



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 1st May 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);
Mr L D Skelly and Hon. P A Gawne (Rushen);
with Mr R I S Phillips, Secretary of the House.

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The House adjourned at 11.43 p.m.

30

30

House of Keys

The House met at 10.00 a.m.

35

[MR SPEAKER *in the Chair*]

40

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

Members: Good morning, Mr Speaker.

45

The Speaker: The Chaplain will lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

50

Leave of absence granted

The Speaker: Hon. Members, I have given leave of absence today to the Hon. Member for Rushen, Mr Watterson.

55

Questions for Oral Answer

60

TREASURY

Allied Irish Bank FSC discussions re closure

65

1.1. The Hon. Member for Michael (Mr Cannan) to ask the Minister for the Treasury:

When the FSC was informed about the closure of Allied Irish Bank; and what discussions took place to keep AIB on the Isle of Man?

70

The Speaker: We turn to Item 1 on the Order Paper, Questions for Oral Answer and I call on the Hon. Member for Michael, Mr Cannan.

75

Mr Cannan: Thank you. I ask the Question standing in my name.

The Speaker: I call on the Minister for the Treasury, Mr Teare.

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

80

The Financial Supervision Commission was informed at a meeting on Friday 30th March 2012 that Allied Irish Banks plc (AIB) had resolved to close its offshore subsidiary banking operations in the Isle of Man and Jersey. In dialogue with representatives of AIB, it was made clear that the closure and the wind-down was the approach determined by AIB at parent level.

85

However, we understand that the two AIB banks with a presence on the Island remain open to consider opportunities to sell or transfer business to an acceptable party, although that would be dependent on whether the shareholder, AIB at parent level, would support such a move.

Thank you.

The Speaker: Mr Cannan.

90 **Mr Cannan:** Supplementary. I thank the Minister for his Answer.
Could I ask the Minister whether he will reassure the House that the FSC remains fully aware of the need to balance out depositor safety with the requirement for banks to upstream funds to support lending and other activities undertaken by parent organisations?

95 **The Speaker:** Reply, sir.

The Minister: The FSC is fully cognisant of this and I can give you an illustration of that, which was the steps that the FSC took at Kaupthing Singer & Friedlander. With the recovery rate now approaching 100%, I think that is a testimony of the probity of the FSC and their professionalism.

The Speaker: Mr Cannan.

105 **Mr Cannan:** Thank you very much, Mr Speaker.
Finally, can I bring to the Minister's attention the continued decline in the deposit base, particularly the figures for corporate deposits, which, according to the latest release, I think, are for the quarter ending December 2011, issued by the Financial Supervision Commission, indicate an £8 billion decrease in corporate and trust and fiduciary deposits?

110 Will he agree that it is vital for the economy and for the banking sector that we make every effort to halt this decline and start to increase this base again and that such an increase would be a very good indicator that the Island remains at the forefront of tax and international business planning?

The Speaker: Minister.

115 **The Minister:** The decline in deposits, Mr Speaker, is not an issue which is confined to the Isle of Man, although I have to say that I would be much more comfortable if our deposits were moving up. There has been some evidence over last 12 months or so, that our deposits are starting to stabilise, but the FSC is working in conjunction with the industry to identify ways of how they can move forward.

HEALTH

125

Medical staff Clothing and identification

130 1.2. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Health:

If he will oblige all medical staff to wear appropriate clothing, such as white coat in the case of a doctor or consultant, together with a badge which states their name, their position and their GMC registration number?

135 **The Speaker:** Question 2, Hon. Member for Douglas South, Mrs Beecroft.

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

140 **The Speaker:** I call the Minister for Health, the Hon. Member for Glenfaba.

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

145 In answer, I can advise the current guidance on clothing which we follow is the comprehensive guidance issued by the British Medical Association Central Consultants and Specialists Committee in 2007. Whilst I expect the Hon. Member's Question may well be posed in relation to hospital doctors, it should be noted, of course, that there are doctors working in a primary care setting. There is presently no perceived need for GPs within their GP surgery environment to change the way they are presented, as it is considered that GPs already dress to reflect their role.

The BMA guidance specifically advises against the use of white coats and neckties when

150 providing patient care. The relevant guidance relating to clothing states:

‘Dress in a manner which is likely to inspire public confidence.
Wear short-sleeved shirts/blouses and avoid wearing white coats when providing patient care.

155 ...
Cover uniform completely when travelling to and from work.
Wear clear identifiers...’

That is, uniforms or name badges.

160 In relation to wearing uniform outside a clinical setting, in view of recent public comment, can I digress slightly and take this opportunity to point out that many medical and clinical staff, such as community nurses providing healthcare in the community settings are required to wear their uniform in public, as they move to and from their appointments.

165 Turning now to the question of name badges, all staff currently wear a picture identification badge which confirms their name and place of work. It does not have sufficient space for a GMC number; however, a GMC number can easily be found on the GMC’s website, which is www.gmc/uk.org, which has a specific area designed for members of the public to be able to check the registration status of any GMC-registered doctor.

170 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

175 Would the Minister not agree that many people do not understand the difference between a registrar, a consultant, a ward manager, whatever and it would be most helpful if their job description was actually on the badge? Would he not consider making the badges just a little bit bigger, so that that information and the GMC number could be stated there?

The Speaker: Minister.

180 **The Minister:** As I pointed out in my Answer, Mr Speaker, the information that we display is what the professional organisation requires us to display and making the badges bigger, I imagine would be impractical: it would impair their work, I would suggest.

The Speaker: Mrs Beecroft

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

Would the Minister agree that the Isle of Man could actually be better than the basic guidelines that are stated, if it is going to improve people’s knowledge and people’s comfort of who they are actually seeing?

190 Many people see somebody – they are not sure who it is they have seen, if somebody else takes that position in their appointment, and they do not know what rank they are. They do not know if they are seeing a junior doctor, or a consultant, or who that person is. This information would be very helpful to the general public who visit the Hospital.

195 **The Speaker:** Minister.

The Minister: Mr Speaker, I can only reiterate, we follow what is considered best practice in the industry. So the various organisations that we follow their guidance, they are there for very good reasons.

200 I take the Hon. Member’s point that some people do not recognise the difference between individual doctors. However, as I have already stated, it is quite easy to look that up in the GMC website.

The Speaker: Final supplementary.

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

Is the Minister aware that, under the guidelines that are used in other areas, people have actually gone into hospitals and pretended to be doctors and this would actually help to prevent that from happening on the Isle of Man? (*Interjections*)

210 **The Minister:** I am not aware of that happening on the Isle of Man, Mr Speaker. However, that could happen anyway, if you had somebody who changed the name badge.

The Speaker: We move to... Mr Houghton, do you have a supplementary?

215 **Mr Houghton:** I would be very grateful, Mr Speaker.

Perhaps more appropriately, where the public has quite considerable concern is when they are booked in to see a consultant, but when they get to the appointment, they in fact see a registrar, a trainee medical person. Can the Minister perhaps give us some good light from his position, as to how he sees this happening and how he sees it more appropriate, that the patient is referred to a registrar and expects to see a registrar, not the consultant, or indeed the consultant, sir?

The Speaker: We are moving beyond the subject, I feel, of name badges, but Minister?

225 **The Minister:** I am not very clear on the question, Mr Speaker, to be honest. Maybe the Hon. Member could pose it again or have another thought about it.

The Speaker: On another occasion, it is up to the Member to do that.

230

**Health Service employment applications
Assessment of communication skills**

235 1.3. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Health:

Whether verbal communication skills are assessed in respect of all applicants for positions within the Health Service?

240 **The Speaker:** Question 3, again, Mrs Beecroft.

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

245 **The Speaker:** Minister for Health, Mr Anderson.

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

250 All qualified health professionals are regulated by an appropriate body. These bodies set standards for the education, practice, registration and conduct of individual healthcare professionals. The Hon. Member is probably aware that doctors are regulated by the GMC and that nurses and midwives are regulated by the Nursing and Midwifery Council (NMC). Similar controls are applied in the cases of many other disciplines, such as dieticians, physiotherapists, paramedics etc.

255 Depending on their country of training, healthcare professionals are admitted to the appropriate professional register via different routes. If healthcare professionals trained in countries outside the EU or EEA have been admitted to the appropriate professional register, you can be satisfied that the regulator has been able to check the education, practice experience and given character and language competence of that individual.

