Chairman:** Thank you, Mr Speaker.

I have not got the dates for delivery of fuel oil from the refineries to the Island or the dates of the last price, but I am prepared to ask the Department to look with...

1115 **The Speaker:** Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** Thank you.

1120 To turn to the figures during the calendar year 2011, the differential between the Isle of Man and the UK, which will therefore remove the elements of the underlying oil prices and the exchange rate differences, actually rose in petrol terms from 3.14p per litre to 7.82p per litre. What then triggers the Office of Fair Trading to actually instigate some action on that?

1125 And equally, with diesel prices, they rose from 5.15 pence per litre up to 8.13 pence per litre in a peak in July, before falling back to about 5.5 pence. Every single one of these above the 3 pence, which was the lower end of the Oxera limit and almost always throughout the year, with the exception of the first three months of the petrol price, they were above 4 pence per litre difference, which was the acceptable level as determined by Oxera.

When is action triggered and what is the Office of Fair Trading able to do about it?

1130 **The Speaker:** Chairman.

**The Chairman:** Sorry, Mr Speaker.

1135 Yes, I can agree slightly with the Member regarding the increase in the price of the Board itself actually monitors regularly with the fuel importers regarding the price that is indicated. As I did indicate in my Answer there, it seeks the co-operation of confidential information by the suppliers, and the Board itself does have regular chats with fuel suppliers.

I could just indicate to the House that, as we have all seen, the world markets are fluctuating all over the place and because of the small amount of numbers that we do have on the Island, we do suffer.

1140 **The Speaker:** Hon. Member for Middle.

**Mr Quayle:** Thank you, Mr Speaker.

1145 Would the Chairman and Hon. Member for Onchan not agree with me that whilst oil prices have been rising, they have been fluctuating this week? They have been up and down every day you look at them in *The Times* index. Would he be prepared to report back to Hon. Members with the reasons why, in the last week alone, or 10 days, there has been a two pence a litre increase on the cost of fuel on the Isle of Man, and just clarify that the two pence has been for the reasons he has given to Members at the moment?

1150 **The Speaker:** Mr Quirk.

**The Chairman:** I am happy to do that, sir.

1155 **The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

1160 Could the Chairman of the OFT, just for clarification purposes, clarify that the OFT has no powers to investigate *per se*, due to the regulations it works under and that in fact any investigation has to be at the behest of the Council of Ministers – membership of which includes the Chief Minister, Mr Cretney and other Hon. Ministers – and that it has to come from a CoMin instruction in the first place; or, whereby the OFT would supply enough information to CoMin, so that CoMin could make a judgment to ask for the said section 19 to come into place?

1165 Secondly, Vainstyr Loayreyder, could the OFT Chairman confirm that the report into the fuels that he is looking at outlined quite clearly that in fact the actual ‘at the pump’ prices charged and the money made by the companies here, the profits, are actually marginal on the actual petrol that they are selling? The problem with the Manx prices is that it is an Isle of Man issue with the distribution and scale of economies here that is causing the bigger issue on our price rises and in fact –

1170 **The Speaker:** Hon. Member, we are getting an awful long statement. Would you keep the questions short and to the point. Put your question.

1175 **Mr Henderson:** Can he confirm that the OFT receives, on a regular basis, the actual management accounts of the companies and can quite clearly monitor the profits made?

**The Speaker:** Chairman to reply.

**The Chairman:** Yes, simply, Mr Speaker, I can say yes, yes, yes.

1180 On the final point, if I could just supplement that really, we do have a good relationship with the fuel distributors that are on the Island and we need to keep that, because the information is provided to us on a confidential and commercial basis and I want to seek the reassurance that... well, I will give the reassurance there that those people who do contact the Office of Fair Trading who are in the industry will have that confidence in me.

1185 **The Speaker:** Members, please keep the supplementary questions short and to the point.  
Hon. Member Mrs Beecroft

**Mrs Beecroft:** Thank you, Mr Speaker.

1190 Would the Chairman agree to distribute to Members the information that he said he would look at, with regard to the recent price rises and the dates of delivery to the Island?

1195 And further, would the Chairman agree that there are insufficient sanctions or penalties that can be imposed by his Office, on those found to be using anti-competitive conduct? In other words, the Office of Fair Trading does not have sufficient teeth to control those who are not trading fairly.

**The Speaker:** Mr Quirk

1200 **The Chairman:** Just on the trading fairly, there has been no indication to the Office of Fair Trading that there is no anti-competitive practice particularly happening. I am quite happy if the third party actually provides us with the dates of the shipments of fuel to the Island. I do not see that being a national secret and I also did indicate earlier, sir, that I am quite happy to put a little model together to show Members, sir.

1205 **The Speaker:** Mr Singer.

**Mr Singer:** Thank you, Mr Speaker.

1210 Would Mr Quirk accept from me, I have been in the UK this weekend, and the average price difference between here and in the UK is 8p to 10p, when we are talking about the recommended 4p? Would he like to tell me, or could he tell me what the comparison is between carrying large quantities of fuel here by boat, compared to the smaller quantities by road in the UK? Does all this add up to making the *extra* 4p difference – that is 8p to 10p? I understood it was not that much more expensive to carry large quantities by boat, compared to small quantities long distance in the UK by tanker. Perhaps he would like to come back to us with that information.

1215 **The Speaker:** Mr Quirk.

**The Chairman:** Thank you, Mr Speaker.

1220 Just regarding deliveries to the Island, obviously it is more competitive to bring it by large boat to the Island, as compared to tankers, but we do have a Report to reflect there, regarding distance and the storage facilities and capabilities of the Island, sir.

**The Speaker:** Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.

1225 Is the Chairman of the Office of Fair Trading happy with his powers? If not, would he consider coming back with legislation to give his Office some teeth to actually take action against some of these issues?

1230 Also, when he compares with Northern Ireland, they have to have their fuel tankered across there by sea, is that a comparator and is it not a coincidence that all the companies supplying fuel on the Isle of Man have virtually the same price and they must have different, competitive structures within them?

**The Speaker:** Mr Quirk.

1235 **The Chairman:** Thank you, Mr Speaker.

Yes, the prices seem to be fairly the same, but I would encourage members of the public, if those fuel suppliers do have even a one pence difference, to patronise that particular station. That would send a message out to the industry outside, sir.

1240 With reference to Northern Ireland and the fuel, I am not aware of what their system is, but I would think that the consumption from the Northern Ireland district would be quite significant, sir, and the storage facilities they do have are...

We are, as an Office, anyway, looking into the roles of the OFT and will be coming out to public consultation shortly on a number of issues shortly, sir.

1245 **The Speaker:** Now we are getting into a long debate here. Three more people wish to speak. Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

1250 Can the OFT Chairman confirm that the last investigation is online for members of the public to check? It outlines all the issues that Members are considering this morning; outlines that, unfortunately, the petrol prices here... There is not a huge profit being made on the actual petrol prices. It outlines the Isle of Man factors that cause that to happen. Can he confirm that, in fact, the OFT are working with the Council of Ministers on fuel regulation for the future?

1255 **The Speaker:** Mr Quirk.

1260 **The Chairman:** Yes, sir, I can agree with a good majority of that. We are working with the assistance of the Council of Ministers to look at it. We are not a regulator at the OFT. Many people think that the OFT can do quite a lot of substantial things. We can only do things that are provided with and under the Act. But I have to say that those people who do give us the information in confidence, which is commercially confidential to themselves and the industry out there... is that they are prepared to talk to us and do. We have full and frank exchanges, sir.

**The Speaker:** Mrs Beecroft.

1265 **Mrs Beecroft:** Thank you, Mr Speaker.  
Would the Chairman agree with me that I did not say that anybody was trading unfairly; I was merely asking was he satisfied with the procedures and regulations he had in place should it be found that anybody was? This does not just apply to petrol; it is regulations in general. Is he satisfied that his Office does have enough teeth?

1270 **The Speaker:** Mr Quirk.

**Mr Quirk:** Just regarding the anti-competitive practices, Mr Speaker, yes, we have the teeth to do that.

1275 **The Speaker:** Finally, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Caairliagh, the Chairman of the Office of Fair Trading not agree that the points that the Hon. Member for Ramsey, Mr Singer, brought up are very relevant, especially the fact that, after the delivery that is brought to the Island, it is on the way to other parts of the United Kingdom, so the justification on the transport costs seems a little bit unreasonable?

1285 Would the Chairman also not agree that the fact is that, if there have been no deliveries in that period, as far as the increase in petrol and fuel costs on the Island, this must relate to profiteering, when there is no justification for having to pay more for the cost of the fuel?

Finally, would the Caairliagh do a paper for CoMin, as far as what teeth he feels that the Office of Fair Trading needs, in order to defend, especially in these hard times as far as consumers and the cost of everything going up?

1290 **The Speaker:** Chairman.

**The Chairman:** In response to the Minister who is in the Council of Ministers, I am sure he is aware, more than other backbenchers of what is going on in the Council of Ministers, and I could not comment on that, because I do not have any information.

1295 Regarding excessive profits, I see no indication – or the Department – the Office does not have any indication on that, sir.