260 Specifically with regard to language confidence, both the GMC and the NMC require proficiency level 7 of the International English Language Testing System in each area tested – speaking, listening, reading and writing – and that successful scores are obtained in a single sitting of that test. Virtually identical requirements apply in the case of allied health professionals.

265 The Hon. Member should bear in mind that, by law, regulatory bodies cannot systematically test the language competence of healthcare professionals, who trained within the EU or EEA, or this does not, of course, preclude employers, including the Department assuring themselves that healthcare professionals have the necessary language and communication skills. Indeed, from that perspective in recent weeks, the UK NHS Employers' organisation, has published revised good practice guidance for language testing and by way of an e-mail sent from our HR business partner, who is based within the Office of Human Resources, to Noble's on 27th February, it was confirmed that work to review our recruitment practices in the light of that guidance has already begun.

270 If the Hon. Member has any concerns, however, in respect of verbal communications by specific healthcare professionals in our employment, then I would be happy to receive those

concerns and consider them.

275 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

280 Is the Minister aware that Prof. Norman Williams, who is the president of the Royal College of Surgeons, and Sir Richard Thompson, who is the president of the Royal College of Physicians, have stated that urgent action is needed to combat the huge variations in the quality and training of foreign doctors, and that they also point out that many foreign-trained doctors are given jobs, *despite* being barely able to speak English? This obviously means that the guidance that the Medical Council and everybody else is giving is not always having the desired effect.

285 The Minister has stated that he has been given new guidelines: could he clarify what they are?

The Speaker: Minister to reply.

290 **The Minister:** The new guidelines, Mr Speaker, are clarification on the terms of service that make sure that the English is up to a satisfactory standard. If the Hon. Member has an individual experience within the Health Service that she is not happy about, I am more than happy to look into that. However, the recent e-mail from the UK organisations, no doubt will help us to make sure that our doctors do meet these criteria. We have to accept that there will be people that have difficulty in expressing themselves in English. However, they must come up to the standard that is set down by their organisations, their governing bodies.

295 **The Speaker:** Hon. Member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker.

300 Taking into account what the Hon. Minister has said, if we can refer to the Isle of Man, the problem – I do not know if he would agree – is in fact, *conversational* English. I have received complaints over a period of time from patients who have just not understood what they have been told by a hospital doctor.

305 Would he not agree that, if there is a difficulty, the problem of patient to doctor, nurse to doctor, lack of communication, this can cause potential serious problems? Would a possible answer be: in making the doctors realise there is no questioning of their competence, perhaps a conversational course in English should be available to them to better their general communication with their patients and with the other medical staff?

310 **The Speaker:** Minister for Health.

The Minister: Yes, Mr Speaker, the conversation element is taken into account and there is not just a desktop exercise that is performed. Like I have said to the Hon. Member for East Douglas –

315 **Mrs Cannell:** South Douglas.

The Minister: South Douglas, I apologise – I am more than happy to look into any specific area of concern in relation to doctors that are giving advice to patients and maybe clarifying the areas of doubt.

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

Mrs Beecroft: Thank you, Mr Speaker.

325 Is the Minister aware that almost a third of doctors in the UK – which is about 88,000 working there – are foreign trained, with over 22,500 coming from within the EU? Would the Minister confirm that we mainly take our intake of doctors from the UK? So therefore, if they have this problem, which they do, because...

330 Is the Minister further aware that, in January of this year, the Health Secretary, Andrew Lansley, stated that he was taking action to crack down on doctors with a poor grasp of English from practising within *their* health service?

The Speaker: Minister.

335 **The Minister:** I am not aware of the statement made by Mr Lansley, but I take the Hon. Member's point.

The Speaker: Mr Quirk, Hon. Member.

340 **Mr Quirk:** Thank you, Mr Speaker.
Could I ask the Minister, could he possibly explain to the House regarding the interviews that take place when doctors or surgeons apply for a position in the Isle of Man, to reassure the House?

The Speaker: Minister.

345 **The Minister:** With applications for posts within the Health Service, before they get to the stage where they are interviewed for a job, they will have to have passed the relevant English test from their governing organisation. So that hurdle is crossed before they get to the stage where they are being interviewed for a post.

350 **The Speaker:** Hon. Member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

355 Whilst accepting the Minister has just said they have to have passed a relevant test in the United Kingdom before they are eligible for interview in the Isle of Man, if the UK are revising the guidance with regard to the language skills, surely that revision is only going to apply to new people coming into the industry who will have a tighter control, in terms of their language skills. Will it not also extend to those already in practice?

I suggest that it will not, so we may well continue to have these problems, will we not?

360 **The Speaker:** Minister for Health.

The Minister: I take the Hon. Member's point. I think it will only apply, correctly, to those people applying to come in.

365 However, I reiterate the issue that if there is concern about individual doctors within the hospital, please contact me. However, I think we have to recognise that without this body of supply coming from outside the UK, the UK trusts and the Isle of Man hospital would –

Mrs Cannell: Grind to a halt.

370 **The Minister:** – have lots of vacancies.

The Speaker: Final supplementary, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

375 Would the Minister agree that his responses up to now have been about doctors and consultants and my actual original Question is in respect of *all* applicants for positions within the Health Service? Could he clarify what steps are taken with regard to take to, say, porters and healthcare assistants, as to their verbal communication skills?

380 **The Speaker:** Minister for Health.

The Minister: If I could try and clarify, nurses and midwives: for all applicants to the register who have been trained overseas, regardless of which country they are from or whether that country is majority English speaking, NMC requires a level 7 test.

385 As far as doctors are concerned, it is the same level 7. Allied health professionals also need that level 7 test.

However, other areas that are not deemed to be in verbal contact do not have to have the same tests. Therefore, for example, porters, the example the Hon. Member mentions, I would not expect them to need the same level of English, command of the English language.

390 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

A final supplementary. If the Minister could just clarify, when he says 'allied health

395 practitioners', does that cover healthcare assistants?

The Speaker: Minister.

400 **The Minister:** To my knowledge, it does, Mr Speaker.

**Waiting list times
Accuracy of information**

405

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

410 *What progress has been made by his Department in ensuring that the information recorded in respect of waiting list times is accurate?*

The Speaker: We turn to Question 4. Mrs Beecroft.

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

415

The Speaker: Minister for Health, Mr Anderson.

The Minister for Health (Mr Anderson): I thank the Hon. Member, Mr Speaker, for her Question.

420

In answer, as was promised following our presentation to Tynwald Members last December, we have continued our extensive work to validate all of the waiting lists. An internal short-life working group was formed to provide a comprehensive, multi-professional view on the measures we need to take to validate our data and to improve the position on waiting lists, which are the cause of concern. The group has recently completed its work and I expect to receive their report on their recommendations later this month. In the meantime, each waiting list is being scrutinised to ensure that the patients listed are still needing to be seen by a consultant and still require their surgery or investigations. This task is often completed by talking to the GPs or to the patients themselves, and this continues.

425

430 As the data validation exercise is being completed, further quality assurance measures and the active management of waiting lists are being implemented to ensure that the integrity of the data we hold is maintained. We then intend to apply a prospective modelling technique for each specialty, which will show not the historic waiting times we currently provide, but the time which a patient referred today might expect to wait for their appointment or procedure, and I am sure this will be a major improvement in the information we provide for patients.

435

I must point out, though, that even at this early stage, the relatively small size of the Island's hospital means that minor variations in activity or availability of senior staff can have a major impact on the waiting times. Thus, for example, in a speciality with only two consultants, if one of the two consultants is suddenly and unforeseeably unavailable, 50% of the capacity of the speciality has been lost, with a very marked impact on waiting times. Obviously, this effect will be more pronounced where there are fewer clinicians, and less pronounced in a larger unit.

440

It follows that any estimate of prospective waiting times may be overtaken by events, and such figures can never be more than a guide to likely waiting times.

445

Finally, Mr Speaker, it is important to remember that any waiting list information is no more than a snapshot taken at any particular time. It changes daily, and indeed hourly, as patients are seen or added to the list. It can never, therefore, be 100% accurate, although we will strive to make it as accurate as reasonably possible.

The Speaker: Supplementary, Mrs Beecroft.

450

Mrs Beecroft: Thank you, Mr Speaker.

Would the Minister agree that he has been giving the same reasons for not being able to publish correct waiting list times, whether they are snapshot or otherwise, for six months now? Would he not agree the patience of some people is beginning to run out a little bit with the same excuses and it is six months since he first gave that answer?

455

The Speaker: Minister to reply.

460 **The Minister:** That is, Mr Speaker, because it is a major exercise – this data cleansing is a major exercise. It has been a problem within the Health Service for a number of years and there are no quick fixes, and in certain areas we need the consultants to cleanse the data themselves. By taking the consultants away from the everyday job, we are actually increasing the problem of the waiting list, so there is a balance be made.

465 There are at the moment, three groups looking at waiting lists: the hospital managers, as an operational group, who are reviewing all the waiting lists, validating them and developing the actions as needed; then there is a Strategic Waiting List Management Group looking at how we can deal with individual waiting lists – not just looking at the data, but how we can actually reduce waiting lists within the different areas of concern; also there is another group which is looking at the impact of people not attending on the waiting lists and ways of addressing that specific issue.

470 So there is a lot of work going on within the Department and I do apologise that it is taking time. It has been a problem for many years and there is no quick solution, but the data is presently being cleansed and I understand that I shall have some information on that later this month.

The Speaker: A further supplementary, Mrs Beecroft.

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

Would the Minister accept that, when I accepted his kind invitation for a hospital tour, I was assured, by those who were involved in correlating the waiting lists and putting them onto the new system, that it was nearly complete, and that was some five months ago? The Minister has made reference to information that he has been given, hopefully by the end of this month, and would he make a statement on that, when he has received it?

The Speaker: Minister to reply.

485 **The Minister:** I am happy to inform Hon. Members when that information comes to me and what the implications of that information are.

490 **Waiting list times**
Department of Health website

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

495 *Further to his statement on 18th October 2011, what action he has taken about the additional page on the departmental website in respect of waiting list times?*

The Speaker: Question 5. Again, I call on Mrs Beecroft.

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

The Speaker: Minister for Health, Mr Anderson.

505 **The Minister for Health (Mr Anderson):** Mr Speaker, an internal, multi-professional, short-life working group has been formed to provide a comprehensive multi-professional view on the measures we need to take to validate our data and to improve the position on waiting lists, which are the cause of concern. The group has recently completed its work and will be reporting, at the latest, to me...

510 I am answering Question 5, Mr Speaker, aren't I?

The Speaker: Question 5, yes.

The Minister: There is a little duplication in this Question and the last.

515 It will be published on the website, but the Hon. Member should be under no illusion that the data cleansing and validation process which we are undertaking is anything other than a very major task. Indeed, whilst I appreciate the widespread interest in this topic, the data cleansing does

involve the diversion of resources, including clinical resources. I am sure that the Hon. Member would wish me to focus on the collection of accurate and relevant data without the undue diversion of resources to a task which will not, in itself, reduce the actual waiting lists.

520 So, Mr Speaker, in conclusion, I will not compromise clinical care or accuracy in the interest of speed in this area.

The Speaker: Mrs Beecroft.

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

Would the Minister not agree that it seems to be going a little bit round in circles from his original Statement in October, when he said he thought that having the additional page on the departmental website was a good idea and something that he would consider? We seem to be going round in circles: until we have got the accuracy, we cannot do this; and we cannot do this until we have got the accuracy. When is this circle going to stop?

530

The Speaker: Minister.

535 **The Minister:** I have already stated, Mr Speaker, that the information, hopefully, is going to be with me very shortly, but I think it is important that whatever information we put out is accurate and I would rather hold back to make sure that information is accurate, rather than put information out that is inaccurate and then be challenged on it later.

540

**Department of Health website
Doctors' and consultants' details**

545 1.6. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Health:

If he will place on the departmental website information regarding all doctors and consultants in respect of their qualifications, experience and GMC number?

550 **The Speaker:** Question 6, Mrs Beecroft.

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

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

The Minister for Health (Mr Anderson): Mr Speaker, I thank the Hon. Member for her Question. It has always been, and remains, our intention to provide as much information as possible within our website with regard to medical staff employed at Noble's Hospital. The format of this is currently being worked on to ensure that it meets everyone's needs, and the information will be made available as soon as possible.

560

In addition, we are encouraging GPs to provide the same information on their practice websites, and many are now doing this. In the meantime, all medical staff qualifications and GMC numbers can be seen and checked by using the GMC website, www.gmc/uk.org, which has a section designed specifically to enable the public to obtain details of any GMC-registered doctor's status.

565

The Speaker: Mrs Beecroft.

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

Would the Minister not agree – as I am sure he does, because he has already stated – that it would be a signal of openness and transparency within his Department? He said that they are going to visit this as soon as possible: could he give some sort of timeline for this? Would the Minister not agree, in this age of technology more and more people actually want to do their own research into who is treating them? They want to know who they are, what qualifications they have, what their previous experience is, before they go to see them. So would the Minister not agree that he would be doing the population of the Isle of Man, not just the medical staff, a great service by publishing this information openly and transparently?

575

580 **The Speaker:** I think you have answered that Question, Minister. Have you anything further to add?

The Minister: I have nothing further to add. That is the information we are intending to produce.

585 **The Speaker:** There was the point about the timeline, the timescale.

The Minister: I am afraid I can only say that is as soon as possible.

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

Mrs Cannell: Thank you, Mr Speaker.

Does the Minister realise... Can I ask him, first of all, has he ever visited the GMC website? Has he ever looked up a particular doctor's name in respect of what qualifications he or she has? If he has not, can I ask him to try it?

595 Does he appreciate, by doing so, that in order to find out about the qualifications and experience of that particular practitioner, you first of all have to know the name of the practitioner and the correct spelling? If, as he has earlier stated, doctors do not have sufficient information on their name badges, how then can a patient be expected to look up a particular doctor or surgeon's name – unless they know it, first of all, and secondly, unless they know the correct spelling – in order to check whether or not that person is registered?

600 **The Speaker:** Minister to reply.

605 **The Minister:** I can assure the Hon. Member that the name is correctly spelt on the name badges provided at the Hospital.

The Speaker: Mrs Beecroft.

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

Is the Minister aware that British health regulators are not automatically warned when a doctor is struck off the medical register in another country? Would he not agree that these measures of openness and transparency would help people do their own research and become more actively engaged in their own healthcare?

615 **The Speaker:** Minister.

620 **The Minister:** Mr Speaker, we rely on the professional organisations that validate the information supplied to us. I have no reason to believe that we are actually being shortchanged in this area. I agree that certain people might like to delve into the qualifications of individuals, but I believe that the Health Service employs people and looks into the professional qualifications with great clarity and in detail before employing these people.

625 I would like to reassure the general public out there that the staff we employ at Noble's Hospital have been thoroughly validated through the selection process, when they have been employed within the Health Service.

Diabetes Number of children affected

630 1.7. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Health:

635 *How many children aged 4 to 16 have type 1 or type 2 diabetes; and how does this compare with (a) 2007 and (b) 2002?*

The Speaker: Question 7. Hon. Member for Michael.

Mr Cannan: Thank you, Mr Speaker.

640 I ask the Question standing in my name.

The Speaker: Minister for Health, Mr Anderson, please.

The Minister for Health (Mr Anderson): Mr Speaker, I thank the Hon. Member for this Question.

645 Paediatric patients are those from the age range from birth to 17 years, and on average there are five to six children newly diagnosed with type 1 diabetes each year in the Isle of Man. According to the NetDoctor website, the comparative figure in England and Wales for a population of our size would be 14 new diagnoses each year.

650 Our present caseload, as at April 2012, is a total of 41 children aged between two and 17, all of whom have type 1 diabetes. There are presently no paediatric patients with type 2 diabetes, although there was one patient diagnosed in 2008-09 who has now been transferred to adult care. The present caseload of 41 patients is broken down by age range as follows: less than four years old, three patients; between four and 16 years old, 37 patients; and between 17 and 18 years old, one patient.

655 In comparison with previous years, the current 41 patients compares with 39 in 2007, which is two, or 5%, fewer than at present; and 23 patients in 2003, which is 18 patients, or 78%, fewer than at present.

660 I regret that I cannot provide the 2002 statistics, as a diabetes nurse specialist was only in post from 2003. Interestingly – and this may reflect the increased interest in childhood diabetes from 2003 onwards – the increase in the numbers of child diabetics in the Island has slowed in recent years, and since 2006-07 has increased from a caseload of between 34 and 37 to the present caseload of between 39 and 44 at any one time.