#### **Fuel charges Question withdrawn**

1.10. The Hon. Member for Douglas North (Mr Henderson) to ask the Chairman of the Office of Fair Trading:

1300 *If he will make a statement on the recent fuel increases and the reasons why these price hikes over the past 12 months have occurred, and whether they are the main reasons why IOM fuel has risen, or whether any local factors have contributed to fuel increases?*

**The Speaker:** Now we are on Question 10, which is exactly the same subject as the one that we have been discussing. Mr Henderson.

1305 **Mr Henderson:** Quite correct, Vainstyr Loayreyder. Thank you very much sir. In view of the in-depth responses that the OFT Chairman has had to give this morning, I see little point in asking it, so I withdraw it forthwith.

**Several Members:** Hooray!

1310 **The Speaker:** Thank you very much, Mr Henderson.  
That brings us to the end of Questions for Oral Answer. There are eight Questions for Written Answer. The replies will be distributed.

## Questions for Written Answer

### CHIEF MINISTER

#### **Harbours Act 2012, section 26 consent to works Appropriate determination**

2.1. The Hon. Member for Onchan (Mr Hall) to ask the Chief Minister:

- 1315 (a) *Whether the Council of Ministers has decided that an application to the Department of Infrastructure for consent under section 26 of the Harbours Act 2012 raises considerations of general importance to the Island and thus ought to be determined by the Council of Ministers rather than by the Department;*  
(b) *if so, when such decision shall be laid before Tynwald; and*  
(c) *in what circumstances the Council of Ministers might decide as described in part (a)?*

1320 **Answer:** (a) Section 26 of the Harbours Act 2010 (the Act) refers to the impact on the safety of navigation stemming from any works in the sea or on the seabed or foreshore, including depositing or removing any material or items. Any person wishing to undertake any of these activities is first required to apply to the Department for consent to do so and supply whatever information is requested by the Department to enable it to determine the application. Control of fishing is covered by separate legislation and not this Act.

1325 The only consent that has been requested from the Department of Infrastructure under the Act is in respect of the Western High Voltage Direct Current (HVDC) submarine cable that is proposed to be constructed between Scotland and England part of which will be laid in Isle of Man territorial waters.

1330 Given the nature of this project and its similarity to previously constructed submarine cables the Department of Infrastructure has determined that the HVDC cable project does not raise considerations of general importance to the Island. In these circumstances the Department considered that it was capable of dealing with the application with advice and assistance from the Territorial Sea Committee and without the need to refer the application to the Council of Ministers.

1335 (b) See answer to (a) above.

1340 (c) As each application must first be submitted to the Department of Infrastructure, it would be for the Department to determine, in the first instance, whether the application raises considerations of general importance to the Island that would warrant the matter being referred to the Council of Ministers. Such a decision would have to be based on the merits of the application and the accompanying information at the time that they were submitted. It would of course be an option for the Department to seek guidance from Council at an early stage in its initial consideration.

### INFRASTRUCTURE

#### **Harbours maintenance and development Harbours Act 2012, section 11 Orders**

2.2. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

- 1345 (a) *Whether his Department has made any orders for the management, control, operation, maintenance, development and improvement of harbours under section 11 of the Harbours Act 2012, or intends to do so in coming months;*  
(b) *if any such order(s) have been made, when they will be laid before Tynwald; and*  
(c) *whether the Department would make any order for the exclusive or preferential use of a particular user in connection with either the current or any future User Agreement, and if so, whether legal advice has been sought in respect of this?*

1350

1355 **Answer:** (a) Section 11 of the Harbours Act 2010 provides the Department of Infrastructure with powers to make an Order for the management, control, operation, maintenance, development or improvement of a harbour that would specify an area or facility in a harbour that is not available to a harbour user or, if it is available, under what conditions. Any Order made under section 11 by the Department must obtain Tynwald approval.

Under section 58A of the Harbours (Isle of Man) Act 1961, which preceded the Harbours Act 2010, very similar powers existed. Under section 58A Orders were approved by Tynwald that:

- 1360
- Restricts use of the linkspan berth on the King Edward Pier that is used by Isle of Man Steam Packet Company vessels in connection with the User Agreement.
  - Enables marina berthing contracts to be issued to specific vessels in Peel and Douglas inner harbours.

1365 The Department of Infrastructure has not made any Orders under section 11 of the Harbours Act 2011 (the Act). There are no matters being considered by the Department that might lead to such an Order being made.

(b) See the answer to (a) above.

1370 (c) Before making an Order under section 11 of the Act the Department must satisfy itself that the Order and any proposed use of the specified area or facility will not prejudice:

- Safety of navigation in the harbour.
- The safe operation of any facilities.
- The safety of any harbour area.

1375 It would depend on the nature of any harbour management, control, operation, maintenance, development or improvement issue that the Department may be asked to consider, as to whether or not a new Order would be made.

1380 As no such matter, including the current or any future User Agreement, is under consideration, no legal advice has been sought. However, if a new Order is considered in the future legal advice would be obtained.

### **Harbours Act 2012, section 26 Applications for consent to restricted works**

2.3. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

(a) *Whether any applications for consent have been made for any restricted works as defined in section 26 of the Harbours Act 2012; and*

1385 (b) *whether the Department might consent to the construction of any harbour or linkspan or the like outside existing harbours if any such application were made?*

1390 **Answer:** (a) Section 26 of the Harbours Act 2010 (the Act) refers to the impact on the safety of navigation stemming from any works in the sea or on the seabed or foreshore, including depositing or removing any material or items. Any person wishing to undertake any of these activities is first required to apply to the Department for consent to do so and supply whatever information is requested by the Department to enable it to determine the application. Control of fishing is covered by separate legislation and not this Act.

1395 The only consent that has been requested under section 26 of the Harbours Act 2010 (the Act) is in respect of the Western High Voltage Direct Current submarine cable that is proposed to be constructed between Scotland and England part of which will be laid in Isle of Man territorial waters.

1400 (b) Under section 26 of the Act any person wishing to construct such a facility must apply in advance to the Department and if such an application is made the Department will consider it. In the absence of any application and supporting information in respect of 'any harbour or link span or the like outside existing harbours' it is not possible to comment upon the Department's consideration of such a proposal and whether or not a consent would be granted.

**Government land and property**  
**Terms of ownership; registration; sales and leases**

2.4. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

- 1405 (a) *What land and property in Douglas, Onchan and Braddan the Government owns, leases or has through any other arrangements, and in each case (i) when (ii) from whom, and (iii) on what terms the Government acquired its right;*  
(b) *in each case whether the land or property in question has been registered with the Land Registry;*  
(c) *in each case which Government Department, Statutory Body or other entity (i) owns; and (ii) manages the land or property; and*  
1410 (d) *what land or property has Government sold or leased since 2001, and in each case (i) when, (ii) to whom and (iii) on what terms the Government sold or leased its land and property?*

**Answer:** (a) Whilst the Department of Infrastructure holds information provided by Departments in relation to their land ownership and land and property asset registers and is actively collating Government wide ownership data, the Department does not hold the information requested and described as (a)(i), (ii) and (iii) in the Hon. Member's Question.

1415 (b) In relation to the registration of land and property owned by Government, it is our understanding that in general only land which has been acquired since it became compulsory to do so has been registered by Government Departments. In some cases Departments voluntarily registered certain acquisitions before compulsory registration was introduced. Officers in the Department of Infrastructure Strategic Asset Management Unit have been in discussions with the Chief Registrar with a view to ascertaining the scope of work required to undertake a voluntary registration exercise of all Government assets. It is expected that significant additional staff and financial resources would be required in all the relevant Departments, the Strategic Asset Management Unit, the Attorney General's Chambers and the Registry if it was decided to complete this potentially costly exercise which would also take a considerable amount of time.

1420 (c) In relation to the issue of ownership and management, the Hon. Member will appreciate that such property information is voluminous. There are numerous buildings and structures, various Government and private occupants and numerous agreements, wayleaves, easements, rights of access, etc and information in relation to each individual aspect is not currently centrally recorded for Government within the Department of Infrastructure.

1425 (d) Whilst the Department of Infrastructure holds basic information provided by Departments in relation to their land ownership and land and property asset registers, this Department does not hold the detailed transactional information requested and described as (i), (ii) and (iii) in the Hon. Member's Question.

1435 Note – Land Registration became compulsory within the Parishes in stages as follows:

- Bride, Andreas, Jurby and Ballaugh on 1st May 2002  
Maughold, Lezayre, Michael, German, Patrick on 1st May 2003  
1440 Lonan, Marown, Santon, Malew, Arbory and Rushen on 1st September 2005  
Onchan and Braddan on 1st December 2009

**Land and property in Douglas, Onchan and Braddan owned by local authorities**  
**Terms of ownership; registration; sales and leases**

2.5. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

- 1445 (a) *What land and property in Douglas, Onchan and Braddan Douglas Council, Onchan and Braddan Commissioners own, lease or have through any other arrangements, and in each case (i) when, (ii) from whom, and (iii) on what terms the local authority acquired its right;*  
(b) *in each case whether the land or property in question has been registered with the Land Registry;*  
(c) *what land or property each of these authorities has sold or leased since 2001, and in each case (i) when (ii) to whom and (iii) on what terms they sold or leased their land and property?*

1450 **Answer:** The Department of Infrastructure does not hold any detailed information regarding  
land or property information by the local authorities in Douglas, Onchan and Braddan as requested  
in Questions (a), (b) or (c). The Department in its role as the Government Department with  
responsibility for local authorities has a requirement to approve acquisition and disposal of land by  
1455 local authorities (which includes lease arrangements) under the provisions of the Local  
Government Act 1985 (Part 4, section 25). This process is a formal process requiring departmental  
and political approval and is managed through the Department's Local Government Unit.

However, both Onchan and Braddan Commissioners have supplied information (see  
Appendices A and B). It should be noted that Onchan Commissioners have advised that the details  
provided are only to the best of officers' knowledge and therefore it cannot be guaranteed that all  
assets are included (this would involve a more lengthy and detailed search).

1460 With regard to Douglas Corporation, the Assistant Town Clerk has advised that they wish to  
make the Hon. Member aware that:

1465 'to have the answers to such a wide-ranging and unspecific set of questions is impossible to achieve accurately and in  
the timescale required. Further, if the Hon. Member has any specific property, land or lease transactions that he is  
concerned about then he is politely requested to contact Douglas Council directly with the specifics he requires and  
given that such transactions could extend back over a very long period and that there may be business confidentiality  
and personal information issues, an answer will be supplied if possible.'

1470 Taking each part of the Answer in turn:

(a) Douglas Borough Council owns significant amounts of land and property on a freehold  
basis and also has lease arrangements. It is not possible to provide a comprehensive list of the  
history of all transactions to the Hon. Member as transactions have been taking place since the  
1475 formation of the Council in 1896 and indeed, prior to that, as Douglas Town Commissioners from  
1861. With regard to the question of terms for acquisition, it should be noted that under section 25  
of the Local Government Act 1985 all local authority land and property transactions, and leases  
entered into for a term longer than seven years, have to be consented to by the Department. Prior  
to 1985 they required the consent of Tynwald.

(b) It is not possible to state in each case whether the land or property was registered at the  
1480 Land Registry as compulsory land registration has only been in force for Douglas since December  
2009. Put simply, a transaction may or may not have been registered and each one would require  
to be researched individually.

(c) There are a number of land and property transactions and potentially hundreds of lease and  
tenancies since 2001 and each individual one would again require research.

1485 As this information is held specifically by those local authorities named in the Question, the  
Hon. Member should direct any further queries to them, independently of the Department.

APPENDIX A  
ONCHAN COMMISSIONERS

**Land, property, or other amenity owned, leased or arrangements agreed where  
Onchan Commissioners have responsibility.**

The following is prepared from ODC officers' knowledge and it cannot be guaranteed  
that all assets are included.

**Land**

Port Jack Glen and Port Jack Broughs  
Groulle Glen and land to the south and west adjoining the glen (known as Northbank  
land)  
Onchan Park and Stadium  
Gardens, The Park  
Tennis Courts, Belgravia Road  
Section of coastal slope off Sea Cliff Road  
Recreation grounds off School Road  
Centenary Park (off Mountain Road)  
Jubilee Park (Birch Hill)  
Playground (off Wybourn Close)  
Playground (Lakeside)  
Village Green, Church Road  
Wetlands, Church Road  
Shannon Rae picnic site (Whitebridge Road)  
Lazy Corner and other grass verges (Summerhill Road/Governors Road)  
War Memorial Main Road  
Various grass verges and open spaces throughout the district:  
    Birch Hill  
    Kerrocoar Close  
    Ballacreech Corner (Ballanard Road)

**Property**

Commissioners Offices, workshops and garages, Main Road  
75, Main Road (former doctor's surgery)  
Willow House, Main Road  
Beech House, Main Road  
49 Main Road, hairdressers  
51 Main Road, Leonard Cheshire  
Elm Tree House, Main Road  
12 Elm Tree Road, showroom  
Kenyons Café, Main Road  
Legion Hall, Main Road  
Public toilets and store, Main Road  
Public toilets, Port Jack  
Molly Carooins Cottage, Church Road  
Pennington Hall, Marion Road

Youth & Community Centre, School Road  
Refuse Depot, Snugborough Trading Estate, Braddan

<b>Housing Stock:</b>	<b>Estate</b>	<b>No of units</b>
	Scheme Pre War	8
	Scheme 1&2 Nursery Avenue	38
	Scheme 3 The Park Bungalows	10
	Scheme 4 The Park Houses	12
	Scheme 5 School Road	30
	Scheme 6 Barrule Drive 25-83 (odd nos)	30
	Scheme 7 Barrule Drive 1-23 (odd nos)	12
	Scheme 8 Ballachrink Drive 25-47 (odd nos)	12
	Scheme 9 Ballachrink Drive 49-75 (odd nos)	14
	Scheme 10 Barrule Drive/Ballachrink Drive	53
	Scheme 11 Meadow Close	20
	Scheme 12 Hackett Close	16
	Scheme 13 Ashley Park	60
	Scheme 14 Ballachrink Drive 40-72 (even nos)	17
	Scheme 15 Heywood Park	43
	Scheme 16 Marion Court	10
	Scheme MR Main Road	3
	Scheme FA First Avenue	5
	1A Meadow View	1
	EPC Springfield Court Phase I	30
	EPC Springfield Court Phase II	38
	EPC Heywood Court	32

Land & Property acquired	Owned or Leased	When	From Whom	Terms acquired	Registered with Land Registry?
8 houses - Jubilee Terrace, The Strand	Owned	15/06/1934	J F Crellin	8 x houses	Yes
8 houses - Jubilee Terrace, The Strand	Owned	11/09/1934	J F Crellin	2 terraces of 4 houses - developed 1935	Yes
Colonial Terrace Playground	Owned	11/08/1937	J F Crellin	Children's play area	Yes
10 houses - Coronation Terrace, The Strand	Owned	11/08/1937	J F Crellin	2 terraces of 5 houses - developed 1935	Yes
Block of 2 apartments, Snugborough, Union Mills	Owned	12/08/1946	G E Moore & Others	GIF let to DHA as Police Station	Yes
9 houses Crook Green	Owned	12/08/1946	T Chapman & Others	9 x houses	Yes
38 houses Snugborough Avenue	Owned	12/08/1946	G E Moore & Others	35 x 3 bed houses - developed 1948	Yes
27 properties - Close y Locker	Owned	12/08/1946	G E Moore & Others	12 houses, 4 flats & 6 bungalows - developed 1992	Yes
28 Lock up garages to rear of Crook Green & Snugborough Avenue	Owned	12/08/1946	G E Moore & Others		Yes
20 properties - Close y Utery	Owned	12/08/1946	G E Moore & Others	34 houses & 6 flats - developed 1992 & 2002	Yes
1 house - Close Corran	Owned	12/08/1946	G E Moore & Others	1 house - developed 1993	Yes
12 bungalows - Millennium Close	Owned	12/08/1946	G E Moore & Others	12 bungalows - developed 2001	Yes
32 houses - Cranbourne Village	Owned	26/09/1958	Clucas Laundry (1958) Ltd	Registered buildings	
16 houses Snugborough Avenue	Owned	30/10/1967	T Chapman & Others	14 x houses - developed 1968	
8 apartments Snugborough Avenue	Owned	30/10/1967	T Chapman & Others	8 x apartments - developed 1965	
Memorial Hall, Main Road, Union Mills	Owned	19/06/1969	Woodhead Trustee	Former Commissioners Office & Sunday school	Yes
Heritage trail & former Railway Station	Owned	30/12/1979	Government Property Trustees	Land is the subject of a Public Footpath Agreement	Yes
Unit 41, Snugborough Trading Estate	Owned	11/09/1992	Carman Enterprises Ltd	Industrial Compound, Former C.A. Site	Yes
Land adjoining "Green View" ("Ridge Land")	Owned	08/05/1992	C J & R Ridge		Yes
Clystone Playground, Farnhill	Owned	06/05/1992	Quedana Ltd	Children's play area	Yes
Commissioners Office, Close Corran, Union Mills	Owned	1994	N/A	Land already owned by Commissioners	
Garrey Moor, Baldoonies (Freehold) - Playing Field 11.2 acres	Owned	01/04/2005	DHSS	2 Covenants attached - 1. Not to use property other than for sporting or recreational purposes 2. That no development should be carried out without consent in writing from DHSS. Land is leased to UMFC	Yes
Garry Moor, Baldoonies 11.3 acres	Leasehold	18/05/2005	DHSS	21 yr lease from DHSS. Subleased by EPC as agricultural lease to a local resident & UMFC. Head Lease permits use of land for sports, rec or agricultural purposes only.	Yes
Car park, Memorial Hall	Owned	08/12/2005	Corlett Sons & Cowley Ltd	Acquired for car park near to Memorial Hall	Yes
Land at Port Soderick	Owned	27/01/2006	Capt J H James	Plot adjoining Port Soderick Recreation Hall. To be used for car park	Yes
Land Main Road, Union Mills	Owned	30/11/2006	CI Newdagens Ltd	Vicinity plot between Main Rd & Methodist Chapel. To be used for car park	Yes
Park, Crook Green	Owned	31/05/2007	DOUG	Not to be used except as open space/family area for general public.	Yes
Service Road, Snugborough Trading Estate	Owned	19/05/2008	Snugborough Estate Ltd	Nothing to be built or erected on land	Yes
Land at Vicarage Road	Owned	26/05/2008	Treasury	Upper Railway Hedge by House & Plough	Yes