The Speaker: Mr Cannan.

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

I thank the Minister for his Answer and appreciate that perhaps in comparison with the UK, there does appear to be at least some positive news there.

670 Nevertheless, I hope he will agree with me and accept that over the last, or almost over the last 10 years, there has been a near doubling of the cases, and I would ask for his reassurance that the Department is taking this matter very seriously, as obviously not only the health and welfare of our children is very important, but preventing diabetes at an early stage is very important for the greater health of the community, and also – dare I say it – for the greater wealth of the community in preventing long-term costs associated with this disease.

675 **The Speaker:** Minister.

The Minister: Yes, Mr Speaker, I would endorse the Hon. Member's comments and there is no room for complacency in this area. If we compare our figures with the UK, we are certainly better off, but in places like Japan, they are far less. I think the more worrying aspect is what is happening now in Europe and America, where type 2 diabetes has been seen for the first time in young people, and this is definitely related to increasing trends towards obesity in our society and so is something we must keep a firm eye on to make sure that it does not actually cause problems, not just for the individuals, but for the Health Service in the future. So I take on board the points the Hon. Member makes and this is something we have got to keep our eye on.

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

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

Can the Minister confirm whether his Department or the Health Service can indeed prevent type 1 diabetes? I do not think that is the case. Also can the Minister advise this Hon. House what the average cost of treatment per annum is for a type 1 diabetic? If he does not have that information, could he seek it out and circulate it, please?

695 **The Speaker:** Minister for Health.

The Minister: Yes, I thank the Hon. Member for his comments and I think he makes a valid comment, in that a lot of the type 1 causes are generally unknown and type 2 is more clearly known and the effects.

700 However, in relation to the costs question that he raises, it would be a very average cost and I will endeavour to get that cost for the Hon. Member and circulate it to Hon. Members.

The Speaker: Mrs Cannell, please.

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

Whilst circulating that to Hon. Members, could he also include the cost for a type 2 diabetic as well?

710 Of those 41 children and young people, which is the present caseload who suffer the type 1 diabetes, may I ask whether or not they are all being treated on insulin, or whether or not they are on tablets?

The Speaker: Minister, if you have that information.

715 **The Minister:** Mr Speaker, you are well aware that I will not have that information with me. In relation to type 2 diabetes, because we are not actually treating any paediatrics with type 2, we will not have any costings for that.

720

EDUCATION AND CHILDREN

Department of Education and Children and Department of Health Interdepartmental meetings

725 1.8. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Education and Children:

What recent meetings his Department has had with the Department of Health; and what matters were discussed?

730 **The Speaker:** Question 8. Hon. Member for Michael, Mr Cannan.

Mr Cannan: Thank you, Mr Speaker.
I ask the Question standing in my name.

735 **The Speaker:** Minister for Education and Children, Mr Karran.

The Minister for Education and Children (Mr Karran): Vainstyr Loayreyder, the chief officers meet, as a matter of routine, with officers from the Department of Health, often [Inaudible] larger interdepartmental group. The ongoing matters which are high profile, including for the Chief Executive Officer, are: the Safeguarding Board, which meets every two months; corporate responsibility for children's safety, along with other Government Departments; the children's services agenda, recently incorporated into the Social Policy Group, giving direction to all Departments on children's issues; the Social Policy Officers' Group, chaired by Health, co-ordinates work across Departments, including organisation of the preparation for inspection of children's services and safeguarding; Sport and Healthy Schools Partnership meetings – representatives of the DCCL, the Department of Health and the Department of Education and Children meet to progress issues regarding healthy lifestyles for children and young people; the Drug and Alcohol Strategy Group works across agencies to prioritise and target resources.

740 Other officers in both Departments meet on a regular basis: Safeguarding Quality Assurance meets regularly to gather evidence on standards and trends across Departments and reports regularly to the Safeguarding Children Board and the Children's Services Partnership; [Inaudible] lead officers of safeguarding groups meet to create operational plans and activities to deliver improvements; the Domestic Abuse Group creates policy and develops strategy; Corporate Parenting develops the role of corporate parent, identifying both responsibilities and actions – officers take the role of parent to look after children and oversee their progress; integration of children's equipment services for people with disability across the Departments of Health and Education and Children; services to make better provisions for children who need special resources; carers' executives co-ordinate support for these in a caring role, including children; the disability group, disability awareness and action to support, Children and Family Update Group, targeting information provision for selected families; Children's Service Partnership co-ordinates

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the work on the published Children's Plan, the Policy and Procedures Group developing to support safeguarding working across all Departments and Sections for children's issues; the Training and Development Group develops cross-Department training programmes for individuals meeting where it occurs, where particular students require support.

765 The purpose of all these meetings with Health and also with Social Care and Home Affairs is to try and improve the quality of our services for our clients in an effective manner, Vainstyr Loayreyder.

770 **The Speaker:** Supplementary, Mr Cannan.

Mr Cannan: Thank you, Mr Speaker, and I thank the Minister for his Answer.

775 Can I just ask the Minister... As he knows – I am sure he is aware – the Department of Education and Children has a requirement to deliver a programme of physical education. Can I ask him what part does physical education currently play in the school curriculum and what new initiatives have been delivered in junction with the Department of Health in this area?

The Speaker: Minister to reply.

780 **The Minister:** Vainstyr Loayreyder, I will circulate a reply to the question. Obviously, this would come under the Sporting and Healthy Schools Partnership meetings, and I will circulate a detailed reply on the specifics that he wants.

The Speaker: Mr Cannan, a supplementary.

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

790 The Minister is quite correct in that, and indeed I am sure he is aware that there was a physical activity strategy put in place for 2011-16 last year. In that action plan, or implementation plan, there were a significant number of action points or objectives to be undertaken by the Department of Education – just to name one of them, to increase the number of schools achieving the Healthy Future standard in terms of physical activity, to facilitate communication between schools and agencies promoting physical activity, to introduce new and develop existing physical activities in clubs within schools. Can the Minister please update the House as to how the DEC is actually getting on and implementing their requirements under the physical activity strategy?

795 **The Minister:** Vainstyr Loayreyder, I am more than happy to circulate a written response to the Hon. Member's question.

The Speaker: Mr Quirk, Hon. Member.

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

I am just wondering whether the Minister could give us an indication on the new Members of the House, what responsibilities and delegated functions they have toward these big long lists.

805 **The Minister:** Vainstyr Loayreyder, the Question was to ask about meetings about the Civil Service; the Members will be –

The Speaker: I leave it to you whether you wish to answer. It has strayed beyond the Question.

810 **The Minister:** The point is that obviously the Department Members will have responsibilities, which would be outside the Question, as far as this is concerned. This is to do with the officers of the Department. They will have steering committees of CoMin and all other meetings. At the moment, the present delegated function, I think we are giving finance to the Hon. Member, Mr Wild, as far as far as that. We are looking at ITC computers for the Member, Mr Turner on that
815 issue and we have our first official Department meeting this afternoon.

The Speaker: Mr Cannan.

Mr Cannan: Thank you very much, Mr Speaker.

820 Can I ask the Minister if he could clarify for the House, what his vision is in respect of physical education and healthy children, particularly given the Answer that we have heard this morning

regarding the increase in diabetes and the well publicised increases in obesity levels among our children. Can he let the House know what his vision is, in terms of physical education and its relation to the overall curriculum?

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The Minister: Vainstyr Loayreyder, I think it is equally important the Hon. Member realises diet is important. When hard decisions have to be made by my Department, I was very concerned about the issue of trying to ring fence ancillary services. Many of these children need a decent meal in them and, alright, some Members might feel that is not a decent meal; the fact is that is often the only hot meal lots of children get, which is a sad reflection on the Island.

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Obviously, the Department of Education is keen to make sure that we work as far as the mobility of our future adults of society, as far as trying to make sure that we do have a progressive policy, as far as further physical education is concerned. I think it is equally as important that the Hon. Member realises that when you talk in your previous question, diet is so important and that is one of the reasons why we are having to make hard decisions and not allow further cuts as far as the school meals service is concerned.

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The Speaker: I do not want this developing into a wide-ranging debate on everything to do with education. I appreciate it is a broad question, but I am not going to have an education debate. Mr Cregeen.

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Mr Cregeen: Thank you, Mr Speaker.