APPENDIX B  
BRADDAN COMMISSIONERS

Land & Property	Owned or Leased	Leased/Sold to	When	Terms	Registered with Land Registry
Unit 43, Singborough Trading Estate	Owned	DOLJE/DQI	09/10/2008	Annual Lease	Yes
Garry Moor, Ballinacates 13.2 acres	Owned	Union Mills Football Club	10/03/2006	2 1/2 yr Lease to UMFC	Yes
Garry Moor, Ballinacates 11.3 acres	Leased	Sub leased to 2 parents to UMFC & Resident	12/11/2005 & 20/03/2006	2 1/2 yr Lease from DHSS. Sublet by BPC as agricultural lease to a local resident & UMFC. Head Lease permits use of land for sports, net or agricultural purposes only.	Yes
Land at Memorial Hall	Owned	Sold to Corlett Sons & Cowley Ltd	27/09/2005	Small area of land to rear of Memorial Hall	Yes

**Libraries**  
**Local authority expenditure**

2.6. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Infrastructure:

1490 *How much each of the following local authorities pays for its own libraries – Castletown; Douglas; Onchan; Peel; Port Erin; and Ramsey?*

**Answer:** As Hon. Members will appreciate, the cost of providing libraries varies throughout the Island depending on the services provided and the size of the facility and staff employed.

1495 The following responses from those local authorities that directly operate libraries were given to the Department following its enquiries. See table below for further details.

<b>Local Authority</b>		<b>Total Cost</b>
Douglas Corporation	The Henry Bloom Noble Library in Douglas cost £672,268 in 2010-11. The budgeted cost for 2012-13 is £685,660. This includes rent, rates, salaries, books and other supplies and Council overheads	£672,268
Port Erin Commissioners	Cost for year 2011-12 is estimated to be £60,712 (equivalent to 22.85p rate) The estimated cost for 2012-13 is £62,962 (equivalent to 23.59p rate)	£60,712
Castletown Commissioners	Audited account figures for 2010-11	£39,248
Onchan Commissioners	2010-11 accounts show a gross cost:	£127,318
Peel Commissioners	Ward Library is currently £50,689. This includes operating costs, librarian's salary and new book purchases	£50,689
Ramsey	Ramsey Town Library costs include salaries, advertising, printing, books, caretaker, maintenance*	£175,430

The financial provision for the Ramsey Town Library in respect of the current and next financial year is as follows:

	<b>Budget 2011-12</b>		<b>Budget 2012-13</b>	
	£	£	£	£
<b>Payments</b>				
Salaries, NI	78,000		79,275	
Superannuation	15,600		15,855	
Advertising, printing, etc	7,200		7,635	
Books, publications	36,275		38,450	
Caretaker	5,600		5,600	
Maintenance (utilities, ins. etc)	7,005		9,000	
Loan charges	38,500	188,180	38,500	194,315
<b>Receipts</b>				
Fees		12,750		12,750
		<u>175,430</u>		<u>181,565</u>

Loan charges relate to the proportion of charges in respect of the Town Hall and Library premises, which were redeveloped in 2002.

1500 The Ramsey Town Library currently has 1,969 members made up as follows:

Town members	707
Country members (non town residents)	284
Junior/Student	963
Permaculture Association member	2
Staff	3
Visitor	10
<b>Total</b>	<b>1,969</b>

The Ramsey Town Library is open to all Island residents and visitors, subscriptions are only required if items are to be taken out on loan.

As with other libraries, it stocks a variety of materials including books, large type books for visually impaired, digital books, CDs, DVDs and Blu-ray.

1505 The library also stocks local newspapers, a selection of national papers and magazines, consultation documents and Government publications, and serves as a tourist information point.

The library currently runs a twice-weekly reading group for young children, it has a suite of internet access PCs and free Wi-Fi. It works in partnership with Age Concern who run their Lifetime Learning Facility from the library offering training and assistance to older persons seeking to increase their use of computers and internet facilities.

1510

**Library facilities  
Local authority expenditure**

2.7. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Infrastructure:

*What library facilities and at what cost, the following Commissioners purchase for their ratepayers at other libraries –*

*Andreas; Arbory; Ballaugh; Braddan; Bride; German; Jurby; Laxey; Lezayre; Lonan; Malew; Marown; Maughold; Patrick; Rushen; Santon; Michael; and Port St Mary?*

1515

**Answer:** Following our request for responses from the local authorities, below is a table setting out the responses received.

<b>Local Authority</b>		<b>Total cost</b>
Andreas Commissioners	No cost involved. Mobile Library every other week.	Nil
Arbory Commissioners	Annual donation of £500 to Port Erin Library and £300 to Castletown Library Mobile Library every other week	£800 p. a.
Ballaugh Commissioners	No cost involved Mobile Library every other week	Nil
Braddan Commissioners	Pay a contribution to Douglas Corporation which allows residents to use facility (no contribution to the Children's Library or the Mobile Library) Mobile Library every other week	£520 p. a.
Bride Commissioners	No cost involved Mobile Library every other week	Nil
German Commissioners	No cost involved Mobile Library every other week	Nil

Jurby Commissioners	No cost involved Mobile Library every other week	Nil
Laxey Commissioners	No cost involved Mobile Library every other week	Nil
Lezayre Commissioners	No cost involved Mobile Library every other week	Nil
Lonan Commissioners	Subscribe to Douglas Library Provides full free membership to Lonan residents Mobile Library every other week	£520 p. a.
Malew Commissioners	No cost involved Mobile Library every other week	Nil
Marown Commissioners	No cost involved Mobile Library every other week	Nil
Maughold Commissioners	No cost involved Mobile Library every other week	Nil
Patrick Commissioners	No cost involved Mobile Library every other week	Nil
Rushen Commissioners	Pay contribution to Port Erin Library Mobile Library every other week	£700
Santon Commissioners	Full library facilities from Douglas Borough for a small number of residents Mobile Library every other week	£250 p. a.
Michael Commissioners	No cost involved Mobile Library every other week	Nil
Port St Mary Commissioners	No cost involved Mobile Library every other week	Nil

**Proposed Nunnery footbridge  
Details of planning application**

2.8. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

- 1520 (a) Whether free public access to and use of the proposed Nunnery footbridge across the Douglas river, for which planning permission has been granted recently, is guaranteed;
- (b) whether an application has been made for permission to site the proposed footbridge on the adopted highway on the north side of the river, or whether the land has been sold or leased to the developer;
- (c) whether the Planning Committee considered the footbridge and, if not, why not;
- 1525 (d) whether the accessibility of the footbridge was referred to specialists and if not, why not;
- (e) have this and other recent planning applications for the Nunnery been referred to the conservation officer and, if not, why not; and
- (f) whether the impact of the footbridge on any future schemes has been considered, in particular on (i) sewerage and drainage; (ii) vehicle access to Lake Road and the site currently occupied by Tesco's given that the footbridge will be built at the historic Douglas bridge location; and (iii) the planned cycle way?
- 1530

1535 **Answer:** (a) Planning permission was granted to the creation of a pedestrian footbridge from the land alongside the Shearwater office building on the southern side of the River Douglas across and over the river to land alongside the vehicle turning area opposite Tesco car park under the provisions of PA 11/1530. This followed an earlier application PA 11/0619, which was withdrawn prior to a decision being taken. No information was provided in terms of whether the bridge would be open to use by the public although there is nothing in the proposal to physically or otherwise restrict public access. The route of the bridge includes direct new access from the public footway alongside the A5 Castletown Road on the southern side and on the northern side the bridge discharges onto land alongside the vehicle turning head opposite the entrance to the Tesco car park. The applicant's agent has subsequently confirmed that the bridge will be accessible by the public and that the scheme was specifically designed with this in mind, hence the inclusion of bicycle troughs in the stepped element.

1540  
1545 (b) The application form indicated that the site was owned in its entirety by the applicant. The Highways Division has subsequently advised that the first set of steps on the Tesco side of the river is on the public highway verge. This means that a licence is required to be issued by the Department of Infrastructure before this structure is constructed and at this time the Department would require an agreement that the bridge would be open for public use (pedestrian and cycling). The applicant's agent has indicated that this will be the case.

1550 (c) There is nothing within the Standing Orders of the Planning Committee (Determination of applications by the Planning Committee) which would have resulted in the application automatically being referred to the Planning Committee and none of the Committee members requested that the application be considered by them. The Chairman of the Planning Committee was informed of the application and he confirmed that the application be determined under delegated powers.

1555 (d) During the consideration of the application, the issue of accessibility for physically impaired and disabled persons, as well as users with prams and pushchairs was raised both by the planning authority and the Highways and Traffic Division. Due to the topography of the site on both banks and the limited space available, it is not possible to design or construct a bridge which is fully accessible. As such, the maximum amount of accessibility was built into the design, incorporating level areas between flights of steps, a cycle ramp between the steps and a fully level entrance from the southern side. It was not considered necessary to refer the application to the Manx Foundation for the Physically Handicapped or any other specialist body on this basis.