Will the Minister not agree that the Question says, 'what meetings the Department...'? Since when have the officers become the Department? Surely, it is the Minister who is the Department.

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The Speaker: Minister.

The Minister: Vainstyr Loayreyder, because we could not understand the Question, we asked the Hon. Member what he wanted. So consequently, what he wanted to know was how the staff was operating as far as the interdepartmental issues are concerned, and I have given that information as far as that is concerned.

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The Speaker: Mr Teare, Hon. Member for Ayre.

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Mr Teare: Doesn't the Hon. Minister not agree with me now that if the land swap at Kirk Michael goes ahead, it is going to increase the area for play and sport by a factor of three? So the Hon. Member from Michael should be supportive of that, sir, I would suggest.

The Speaker: I will allow the supplementary. *(Laughter)*

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The Minister: Vainstyr Loayreyder, obviously it was a decision that was made before my time. Obviously the Hon. Member has a very valid point as far as his points as far as the extra provision that is there. I just hope that we can actually get on with the job, as the Department of Education and Children, of actually developing Education policy, instead of finding ourselves more like a playground in this place *(Laughter)* than a parliament on this important issue.

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The Speaker: Mr Cannan, a supplementary.

Mr Cannan: Thank you very much, Mr Speaker.

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I would say to the Minister that actually physical education should play an important part of the curriculum and I would like to thank him for his last answer, which did not answer any of the questions that I had asked which were about physical education; but now he mentions diet, can I ask what steps he is taking to make sure that our young children are being fed a proper diet and are not just being fed a diet that consists of sausage and chips, sweets and chocolate?

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The Minister: I think the Hon. Member, if he was to actually come to the Department and talk to our head of the school meals service, would find out that one of things we are particularly keen on is a healthy diet. We are so conscious. When I became Minister for Education and Children, there were hard decisions to be made. I was so concerned about the fact of our school meals service. The issue of proper dietary consideration is part of that, and may I say that the staff do a tremendous, hard job on such a little amount of money to provide such a quality product. If he goes round a lot more of the schools, he will find increasingly the increase of salad bars.

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I will just say again, I am all for physical education for our children, but I do think it is about time that education stopped being a political football.

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The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

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Turning to the actual Question on the Question Paper, is the Minister for Education then saying that he does not, in fact... there are no occasions when his Department and its political Members – when he had some – in fact meet up with the Department of Health to discuss issues such as, for example, the growing number of young people, and children in particular – 41 this year – who suffer type 1 diabetes? Is that what he is saying this morning? That he never actually occasions a meeting with the Department of Health, together with the relative political Members, to discuss mutual interest issues, such as the well-being of our young people?

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The Speaker: Minister.

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The Minister: Vainstyr Loayreyder, as the Hon. Member is aware, the fact is there are political meetings as far as the political Members of the Department are concerned. There is the Social Policy Group that meets at a political level. There are two roles as far as a Department is concerned – one is the role of what civil servants get on with, and another is the role of what the politicians get on with. As far the issue is, they call it... I have got concerns with Health, it is called CoMin, that meets on a Thursday morning, and if we have a concern we can raise it with the Minister for Health as far as any concerns that I have, and if my hon. colleagues have got a problem, then they can always ask questions on an issue as far as the issue of health is concerned, and we can actually e-mail and communicate with the Department, Vainstyr Loayreyder.

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The Speaker: Mr Cregeen.

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Mr Cregeen: Thank you, Mr Speaker.

Can the Minister confirm how many of these meetings he actually attends, as previous Education Ministers did attend these meetings? So can he confirm how many of these meetings are actually chaired?

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The Speaker: Minister.

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The Minister: Vainstyr Loayreyder, as far as I am aware there is a Social Policy Committee meeting that I attend, as far as that is concerned, we meet, as I say, at 10 o'clock on a Thursday morning to hammer out issues as far as interdepartmental policy is concerned, called CoMin. As I say, as far as any other Department meeting is concerned, there are a number of different things that have not been given a delegated function, but will be given a delegated function more likely at the meeting this afternoon, at the Department meeting.

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The Speaker: A final supplementary, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

So, is the Minister now saying that only if there is a problem does it get considered between Ministers and relevant Departments and is taken to the Council of Ministers?

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By saying that, is he admitting to the House this morning that there is no policy and strategy development or oversight of Departments working together to develop a good, healthy plan for our children, in terms of diet, also the diabetes issue, but also developing a good strategy for sexual health, for example, where the two Ministers and the two Departments could work together, build up a policy and a strategy, and then take it to the Council of Ministers? Is he saying this morning that does not happen? That he only takes a problem, or other Ministers only take *problems* to the Council of Ministers? Is that as shallow as it goes?

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The Speaker: Minister for Health.

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The Minister: Vainstyr Loayreyder, I am not sure whether it is a sugar rush or something by the Hon. Member, but the reality is the fact –

Mrs Cannell: Shame on you.

945 **The Minister:** – the Hon. Member knows the reality of how things work. She has been in this Hon. House where there is a problem, (*Interjection by Mrs Cannell*) as far as health is concerned: we would consult with the Department of Health on any issues.

I do not need any lectures about family planning, (*Interjection by Mrs Cannell*) as one that was at the vanguard of bringing family planning in on a free basis, many years ago on a more liberal basis, before the Hon. Member knew the inside of this hon. building. (*Laughter*)

The Speaker: Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.

955 Will the Minister confirm, does he attend any of these meetings? From what he has just said, he does not attend any; yet, previous Ministers did. Can he give a reason why he does not attend?

The Speaker: Minister.

960 **The Minister:** Vainstyr Loayreyder, I attend a social policy meeting at a political level. These meetings are meetings between *officers*. Officers have their meetings. They report back to their respective Departments. If there is a political problem, then they develop a strategy and a policy to sort this out.

965 I have said before, Vainstyr Loayreyder, we have got to try and get education back to actually develop a strategy, instead of it being a football in this Hon. House.

INFRASTRUCTURE

970

Queen's Pier, Ramsey Statement

975 1.9. The Hon. Member for Douglas West (Mr Corkish) to ask the Minister for Infrastructure:

If he will make a statement on the present condition and continuing structural repair programme of Queen's Pier, Ramsey following the initial spend of £1.8 million of public money?

980 **The Speaker:** Question 9. Hon. Member for Douglas West, Mr Corkish.

Mr Corkish: I beg to ask the Question standing in my name, Mr Speaker.

985 **The Speaker:** I call on the Minister for Infrastructure, Mr Cretney.

The Minister for Infrastructure (Mr Cretney): Thank you, Mr Speaker.

Following completion of the Stabilisation and Protection Scheme in 2011, the main structure of the pier is now in a good structural condition and presents a significantly lesser risk to the public and vessels than it did previously.

990 The advice received by the Department from the structural engineer in the 2011 Scheme is that the pier's condition can be expected to remain good and safe for at least five years. This expectation assumes normal weather and sea conditions; however, if there is an extreme weather event, damage may occur. The Department will carry out inspections of the pier after severe weather or six monthly, whichever is appropriate, with a view to assessing any maintenance requirement. The Department expects to receive a report outlining a scheme to refurbish the whole pier on a phased basis by mid-May. Once the Department has accepted and reviewed the report, it will consider whether to bring forward a proposal at an appropriate time, which, given the current financial climate, is unlikely to be in the short term.

1000 **The Speaker:** Mr Corkish, a supplementary.

Mr Corkish: Thank you, Mr Speaker.

I thank the Minister for his reply. Could the Minister give us an idea of the continuing costs annually for the Queen's Pier at Ramsey, and could he speculate – from his inside information in

1005 the Department – when residents and visitors may expect to use the pier to go for long walks? Or
would the Minister agree with me that a significant sum of money, perhaps £5 million to £10
million, as was debated in another place three years ago, will be a long time becoming available
and therefore that there would be a good chance that the £1.8 million plus already spent would
have been absolutely wasted?

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The Speaker: Minister for Infrastructure.

The Minister: The situation is, Mr Speaker, that we, as a Government, must be held
accountable on the same basis as we would wish a private owner of a registered structure to be.
That is exactly why, in my opinion, the vast majority of Members of Tynwald Court supported the
funding to preserve the structure, which is registered. The other option would be to deregister it.