1560 The Foundation, through the Disability Access Officer, is advised of all planning applications but it did not comment on this one. The Disability Access Office have previously expressed an interest in such developments, for example in the case of the pedestrian footbridge over the A18 to serve the new secondary school at Bemahague, where the Disability Access Officer objected to the application on the basis that the bridge would not be fully accessible to all users and the Planning Committee refused the application for that reason. Of course, the application was permitted, the Inspector reporting on the appeal concluding that:

1570  
1575 '...it is a fact that at the present time, and also if the secondary school does not proceed due to the lack of the bridge, all elderly persons in motorised scooters or wheelchairs or persons with prams have to cross the A18 at road level and without the benefit of a controlled crossing. The construction of the bridge with its present design would not make that situation worse. I agree that it would have been preferable for the bridge to have been designed to serve persons with disabilities as well as those without. But, with the constraints on land availability upon which a larger bridge could be built, it seems to me that it is necessary to accept the current design or be faced with having no bridge crossing at this point...'

1580 (Paragraph 31 appeal Inspector's report into PA 04/0860). The planning officer reporting on the application has attended the Access Auditor Training Course organised through the Manx Foundation for the Physically Disabled.

1585 (e) The application for the pedestrian footbridge was not referred to the Conservation Officer as none of the site is within the curtilage of a Registered Building nor within a Conservation Area. The site is also physically separate from the main Nunnery estate, having the two former mill buildings (now offices – Shearwater House and West Mill – with associated car parking) between the site of the footbridge and the formal entrance to the estate.

1590 (f) It is not foreseen that the proposed footbridge would have any impact on existing or future proposals for sewerage or drainage. Due to the obvious impacts on potential flooding, the Isle of Man Water and Sewerage Authority was consulted prior to and during the consideration of the application and the Authority raised no issue in respect of sewerage or drainage implications. Similarly the Highways Division were consulted and raised no issue in respect of existing or future vehicle access or the existing or future cycle way. In respect of the latter, the bridge has been

1595 designed to accommodate bicycles and as such will complement the proposed cycle link both to and from the route crossing through the new apartment site on the former timber yard.

## Orders of the Day

### BILL FOR FIRST READING

#### Companies (Beneficial Ownership) Bill 2012

**The Speaker:** Item 3 is Bill for First Reading and I call the Deputy Secretary of the House.

**The Deputy Secretary:** Thank you, Mr Speaker.  
The Companies (Beneficial Ownership) Bill 2012. Mr Teare.

### BILLS FOR CONSIDERATION OF CLAUSES

#### Legal Aid (Amendment) Bill 2012 Clauses considered

4.1. Mr Teare to move.

1600 **The Speaker:** Item 4, Bills for consideration of clauses. The first of those is the Legal Aid (Amendment) Bill 2012. I call on the mover, Hon. Member for Ayre, Mr Teare to move clause 1.

**Mr Teare:** Thank you, Mr Speaker.

1605 Part 1 of the Legal Aid (Amendment) Bill, that is to say, clauses 1 and 2 are introductory.  
Clauses 1 and 2 provide for the Bill's Short Title and commencement, except for clauses 1 and 2, which would come into force when passed. Commencement would require an Appointed Day Order to be made by Treasury.  
I beg to move that Part 1, that is clauses 1 and 2 do stand part of the Bill.

1610 **The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
I beg to second, sir, and reserve my remarks.

1615 **The Speaker:** I put it to the House first that clause 1 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
I put it that clause 2 stand part of the Bill. Those in favour, say aye; against no. The ayes have it. The ayes have it.

1620 Part 2, Mr Teare, clause 3.

**Mr Teare:** Thank you, Mr Speaker.

1625 Part 2 of the Bill, that is to say clauses 3 to 18, amend the Legal Aid Act 1986. In my future references to that Act, sir, I will say 'the 1986 Act'. Clause 3 introduces the following amendments to the 1986 Act.  
Mr Speaker, I beg to move that clause 3 do stand part of the Bill.

**The Speaker:** Mr Henderson.

1630 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
I beg to second, sir, and reserve my remarks.

**The Speaker:** I put it that clause 3 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

1635

**Mr Teare:** Thank you, Mr Speaker.

Clause 4 amends section 1 of the 1986 Act so as to provide for Legal Aid in relation to mediation and that where it is so given, it is unavailable for proceedings during the currency of the mediation. At present, there is a perceived lack of clarity as to the point at which Legal Aid is available for mediation. The amendment makes existing legislation clear and will allow Legal Aid to be issued for mediation at the earliest possible stage in a dispute.

1640

Mr Speaker, it is anticipated that making Legal Aid available for mediation early in a dispute will provide a number of benefits, which include: providing a less costly process for all involved; a reduction of conflict between the parties, which will mean that the parties are more likely to focus on the best interests of any children involved, where the mediation relates to a family law matter; and an increased likelihood that the parties will accept and adhere to the solution, therefore reducing the likelihood of the parties returning to court in the future. It is anticipated that this will lead to a reduction in cases being progressed to court, which in turn will lead to other cases that need to be heard in court being dealt with more quickly.

1645

1650

Mr Speaker, I beg to move that clause 4 do stand part of the Bill.

**The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

1655

I beg to second, sir, and reserve my remarks.

**The Speaker:** Mrs Cannell, Hon. Member.

**Mrs Cannell:** Thank you, Mr Speaker.

1660

I wonder if the mover of the Bill can elaborate for us in terms of who will initiate the advice or the direction that people should seek mediation, as opposed to taking a case to court, which can take months and months. Will it be incumbent upon the actual advocate doing it? Will it be incumbent upon the Legal Aid office to say if you are going to apply for Legal Aid you have to satisfy the mediation process first? Or will it, as it does now, be left to whoever is presiding in the High Court or the Family Court?

1665

**The Speaker:** Minister to reply.

**Mr Teare:** The intention is that when the client attends for consultation they will be directed by the advocate to mediation. It is important that, at the first point with the overall process, which is the advocate, they are directed towards mediation. If it was left any later, then, unfortunately, attitudes can become entrenched and it is much more difficult to reach an amicable solution. In fact, if my memory serves me right, in the current guide which is issued by the courts, there is a reference to mediation and the advisability of mediation.

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1675

**The Speaker:** I put it to the House that clause 4 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 5, sir.

1680

**Mr Teare:** Thank you, sir.

Clause 5 makes changes to section 2 of the Act for the purpose of clarification, an application for civil Legal Aid has to satisfy two main tests, a legal merits test and a financial means test. Mr Speaker, this is a relatively minor amendment arising from the Report of the Legal Services Commission. The Commission felt it was necessary to provide greater clarity in relation to the legal merits test within primary Legal Aid legislation. Clause 5 also clarifies that an application must pass both tests.

1685

I beg to move that clause 5 do stand part of the Bill.

**The Speaker:** Mr Henderson.

1690

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

1695 **The Speaker:** I put it to the House that clause 5 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

I have been advised by the *Hansard* clerk that continuous background noise is interfering with the transcription quality of the *Hansard* recording. If we keep chat to an absolute minimum and only where necessary, please.

Clause 6.

1700 **Mr Teare:** Thank you, Mr Speaker.

Mr Speaker, with your consent and leave, I would like now to move clauses 6, 8, 9 and 18 together.

1705 **The Speaker:** And clause 7?

**Mr Teare:** No, clause 7, sir, I would like to take separately.

**The Speaker:** Certainly.

1710 **Mr Teare:** So, just for clarification, sir, I would like to move clauses 6, 8, 9 and 18 together.

**The Speaker:** Clauses 6, 8, 9 and 18 together and voted on separately.

1715 **Mr Teare:** And voted on separately as well, sir.

**The Speaker:** Certainly, yes.

1720 **Mr Teare:** Clauses 6, 8, 9 and 18 have a common theme. They introduce what are, in effect, housekeeping amendments to the identified revisions of the 1986 Act, which remove specific references to specific Social Security benefits which presently provide automatic financial qualification for Legal Aid from primary legislation and instead enable qualifying benefits to be prescribed by regulations made by the Legal Aid Committee and approved by Tynwald Court. As these clauses all deal with the same issue, it is convenient, sir, to take them together.

1725 Primary legislation should be enabling legislation with the prescription appearing in regulations. This amendment will render it easier and quicker to amend or update the list of qualifying benefits, for example, if either more state benefits become automatic qualifying benefits, as happened in 2008, or if the name of a benefit changes, as happened in January 2012.

Clause 6 also contains a consequential amendment which arises from clause 7.

1730 Mr Speaker, I beg to move that clauses 6, 8, 9 and 18 do stand part of the Bill.

**The Speaker:** Mr Henderson.

**Mr Henderson:** I beg to second, sir, and reserve my remarks.

1735 **The Speaker:** I put it to the House that clause 6 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

I put it that clause 8 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

1740 I put it to the House that clause 9 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Finally, I put that clause 18 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

We move now to clause 7, Mr Teare.

1745 **Mr Teare:** Thank you for your co-operation in the earlier clauses, sir.

Clause 7 replaces section 4 of the Act and deals with the payment of contributions from assisted persons and the way in which such contributions may be paid or recovered.