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In terms of its maintenance in the short term, I think I have outlined in the response that this
will be monitored on a six-monthly basis, or after issues such as a heavy storm, and it is not
anticipated that, in the short term, anything further will be happening. We are very well aware, as a
Department, that we clearly need to prioritise the most important issues, and we have many of
those to prioritise ahead of this.

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The Speaker: Mrs Cannell.

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Mrs Cannell: Thank you, Mr Speaker.

Can the Hon. Minister reconsider the Question that was originally put to him by the mover of
the Question, the Member for West Douglas, Mr Corkish, who asked: what are the maintenance
costs? What are the ongoing costs?

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Whilst the Minister says he will revisit in six months' time, there must surely be ongoing costs,
or are there none?

The Speaker: Minister.

The Minister: Our assurance is that there will be no requirement for major expenditure on the
structure for at least five years. In the intervening period, what will happen is that this pier will be
monitored after heavy weather, or on a six-monthly basis, and I do not anticipate any expenditure,
or very little expenditure, other than that.

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The Speaker: Mr Karran.

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Mr Karran: Vainstyr Loayreyder, would the Minister not agree... Some of us actually
supported an adjournment to allow the process of deregistration of the pier to go ahead, and at that
time there were only three Hon. Members who were prepared to allow that to happen.

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Would he not agree that it seems very difficult and very worrying that people in this Hon.
Court should understand the rule of law, and the fact is that we have spent the last 20 years trying
to bring the law consistent, without fear or favour, whether it is the Government or anybody else?
Does he not agree that it is very concerning, when you have got the likes of the Deputy Speaker
not understanding that basic principle?

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The Speaker: Minister to reply.

The Minister: The situation is, clearly, Mr Speaker, that there used to be situations which
were drawn to our attention where Government was treated in a manner differently than those in
the private sector who owned properties, or other issues, and the law... I completely agree with the
Hon. Member that in all matters the law should be seen to be applying to whoever, whether it is
the Government, the private sector or a individual.

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The Speaker: Mr Quirk.

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Mr Quirk: Thank you, Mr Speaker.

Could I ask the Minister then, could he indicate to the House what the costs are – the current
costs – of storing the equipment in several containers in a location which I am led to believe is
Jurby? Could the Minister confirm that there are several containers there – they are probably air
conditioned – and how much is that costing us?

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The Speaker: Minister to reply.

1070 **The Minister:** I do not have the complete information required by the Hon. Member, but I am almost certain that he is correct that they are stored in containers. I do not think they are air-conditioned containers, but I will check that fact and come back to the Hon. Member. They are stored in containers and they are stored on owned land, so I think, other than the cost of the containers, which I believe was minimal, there will be no cost.

1075 **The Speaker:** Mr Karran.

Mr Karran: Vainstyr Loayreyder, does the Minister not worry that the former questioner, who was the Chairman of the Planning Committee, does not understand the statutory law of a registered building and its responsibilities, and does he not realise that it was only three of us that actually facilitated an adjournment for it to be deregistered and not try to act above the law, and now we are talking about spilt milk?

The Speaker: Minister to reply.

1085 **The Minister:** Yes. I think it is important that we all understand the various elements of law, and the Hon. Member, being an immediate past Chairman of the Planning Committee, I am sure is aware of those matters.

The Speaker: Mr Henderson.

1090 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

It would be most interesting if the Minister could confirm for the House if anybody, any Member, has acted outside of the law in connection with Ramsey Pier, for matters of transparency, as the Hon. Member, Mr Karran, seems to be blaming people in the House.

1095 **The Speaker:** This debate is... (**Mr Anderson:** Degenerating.) (*Interjections*) The Question on the Paper, which is the condition and the repair programme... Assertions have been made about Hon. Members of this House, (**Mrs Cannell:** Hear, hear.) and I am not going to have it. Mr Singer, I will make this the final supplementary question.

1100 **Mr Singer:** Thank you.

Could I ask the Hon. Minister, in relation to the parts of the pier that are being stored in Jurby, is it the intention to inspect these regularly within the containers to ensure that they remain in good condition and that any work is done on them, if necessary, and also that they do not disappear, as other parts of other piers have disappeared?

1105 **The Speaker:** Mr Cretney, Minister.

1110 **The Minister:** I am sure the containers are kept in a locked way, Mr Speaker, but if... I am sure that also inspections from time to time will take place to ensure that the contents of the containers are kept in a safe manner.

The Speaker: Hon. Members, that brings us to the end of Questions for Oral Answer. There is one Question for Written Answer and the reply will be circulated.

1115

Question for Written Answer

Flowers and plants Departmental spending

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

How much has been spent by each Department in the last four years on (a) buying; (b) hiring or leasing; and (c) watering and maintenance of flowers, plants, other foliage and greenery?

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Answer: The Question was circulated to all Government bodies. Responses will be broken down into the three areas requested – buying, hiring/leasing and watering/maintenance. Any Departments not mentioned advised a Nil Return.

The results are summarised below:

1130

Department	2011-12	2010-11	2009-10	2008-09
Buying	£469	£316	£583	£592
Hiring/Leasing	£1308	£1301	£701	£690
Watering/Maintenance	£7,823	£8,572	£10,129	£10,144
Other	£0	£0	£0	£0
	£9,600	£10,189	£11,413	£11,426

Please note that due to the restructure of Government, some responses have been received for 2009-10 and 2008-09 under the names of the pre-existing Departments and that detail is also included below.

1135

(a) Buying

Department	2011-12	2010-11	2009-10	2008-09
Comms Commission	£5			
DEC	£229	£221		
FSC	£235	£95	£356	£417
DOE			£227	£175
	£469	£316	£583	£592

(b) Hiring/Leasing

1140

Department	2011-12	2010-11	2009-10	2008-09
DEC	£708	£701		
DEFA	£600	£600		
DOE			£701	£690
	£1308	£1301	£701	£690

(c) Watering/Maintenance

Department	2011-12	2010-11	2009-10	2008-09
DOI	£5,650	£5,650		
FSC	£1,300	£2,130	£3,803	£3,717
General Registry	£873	£792	£775	£957
DOT			£5,550	£5,470
	£7,823	£8,572	£10,128	£10,144

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In conclusion, costs reduced over the four year period from £11,426 to £9,600, with the highest costs pertaining to Department of Infrastructure for the maintenance of flowers and plants in public spaces such as the Airport and Sea Terminal (£5,650 per annum as at 31st March 2012).

Orders of the Day

1150

BILLS FOR FIRST READING

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Company and Business Names etc Bill 2012 **Heavily Indebted Poor Countries (Limitation on Debt Recovery) Bill 2012**

The Speaker: Therefore, we turn to Item 3 on our Order Paper, Bills for First Reading, and I call on the Secretary of the House.

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The Secretary: Bill for First Reading: Company and Business Names etc Bill 2012, Member in charge, Mr Henderson.

Bill for First Reading: Heavily Indebted Poor Countries (Limitation on Debt Recovery) Bill 2012, Member in charge, Mr Teare.

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The Speaker: Thank you.

BILL FOR SECOND READING

1170

Town and Country Planning (Amendment) Bill 2012 **Second Reading approved**

4.1. Mr Crookall to move:

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That the Town and Country Planning (Amendment) Bill 2012 be read the second time.

The Speaker: Item 4, Bill for Second Reading, the Town and Country Planning (Amendment) Bill, and I call on the Hon. Member for Peel, Mr Crookall, to move, please.

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Mr Crookall: Thank you, Mr Speaker.

The amendment that I am proposing to the Town and Country Planning Act is a very short amendment, but nonetheless a very important one. What my Bill proposes to do, Hon. Members, is to enable the Minister for the Department of Infrastructure to refer to the Council of Ministers for a decision as to whether property owned by the Department should be entered onto the List of Registered Buildings. The reasons are: (a) the decision required is that of a general importance to the Island; or (b) that for some other reason the decision ought not to be taken by the Department.

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Mr Speaker, this Bill is not intended to reduce Government's income. Indeed, it may well be the case that it saves the taxpayer considerable amounts of money. This takes nothing away from the Department of Infrastructure. Indeed, I see it giving the Minister another option.

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This has been drawn up with the Director of Planning, Mr Michael Gallagher, and also the Conservation Officer, Mr Steven Moore.

Mr Speaker, I beg to move.

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

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

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

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Mr Houghton: Thank you, Mr Speaker.