1750 Mr Speaker, clause 7 is an enabling provision, which will allow regulations to provide the Legal Aid to be funded either wholly or partly by contributions made by assisted persons. Clause 7 also enables regulations to provide for the recovery of any unpaid contributions plus any interest that may or may not accrue, which may include raising a charge upon any property recovered or preserved, following conclusion of the proceedings.

1755 Mr Speaker, both the Legal Services Commission and the Select Committee of Tynwald made recommendations that a statutory charge be introduced in relation to civil Legal Aid. Clause 7 addresses these recommendations.

1760 It will have been noted by fellow Members, following consideration of the Bill, that clause 7 will potentially allow regulations to be introduced which would make civil Legal Aid available by way of a loan. At present, approximately 90% of persons awarded civil Legal Aid pass the financial means test by virtue of their receipt of an income-based state benefit and are therefore not required to contribute towards the cost incurred under their Legal Aid certificate.

1765 Mr Speaker, in 2011, the Council of Ministers agreed that a subcommittee of Council consisting of the Treasury Minister and the Minister for Home Affairs, with the support of officers from Treasury, the Department of Home Affairs and the General Registry should consider the options in relation to extending the criteria for a paying contributions and report back to Council for consideration. There are two main issues, which are being considered by the subcommittee. They are: (1) the amount of funding required to operate and maintain a Legal Aid scheme on the Island; (2) to focus persons in receipt of Legal Aid on the part they play in the proceedings and to provide a clear incentive for them to reach an early and amicable resolution.

1770 It is acknowledged that my fellow Members will have concerns in relation to the level of current Legal Aid expenditure and the level of income currently received by way of contributions. However, whilst Members may wish to address the situation, they will also, quite properly, be concerned as to the impact that any regulations made under clause 7 will have on persons seeking Legal Aid and as a consequence, access to justice.

1775 Mr Speaker, I do acknowledge those concerns and as a consequence of this, I can confirm today that any recommendations or proposals in relation to the making of Regulations under clause 7 of this Bill will first be subject to approval by the Council of Ministers, following which they will be referred to the newly constituted Legal Aid Committee for consideration, before then being subject to a period of public consultation. The regulations will then of course be subject to final consideration and approval of Tynwald. Knowing that they will have further opportunity to comment and to determine the extent of the relevant regulations made in relation to Legal Aid funding, I am hopeful, Mr Speaker, that this will provide comfort to my fellow Members, which will allow them to agree this clause today.

1780 Mr Speaker, I beg to move that clause 7 do stand part of the Bill.

1785 **The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
I beg to second, sir, and reserve my remarks.

1790 **The Speaker:** I put it to the House that clause 7 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 10, Mr Teare.

1795 **Mr Teare:** Thank you, Mr Speaker.  
Clause 10 amends section 14 of the Act, which deals with the disclosure of information supplied to the Legal Aid office as part of the Legal Aid application. Clause 10 amends section 4(2) of the Act, so that the consent of the assisted person and/or author is required to be provided in writing to the Legal Aid office before disclosure can be given. The receipt of written consent will evidence that section 4(2) has been complied with and will also evidence that consent was given at the time that any information was disclosed. Clause 10 also introduces specific provision for records to be made available for internal audit purposes.

1800 Mr Speaker, I beg to move that clause 10 do stand part of this Bill.

1805 **The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
I beg to second, sir, and reserve my remarks.

1810 **The Speaker:** I put the motion that clause 10 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 11, please.

**Mr Teare:** Thank you, Mr Speaker.

1815 Clause 11 amends section 16 of the 1986 Act, so as to make specific provision that regulations may specifically provide for the appointment of a Legal Aid Certifying Officer and Deputy Legal Aid Certifying Officers. It should be noted that regulations made by the Legal Aid Committee under section 16 of the 1986 Act already contain a provision in relation to the appointment of a Legal Aid Certifying Officer and Deputy Legal Aid Certifying Officer by the Lieutenant Governor. However, in July 2011 Tynwald received the Council of Ministers' Report on the functions of the Lieutenant Governor under the Acts of Tynwald and approved all the recommendations. The Report refers to the appointment of the Legal Aid Certifying Officer and Deputy Legal Aid Certifying Officer and included the following proposal. Consideration should be given to who appoints Legal Aid Certifying Officers in the regulations made by the Legal Aid Committee under the Legal Aid Act 1986, as part of the process of taking forward the Legal Aid (Amendment) Bill.

1820 Mr Speaker, further consideration will be given as to who should appoint the Legal Aid Certifying Officer and Deputy Legal Aid Certifying Officer following the introduction of this Bill by a newly constituted Legal Aid Committee. As part of that process it is necessary to introduce the specific reference to the appointment of those officers within primary legislation.

1830 Mr Speaker, I beg to move that clause 11 do stand part of this Bill.

**The Speaker:** Mr Henderson.

1835 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
I beg to second, sir, and reserve my remarks.

**The Speaker:** I put the motion that clause 11 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

1840 Clause 12.

**Mr Teare:** Thank you, Mr Speaker.

1845 Clause 12 makes consequential amendments to the definitions contained within section 17 of the Act in line with the amendments contained throughout the Bill. Mr Speaker, you will note that, most notably, a definition of mediation is introduced as a consequence of the use of that term in clause 4 of the Bill.

Mr Speaker, I beg to move that clause 12 do stand part of the Bill.

**The Speaker:** Mr Henderson.

1850 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
I beg to second, sir, and reserve my remarks.

**The Speaker:** Mr Quirk.

1855 **Mr Quirk:** Thank you, Mr Speaker and I thank the Minister for the explanations.

I just wonder whether we all expected mediation to be a wonderful tool in the box for people to use, and I am sorry I was not in earlier to listen to the other bits, but can I ask the Minister regarding mediation, which is a good tool to use, when parties do have friction, what will move those parties on, when one party becomes entrenched in a particular manner?

1860 **The Speaker:** Mr Teare.

1865 **Mr Teare:** Unfortunately, we have to acknowledge that, if one party becomes entrenched, the matter will have to come to court. Nevertheless, the opportunity has to be given to resolve the dispute in a less confrontational environment and I feel that by bringing in mediation, we would be able to do exactly that, sir.

1870 **The Speaker:** I put the motion that clause 12 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 13, please.

**Mr Teare:** Thank you, Mr Speaker.

Clause 13 replaces section 23 of the Legal Aid Act, so as to provide for the reconstitution of the Legal Aid Committee. Section 23 currently requires the Committee to consist of the First

1875 Deemster and Clerk of the Rolls, the Attorney General, the President of the Isle of Man Law Society and the Chairman of the Isle of Man Magistrates' Association. The introduction of this reconstituted Legal Aid Committee is in line with the recommendations put forward by the Select Committee, specifically that the Committee should be made up of a majority of members who are not lawyers and whose function should include the determination of general policy with respect to

1880 Legal Aid to oversee the Legal Aid Certifying Officer, Deputy Legal Aid Certifying Officer and Legal Aid administration and to adjudicate upon any complaints which are outside the authority of the Legal Aid tribunal, to which the next clause refers.

1885 Clause 13 provides for the appointment of members of the Legal Aid Committee by the Appointments Commission. It is to consist of between five and seven members, of which not more than three are to be lawyers. Non-lawyers are to be in the majority of each sitting of the Committee and the Committee's functions are expanded to include oversight of the administration of Legal Aid and to adjudicate on any complaints, other than matters within the jurisdiction of the Legal Aid Appeals Tribunal as to the exercise by the Certifying Officer and other officers appointed under section 16(2)(c)(ii) of any of the officers' functions.

1890 Mr Speaker, I beg to move that clause 13 do stand part of this Bill.

**The Speaker:** Mr Henderson.

1895 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
I beg to second, sir, and reserve my remarks.

**The Speaker:** Mrs Cannell.

1900 **Mrs Cannell:** Thank you, Mr Speaker.

Can I just ask the hon. mover if he can give us some advice on the current Legal Aid Committee: how many members does it have; what sort of backgrounds, professional or otherwise, they currently hold; and how long they have been in office?

1905 **Mr Teare:** It is currently four members, and if my memory serves me right, it is the First Deemster, the President of the Law Society, the Chairman of the Isle of Man Magistrates' Association and the Attorney General. I think that is it, as stands.

1910 In other words, we are taking it away from a solely layperson's environment, because the criticism and the commentary made in the past was that there was no accountability, so at least this puts more accountability in and it brings the layperson's perspective into the process as well.

**The Speaker:** I put the motion that clause 13 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 14, please.

1915 **Mr Teare:** Thank you, Mr Speaker.

Clause 14 introduces a new section 23A, which establishes a Legal Aid Appeals Tribunal.

1920 Mr Speaker, during their deliberations, the Legal Aid Services Commission, who, as I previously mentioned, sat in 2002 and reported in 2003, put forward a recommendation that Legal Aid legislation should contain provision for the existence of two separate Legal Aid authorities: firstly, a Legal Aid Committee, who should consider regulations, Legal Aid policy, and oversee the administration of Legal Aid; and secondly, a Legal Aid Appeals Tribunal, which will determine appeals from the assisted person where there had been a refusal to grant Legal Aid or a refusal to amend or extend the scope or limitation of their Legal Aid Certificate.

1925 Clause 14 establishes the Legal Aid Tribunal as a part 2 tribunal within the meaning of the Tribunals Act 2006. It is intended to replace the Committee as the body responsible for Legal Aid appeals, and it is to have such jurisdiction as may be prescribed by regulations made by the Legal Aid Committee, such regulations also requiring to be approved by Tynwald.

1930 Mr Speaker, Hon. Members will recall that, when moving the Second Reading of this Bill, I mentioned the issue of Legal Aid appeals was also reconsidered by the Select Committee. Focusing principally on the unassisted person, the Select Committee endorsed the creation of a Legal Aid Appeals Tribunal and further recommended that the remit of the Tribunal be extended to include appeals from the opponent of the assisted person in relation to a decision to award or to continue to award Legal Aid to an assisted person.

1935 Clause 14 does not, of course, itself set out the detailed remit of the Tribunal, but I would remind Hon. Members that functions of the Legal Aid Committee do include the making of

regulations to prescribe the jurisdiction of the Tribunal, and I have no doubt that the recommendation of the Select Committee will be one of the matters to receive detailed consideration by the newly constituted Legal Aid Committee.

1940 Mr Speaker, I beg to move that clause 14 do stand part of the Bill.

**The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
I beg to second, sir, and reserve my remarks.

1945

**The Speaker:** I put the motion that clause –

**Mrs Cannell:** Mr Speaker –

1950

**The Speaker:** Mrs Cannell.

**Mrs Cannell:** The hon. mover is moving clause 14, is he not? I just have some queries there on clause 14.

1955

**The Speaker:** I did not catch your eye.

**Mrs Cannell:** Sorry, Mr Speaker.

1960

Can I ask the hon. mover, in terms of the appointment of the Legal Aid Appeals Tribunal and also the Legal Aid Committee, who will be responsible for selection and appointment and whether or not, once that selection has been made, it will be subject to Tynwald approval before appointment is confirmed?

**The Speaker:** Mr Teare.

1965

**Mr Teare:** I would like to thank the Hon. Member for drawing out these points for clarification. It is very much appreciated.

The appointments will be made by the Appointments Commission and there is a separate clause later on in this Bill which deals with that.

1970

The second point, which just escapes me now... I am sorry, Hon. Member –

**Mrs Cannell:** Sorry, Mr Speaker.

I just asked the hon. mover, once the selection has been processed, whether or not it will be subject to Tynwald approval before they are appointed.

1975

**Mr Teare:** Sorry. I beg your pardon, Hon. Member. I apologise for that.

This is one of the issues which will be dealt with in the more detailed regulations which will be placed before another place.

1980

**The Speaker:** I put the motion that clause 14 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 15, please.

**Mr Teare:** Thank you, Mr Speaker.

1985

Clause 15 is a transitional provision which includes the power for regulations to contain supplemental, incidental, consequential or transitional arrangements.

Clause 15 also confirms the regulations made under the Legal Aid Act shall not come into effect unless they are approved by Tynwald.

Mr Speaker, I beg to move that clause 15 do stand part of the Bill.

1990

**The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
I beg to second, sir, and reserve my remarks.

1995

**The Speaker:** Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

2000 I thank the Minister for confirming that the regulations, in fact, have to be approved by Tynwald, but does he not appreciate that we have no option to amend the regulations – we either approve them or we do not approve them – and whether or not – I will ask the question again – the appointment of these two very important and powerful committees will be subject to Tynwald approval as a separate item?

2005 **Mr Teare:** The intention is not to have separate Tynwald approval for them. This really fits in with other committees which are in effect, notified. The appointments are made by the Appointments Commission and are not subject to a separate debate in Tynwald.

2010 Hon. Members will recall there are only – to the best of my knowledge – about three, possibly four, committees out of the many committees which are appointed by the Appointments Commission, under which the individual members are subject to approval by another place. But having said that, it is up to a Member, if they do have any issue, to raise those issues at that time.

**The Speaker:** I put the motion that clause 15 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

2015 Clause 16.

**Mr Teare:** Thank you, Mr Speaker.

2020 Clause 16 makes a consequential amendment, which is the inclusion of the definition of the Appointments Commission in section 27 of the Act. The effect of amendments contained in this Bill is that the Appointments Commission will be responsible under the Act for the appointment of members to the Legal Aid Committee and the Legal Aid Appeals Tribunal.

Mr Speaker, I beg to move that clause 16 do stand part of the Bill.

**The Speaker:** Mr Henderson.

2025 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder. I beg to second, sir, and reserve my remarks.

**The Speaker:** Mrs Cannell.

2030 **Mrs Cannell:** Thank you, Mr Speaker.

2035 Can the hon. mover of the Bill advise the House on who makes up the Committee as present, under the existing legislation, which will still be in force before this legislation gets Royal Assent – who they are and how many sit on it and what sort of qualification they hold? And the same sort of information in terms of the Appointments Commission: how many will serve on the Appointments Commission; what backgrounds will they have; will they be professional people; will they involve any Members of Tynwald?

**The Speaker:** Mr Teare to reply.

2040 **Mr Teare:** Coming back to the Appointments Commission, that is a separate matter altogether. That is outwith the remit of this Bill, I would suggest. That is an established function, which has been in place for quite a few years now.

2045 The present Legal Aid Committee, as has been mentioned before when I gave a response, to the best of my understanding, is the First Deemster, the Chairman of the Isle of Man Magistrates' Association, the Attorney General, and I cannot remember the fourth one, but I did mention before – (*Interjection*) the President of the Isle of Man Law Society, thank you.

2050 So overall, what we are trying to do is to get something which is more Human Rights compliant. The present system we have is not Human Rights compliant. There is no Appeals Tribunal. What we need to do is to bring forward legislation which is fit for purpose. Also, it helps to reduce the confrontational aspect of some of the legislation we have in place, and I would respectfully suggest the confrontational environment is highly unsuitable in family matters.

**The Speaker:** I put the motion that clause 16 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

2055 Clause 17.

**Mr Teare:** Clause 17 is a transitional provision, which is a consequential amendment to section 29 and is pursuant to clause 14 of the Bill, relevant to the creation of the Legal Aid Appeals Tribunal.

2060 Clause 17 will allow the Tribunal to make procedural rules in relation to appeals submitted to them for determination, until rules are made under the Tribunals Act 2006.

Once section 23A comes into operation, existing or forthcoming appeals will be treated as made under the new regulations or rules and if commenced will recommence before the tribunal.

2065 Mr Speaker, I beg to move that clause 17 do stand part of this Bill.

**The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

2070 I beg to second, sir, and reserve my remarks.

**The Speaker:** Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

2075 I am sorry to get on my feet again about this, but I think the Minister misunderstood me previously. The Minister has put to the House that we have Legal Aid Committee in this new legislation, that we have a Legal Aid Appeals Tribunal, and that we have an Appointments Commission. Is it the Appointments Commission that puts together the Legal Aid Committee and the Legal Aid Appeals Tribunal? If so, if he could clarify that, and if he could advise the House on who will therefore sit on the Appointments Commission, which surely must be separate to the actual Legal Aid Committee, of which he reiterated the same names in the answer that he had given me earlier.

2080

I would appreciate a nice answer, please.

2085 **Mr Teare:** Right, thank you for clarifying that, to the Hon. Member who has just resumed her seat.

The Appointments Commission is completely separate. That is constituted under the 2006 Act, so that has been in place now for six years, so it has been in place for some time. The Legal Aid Authority and the Legal Aid Tribunal are two new bodies which will be established, if this Act proceeds through the branches as currently drafted. The members of the Appointments Commission, that is on record, but I am quite happy to go back and to circulate Hon. Members with details of those who are on the Appointments Commission. As I say, I am sorry, I cannot remember it off the top of my head.

2090

2095 **The Speaker:** I put the motion that clause 17 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 18, we have dealt with. Clause 19, Mr Teare.

**Mr Teare:** Thank you, Mr Speaker.

2100 That concludes consideration of part 2 of the Bill and the amendments proposed to the Legal Aid Act 1986. Hon. Members will recall that clause 18 was dealt with earlier. However, there are two further matters addressed by the Bill. Part 3 of the Bill, that is to say clauses 19 and 20 make amendments to other enactments.

2105 Clause 19 adds the Legal Aid Appeals Tribunal to the list of tribunals set out in part 2 of schedule 2 to the Tribunals Act 2006. This is a consequential amendment, referable to clause 14 of the Bill.

Mr Speaker, I beg to move that clause 19 do stand part of the Bill.

**The Speaker:** Mr Henderson.

2110 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

2115 **The Speaker:** I put the motion that clause 19 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Finally, clause 20, Mr Teare.

**Mr Teare:** Thank you, Mr Speaker.

2120 Clause 20 contains an amendment to enable section 18 of the Advocates Act 1976, to enable the Advocates Disciplinary Tribunal, where a complaint is proved, to discharge the advocate against whom it is made, either conditionally or unconditionally, in addition to existing penalties. The power to award costs against the advocate is extended to cover an advocate made subject to the new penalty, but the requirement to report the findings and penalty matter to the Law Society and publish them is not.