In congratulating the Hon. Member for Peel for bringing this forward and, of course, understanding that there was a delay in between the election and returning to this Hon. House for him to continue with this Bill, it still has taken a considerable amount of time to bring it forward now to Second Reading. Indeed, it was many months ago, when he got his leave, his second leave to introduce, in order to bring this Bill forward. It is vitally important that this measure is brought forward to enable the Council members to, indeed, overrule the regulations currently in force and have the power so to do, so that this building can be brought down and a vitally important

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1210 brownfield site be redeveloped – more ideally for some form of housing, which will be for the Department of Social Care to decide upon in the future.

But I would ask the Hon. Member, in congratulating him on bringing this forward to now make real haste and get this Bill moving and I am surprised that it has taken so long.

1215 **The Speaker:** Hon. Member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

There are just a number of questions I want to put to the mover of the Bill, if I might. On the face of it, it seems a fairly innocent-looking piece of legislation, but it could, in fact, have wider implications.

1220 What I would like to ask him is, under section 2, subsections (a) and (b), but (b) in particular... This is in respect of ‘that for some other reason the decision ought not to be taken by the Department.’ This is the provision given to the Department to take it to the Council of Ministers. Could the Member give us an example of what other reasons there might be for the Department to actually seek the Council of Ministers overtaking it, rather than the Department itself?

1225 Again, in subsection (4):

‘If the Council of Ministers so determines, the Department must enter the building in the register.’

1230 Is this similar to a direction? If the Council of Ministers... For example, the Department might take it to the Council of Ministers and say, ‘We cannot decide on this. The Planning Division and the Planning Committee are against this particular move. I do not know what to do. I am giving it to you.’ Does this legislation then give the power to the Council of Ministers to direct the Department?

1235 Under (5), regulations *may* provide for a procedure for, and then it goes on. Of course, in law, ‘regulations *may*’ means that regulations *may not* provide for, so there is a degree of uncertainty there and I just wonder why they are couched in this way, that regulations *may*, rather than regulations *shall* provide for.

1240 I also note that the regulations, which *may* provide for, do not mention any seeking of Tynwald approval, which is usually the normal run of things with legislation. If regulations are to be made, they usually require Tynwald approval. They are usually put into the Bill. There is no mention of that here. So it appears that the regulations which *may* provide, in fact just need really the Council of Ministers’ approval. So perhaps the Member could clarify that for me.

1245 Then of course, subsection (7) under (5) says... and this is the one that gives me a lot of concern, so I would like some clarity on it, please. It says:

‘However, unless regulations under subsection (5) otherwise provide,’

– so that is, first of all, unless they are coming forward and they otherwise provide –

1250 ‘the provisions of the Act concerning registered buildings and the register continue to have effect.’

1255 suggests to me that the regulations, apart from providing (i) and (ii) and (b), may also provide for the deregistration of a particular building. Again, I want some clarity on that, because it does look like a fairly innocuous and innocent piece of legislation, but as I say, there can be some very questionable scenarios that might flow.

I have to say, Mr Speaker, I have never, *ever* been in support of giving the Council of Ministers any more power than they currently have. So on that alone, I probably am likely to vote against, unless the Minister can convince me otherwise.

1260 **The Speaker:** Hon. Member for Onchan, Mr Karran.

1265 **Mr Karran:** Vainstyr Loayreyder, I have to say, as far as this Private Member’s Bill, my focal point has always been that I support Private Members’ Bills to get them debated in this Hon. House, but at Second Reading stage, my concern, as far as this Bill is concerned, is the premise that if it happens to be a Bill that is owned by a Department, my personal viewpoint is that that is *not* the right way forward, as far as planning is concerned.

I believe that we have spent the last 20 years trying to have a consistent approach, as far as the law is concerned. Many of us in the late 1980s and early 1990s were battling when there was an unwritten rule that Departments did not prosecute other Departments on these issues. Whilst this is

1270 a separate issue, as far as that is concerned, I do feel that the registered buildings should be on the same basis and where I sympathise with the Hon. Member for East Douglas, as far as her concerns on this issue, is that I believe we are going about it the wrong way.

1275 My concern is that we have heard the Hon. Member for North Douglas telling me he wants to have the prison knocked down for sheltered accommodation. I believe where he is wrong, as far as this is concerned, because there is a tsunami that we are going to have to make sure... is affecting most of the Western world, as far as finance is concerned. If we do not address that issue, that is about the only issue in this particular time, in this administration on economic and employment opportunities, I would feel any charity towards not having that principle, that if a building belongs to Government, or it belongs to any other Hon. Member in this House or to someone in Timbuktu, it should have the same registration.

1280 I feel, Hon. Members that we should not allow that to get mixed up, because I think the Hon. Member needs to realise, when he is talking about the prison and how he wants it knocked down for sheltered accommodation. One of the reasons we joined this Government, was the fact that we were concerned and we knew that everyone had to work together in these particularly pressing and trying times and I would rather the Hon. Member look at a more progressive way, like some of us Ministers have asked about the idea we are offering up buildings for economic and sites up for economic development, in order that we can create jobs and economic activity, and I believe that I would be happy to allow for something like a special... making certain Government buildings a special planning area, which means that they could be developed through the existing framework of Government.

1290 The reason why I believe that Government should be allowed that exception is to make sure that we can maximise economic activity with the pressing problems we have got and the issue of the increasing unemployment, but I think the Hon. Member for North Douglas is wrong to use this piece of legislation to deal with the issue of the prison site.

1295 I think the issue that he is also wanting and what we have to realise in these very pressing and concerning times, is he wants to build more sheltered accommodation on the site or whatever, but the fact is if we do not get our economy sorted out, there will be plenty of property on the prom for people to move into, if we do not address that core issue.

1300 My concern that I have with this proposal here, is the fact that I believe what we should be looking at, is maybe a Bill that allows – and maybe amendments if it gets a Second Reading – two things I think need to be addressed. One is the issue that this function should be transferred to Manx National Heritage. Our record on registered buildings as a Government has been dismal over the years. The second thing I think where the Hon. Member has a point is maybe that we should allow, in the planning process for the registration and deregistration of buildings, CoMin to be the final arbiter as far as that issue is concerned. In that case, so long as it is open and transparent and they give their recommendations for why they do not want a building to be registered or deregistered, then I would be a lot happier with this piece of legislation. I think we must ring fence certain principles in Government and in this legislature that the law stays consistent.

1310 We are in pressing times and if the likes of me can come in from the cold and support the Hon. Member for Ramsey with his Government because of the fragile financial situation, what we must do, as Hon. Members, is allow that sort of issue to be the only criterion where you should not have a consistent approach.

1315 If this Bill does get Second Reading, I would be very interested in moving those sorts of amendments because I think the principle of... I have no problem with the principle of dealing with it coming to the Council of Ministers, if it is as a final arbiter, like a planning appeal, but I think it should be on a consistent approach, not on the ownership being purely identified for it being owned by a Government Department. I think it is important that the Hon. Members for North Douglas need to realise that, even if we do this and they can knock down the prison, the issue is you have got all the problems of planning, you have got all the problems that we have got at the moment with finance and funding, both revenue and capital, that is going to get increasingly difficult.

1320 So I hope that Hon. Members will consider what I am saying as maybe a more consistent and fair approach, as far as this Bill is concerned.

1325

The Speaker: I call on the mover to reply, Mr Crookall.

Mr Crookall: Thank you, Mr Speaker.

1330 Can I first clarify – and I said this when I got leave to introduce, sir – this is purely about before anything goes onto that list to be registered. It is not about deregistering or anything like

that, and I hope and ask Members not to look too deeply into that. This is purely before anything goes onto that list.

1335 I take on board Mr Houghton, the Hon. Member's comments about the time this has taken. There have been one or two reasons for that and some of that has been in discussions with the Department and with the Attorney General's office, but we will – if I am fortunate enough to get the support again today – make haste to push this through, but obviously all in good time, as in with everybody on board, hopefully.

1340 This is not an overruling power. This does not take anything away from the Minister at the end of the day. This is down to the Minister for Infrastructure. If he decides, for any reason... and I know the old prison has been mentioned today, but that is not the only case and you could go back to last year or whenever, before the pier was registered. It could have been before that and we could have been talking about that instead.