2125 This amendment to the existing powers of the Advocates Disciplinary Tribunal has been put forward by the Tribunal itself as a useful and desirable addition to its powers, particularly in cases of the Tribunal is considering an unintentional or technical breach of the rules of professional conduct.

Mr Speaker, I beg to move that clause 20 do stand part of the Bill.

2130 **The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
I beg to second, sir, and reserve my remarks.

2135 **The Speaker:** Mr Quirk.

**Mr Quirk:** Thank you.

2140 Can I just ask the Minister who is moving the Bill there, I noticed the clause there on 'not to be published'. I wonder why, if we are to learn anything in the future, if they are not published... Why would they not be published?

**The Speaker:** Mr Teare.

**Mr Teare:** Thank you, Mr Speaker.

2145 The reason for not publishing them is it is only where there are minor oversights or infractions, as opposed to deliberate acts on the part of the advocate who is subject to disciplinary proceedings.

Before I resume my seat, Mr Speaker, I would like to thank everybody who has considered and taken part in the debate today.

**The Speaker:** I put the motion that clause 20 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

#### **Partnership (Amendment) Bill 2012 Clauses considered**

4.2. Mr Henderson to move.

2150 **The Speaker:** Thank you, Hon. Members.

We now turn to the second of our Bills for consideration of clauses, the Partnership (Amendment) Bill, and I call on the mover, Mr Henderson, to move clause 1.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

2155 As Hon. Members will recall, the purpose of this Bill is to insert additional accounting requirements into the Partnership Act 1909 in respect of limited partnerships.

Clause 1 provides for the short title of the Bill. I beg to move.

**The Speaker:** Mr Teare.

2160 **Mr Teare:** Thank you, Mr Speaker.  
I beg to second and to reserve my remarks, sir.

2165 **The Speaker:** I put the motion that clause 1 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 2.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

2170 Clause 2 provides for the Act resulting from the Bill to be repealed on the day after its promulgation. At this point, the amendments to the Partnership Act 1909 will have taken effect. I beg to move.

**The Speaker:** Mr Teare.

2175 **Mr Teare:** Thank you, Mr Speaker.  
I beg to second and to reserve my remarks, sir.

2180 **The Speaker:** I put the motion that clause 2 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 3.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
Clause 3 amends section 30 of the Partnership Act 1909 by inserting a new subsection (2) which introduces additional accounting requirements for limited partnerships that are registered under the Partnership Act 1909.  
2185 I beg to move, sir.

**The Speaker:** Mr Teare.

2190 **Mr Teare:** Thank you, Mr Speaker.  
I beg to second and to reserve my remarks, sir.

2195 **The Speaker:** I put the motion that clause 3 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 4.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
Clause 4, the final clause, inserts a new section 48E: Limited partnerships to keep accounting records. It lays out those details and what they should be in statute.  
2200 I beg to move, sir.

**The Speaker:** Mr Teare.

2205 **Mr Teare:** I beg to second and to reserve my remarks, sir.

**The Speaker:** I put the motion that clause 4 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

#### **Casino (Amendment) Bill 2012** **Clauses considered**

4.3. Mr Henderson to move.

2210 **The Speaker:** Thank you, Hon. Members.  
We now turn to the Casino (Amendment) Bill and again, I call on the mover, Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
This Bill, as Hon. Members will recall, allows for the temporary licensing of a gaming activity certificate. Part 1 of the Act introduces the short title, at clause 1, and I beg to move, sir.

2215 **The Speaker:** Mr Teare.

**Mr Teare:** I beg to second and to reserve my remarks, sir.

2220 **The Speaker:** I put the motion that clause 1 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 2.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

2225 Clause 2 explains the commencement provisions. The Act will be brought into operation using an Appointed Day Order made by the Treasury. The Order may also contain any necessary savings or transitional measures.

I beg to move, sir.

**The Speaker:** Mr Teare.

2230 **Mr Teare:** Thank you, Mr Speaker.

I beg to second and reserve my remarks.

2235 **The Speaker:** I put the motion that clause 2 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

2240 Clause 3 provides for the automatic repeal of the Act once it has performed its amending function.

I beg to move, sir.

**The Speaker:** Mr Teare.

2245 **Mr Teare:** I beg to second and reserve my remarks.

**The Speaker:** I put the motion that clause 3 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

2250 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Clause 4 removes the provision about the composition of the Gaming Board of Control from the Casino Act 1986. That has been superseded by a provision in the Gambling Supervision Act 2010.

2255 I beg to move, sir.

**The Speaker:** Mr Teare.

**Mr Teare:** I beg to second and reserve my remarks.

2260 **The Speaker:** I put the motion that clause 4 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 5.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

2265 Clause 5 inserts a new part IIA into the Casino Act 1986, in such a way that the amendments, collectively called part IIA fall just before the beginning of the existing part III in that Act. There are 14 new sections to this part IIA and they are annotated 12A to 12N and cover such things as the granting of a temporary premises certificate, the supervision of the same, appeals and tribunals, operators and the measures that the Gambling Supervision Commission can take in so discharging their functions.

2270 I beg to move, sir.

**The Speaker:** Mr Teare.

2275 **Mr Teare:** I beg to second and reserve my remarks, sir.

**The Speaker:** I put the motion that clause 5 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 6.

2280 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Clause 6 amends section 15 of the Casino Act 1986 so as to extend the court's power to exclude certain persons from entering a casino to include the power to exclude them from a venue operating under a temporary premises certificate.

2285

I beg to move, sir.

**The Speaker:** Mr Teare.

2290

**Mr Teare:** I beg to second and to reserve my remarks, sir.

**The Speaker:** I put the motion that clause 6 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 7.

2295

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Clause 7 repeals certain provisions of section 16 of the Casino Act 1986, which refers to legislation that no longer exists. In other words, a clean up.

I beg to move, sir.

2300

**The Speaker:** Mr Teare.

**Mr Teare:** Thank you, sir.

I beg to second and to reserve my remarks.

2305

**The Speaker:** I put the motion that clause 7 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 8.

2310

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Clause 8 amends section 19 of the Casino Act 1986 so as to give a police officer the right to enter premises under a temporary premises certificate.

I beg to move, sir.

2315

**The Speaker:** Mr Teare.

**Mr Teare:** I beg to second and reserve my remarks, sir.

**The Speaker:** I put the motion that clause 8 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

2320

Clause 9, Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Clause 9 amends section 21 of the Casino Act 1986 to provide that all regulations made under the new part IIA must also be approved by Tynwald before coming into force.

2325

I beg to move, sir.

**The Speaker:** Mr Teare.

2330

**Mr Teare:** I beg to second and reserve my remarks, sir.

**The Speaker:** I put the motion that clause 9 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 10.

2335

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

This clause removes obsolete terms and modernises other phrases in accordance with bringing in the temporary premises certificate.

I beg to move, sir.

2340

**The Speaker:** Mr Teare.

**Mr Teare:** I beg to second and reserve my remarks, sir.

2345 **The Speaker:** I put the motion that clause 10 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 11.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
2350 Clause 11 amends schedule 1 of the Casino Act 1986 to extend the modifications that already apply to the application of the Liquor Licensing Act 1995.  
I beg to move, sir.

**The Speaker:** Mr Teare.

2355 **Mr Teare:** I beg to second and to reserve my remarks, sir.

**The Speaker:** I put the motion that clause 10 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 11, please.

2360 **Mr Henderson:** Vainstyr Loayreyder, I think we might have –

**The Speaker:** I beg your pardon, clause 12.

2365 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
Clause 12 amends section 7 of the Gaming, Betting and Lotteries Act 1988 to extend the exemption within that Act that already exists for casino advertising to those events which will run under the temporary premises certificate.  
I beg to move, sir.

2370 **The Speaker:** Mr Teare.

**Mr Teare:** I beg to second and reserve my remarks.

2375 **The Speaker:** I put the motion that clause 12 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 13.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
2380 Clause 13 amends section 8 of the Gaming, Betting and Lotteries Act 1988 to create a general exemption for gaming taking place under a temporary premises certificate.  
I beg to move, sir.

**The Speaker:** Mr Teare.

2385 **Mr Teare:** I beg to second and reserve my remarks, sir.

**The Speaker:** I put the motion that clause 13 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 14 please.

2390 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
Clause 14 amends section 48 of the Gaming, Betting and Lotteries Act 1988 so as to update the definition of a 'prescribed game' within that Act to include those games played under a temporary premises certificate.  
2395 I beg to move, sir.

**The Speaker:** Mr Teare.

2400 **Mr Teare:** I beg to second and reserve my remarks, sir.

**The Speaker:** I put the motion that clause 14 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 15.

2405 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
Clause 15 introduces a schedule of consequential amendments which provide for the changes required by this Act.  
I beg to move, sir.

2410 **The Speaker:** Mr Teare.

**Mr Teare:** I beg to second and reserve my remarks, sir.

2415 **The Speaker:** I put the motion that clause 15 and the schedule stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

That brings us to the end of the Casino (Amendment) Bill clauses stage and with that the conclusion of business before the House today. The House will now stand adjourned until the next sitting to take place at 10 o'clock on 3rd April.

*The House adjourned at 12.18 p.m.*