1345 So, although the prison is the one that has been mentioned again, this is not just about that; it is about any other cases in the future. As I said, this does not take anything away from the Minister for Infrastructure. If he decides, for whatever reason, that it would be better being dealt with by the Council of Ministers for the Island's benefit or for whatever reason, then that is up to him to put to the Council of Ministers. If he decides he wants to make the decision, then that should be up to him and it takes nothing away from the Department or the Minister.

1350 I believe that picks up on something that the Hon. Member for Douglas East, Mrs Cannell, said about section 2 and the Minister's decision. I hope that clarifies that for you too. It is up to the Minister. If, for some reason, he sees, or she sees in the future... they think it ought to go to the Council of Ministers, then that is up to them. I cannot give you an example at the moment because we thought about it when I talked to the Attorney General's about it, but it is up to the Minister. That is all it leaves up to the Minister.

1355 Section 4, you mentioned:

'If the Council of Ministers so determines, the Department must enter the building in the register.'

1360 That will probably just reiterate what the Minister said in the first place, that it just means he has come to the Council of Ministers for that clarity. So again, it is working with the Minister of the Department.

1365 The regulations may provide for, or may not. This is 'may provide for', but there are no regulations set down there, so the regulations would follow at a later date. So, again, clarity would come at a later date. May or may not, if you like – may or shall – that would come at a later date. If I am picking this up wrong, please come back to me later and I will clarify it for you again later.

1370 Again, Tynwald approval is sought at the moment, but clarifying what Minister Karran just said, from what I believe, if this were to go through and it went through the Council of Ministers, that would be it. That would be a final decision, as in planning at the moment. It is done so for a reason. I will use the example... I did not really want to, but I will use the example of the prison. If, for any reason, the Council of Ministers decided it was going to cost too much to leave that building as it is and there was a much better use for it, that was the end of it, the decision was made to drop it, then there was –

1375 **A Member:** It comes down.

Mr Crookall: It comes down, yes.

Mr Henderson: Sheltered housing.

1380 **Mr Crookall:** Again, I have made a note here. Deregistration – you mentioned that. There is absolutely no way I am trying to hide deregistration here at all. That is not part and parcel of what I am trying to do here to amend this. I am not trying to allow for anybody to deregister anything. If somebody wanted to do that, then that is up to them to come forward with an amendment to this, but that is not part of what I am looking to do here.

1385 Minister Karran mentioned a consistent approach and I believe he was talking, if I picked him up right, Mr Speaker, as to whether we were talking about publicly owned buildings or privately owned buildings. I am quite willing to take that on board. I did specifically look at publicly owned buildings and I think we might open a bit of a hornet's nest if we start talking about privately owned ones, but if he wants me to consider that, I am willing to meet with him and with the Attorney General's and see what we say, and of course the Department of Infrastructure, the planning, and discuss that with him.

1390

1395 As I say, when we considered dropping, if that is what we are talking about, not registering a building so it could be demolished for economic development for the betterment of... Again, it depends. It is not the reason for doing this. Again, I use the analysis of the Queen's Pier. That certainly would not be used for economic development. It would just be a case of clearing it up, whereas the prison obviously is.

1400 The transfer to Manx National Heritage – I am certainly not in favour of that. It is where it is and it is probably in the best place at the moment, within the Department of Infrastructure, and I am more than happy to leave that there.

With that, Mr Speaker, I beg to move, sir.

1405 **The Speaker:** Hon. Members, I put the question that the Town and Country Planning (Amendment) Bill be read for the second time. Those in favour, please say aye; against, no. The ayes have it.

A division was called for and electronic voting resulted as follows:

	FOR	AGAINST
1410	Mr Quirk	Mr Karran
	Mr Hall	Mrs Cannell
	Mr Ronan	
	Mr Crookall	
	Mr Anderson	
1415	Mr Singer	
	Mr Quayle	
	Mr Teare	
	Mr Cannan	
	Mr Cregeen	
1420	Mr Houghton	
	Mr Henderson	
	Mrs Beecroft	
	Mr Robertshaw	
	Mr Shimmin	
1425	Mr Corkish	
	Mr Skelly	
	Mr Gawne	
	The Speaker	

1430 **The Speaker:** With 19 votes for, 2 votes against, the motion therefore carries.

BILL FOR CONSIDERATION OF CLAUSES

1435 **Companies (Beneficial Ownership) Bill 2012**
Clauses considered

5.1. Mr Teare to move.

1440 **The Speaker:** We turn now to the Bill for Consideration of Clauses, the Companies (Beneficial Ownership) Bill to be moved by the Hon. Member for Ayre, Mr Teare. Clause 1, please.

1445 **Mr Teare:** Mr Speaker, Hon. Members, this Bill seeks to address a recommendation of the International Monetary Fund in respect of the old Financial Action Task Force recommendation 33, which has been replaced by new recommendation 24. The renumbering and consolidation of the recommendations has had no effect on an application and the matters they seek to address. This is the access to beneficial ownership and control of information of legal persons.

1450 The Bill does not introduce any new powers for law enforcement bodies to obtain beneficial ownership information. It simply introduces a new power that requires a specific person within a company to know or to hold that information. The person who must know this information is the nominated officer. The Bill contains 14 clauses. Should the branches of Tynwald support this Bill, it will come into operation by order made by the Treasury.

1455 Mr Speaker, turning to the Bill itself, clause 1 provides the short title of the Bill. I beg to move that clause 1 do stand part of the Bill.

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

1460 **The Speaker:** I put the motion that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Mr Teare: Clause 2 provides for the Bill to come into operation on one or more days appointed by the Treasury. Provision is made to allow the Treasury to make saving and transitional provisions by order.

1465 Mr Speaker, I beg to move that clause 2 do stand part of the Bill.

The Speaker: Mr Henderson.

1470 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder. I beg to second, sir, and reserve my remarks.

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

1475 Clause 3, please.

Mr Teare: Clause 3 inserts a definition of ‘beneficial owner’ and clarifies that this means the person who is beneficially entitled to an interest in a company.

Clause 3 also considers that legal ownership of an interest in a company may not necessarily reflect the beneficial ownership of the interest.

1480 Mr Speaker, I beg to move that clause 3 do stand part of the Bill.

The Speaker: Mr Henderson.

1485 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder. I beg to second, sir, 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.

1490 Clause 4.

Mr Teare: Clause 4 clarifies that the provisions in respect of beneficial ownership will apply to all companies that are incorporated or registered under the Companies Act 1931. This includes protected cell companies, incorporated cell companies and those companies that have continued or redomiciled under the 1931 Act, transferring their domicile to that of the Isle of Man.

1495 This clause also excludes some companies from the scope of the Act. This considers those circumstances where the size of the membership of companies and the frequency with which they may change makes it impractical to include them within the scope. Companies that are excluded from the scope will, in any event, be subject to the oversight of additional and other provisions. This includes collective investment schemes and companies that are traded on stock markets. The Treasury has the power to grant further exemptions by order.

1500 Mr Speaker, I beg to move that clause 4 do stand part of this Bill.

The Speaker: Mr Henderson.

1505 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder. I beg to second, sir, and reserve my remarks.

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.

1510 Clause 5, please.

Mr Teare: Clause 5 requires every company to which the Act applies to have a nominated officer. The nominated officer must either be an individual who is resident on the Island, or must be a corporate service provider licensed by the Financial Supervision Commission. The clause also makes provision for a company to appoint more than one nominated officer. Failure to appoint a nominated officer is an offence under this clause.

1515

Mr Speaker, I beg to move that clause 5 do stand part of this Bill.

1520 **The Speaker:** Mr Henderson.

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

1525 **The Speaker:** I put the motion that clause 5 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 6.

1530 **Mr Teare:** Clause 6 sets out the information that a company must keep in respect of its nominated officer. This is primarily a name and address of an individual and the name and business address of a corporate nominated officer.

1535 Notification must be made to the Department of Economic Development Registrar of Companies of the appointment of a nominated officer or any change to the details that had previously been notified. This must be done within the existing standard notification period of one month. It will be an offence to fail to comply with the requirement to notify the Registrar of Companies of the appointment of a nominated officer and of any changes to the details of the appointment.

Mr Speaker, I beg to move that clause 6 do stand part of the Bill.

1540 **The Speaker:** Mr Henderson.

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

1545 **The Speaker:** I put the motion that clause 6 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 7.

1550 **Mr Teare:** Clause 7 applies where a member of a company is not the beneficial owner of the interest in the company. In the absence of information to the contrary, the nominated officer is entitled to rely on the record of the legal ownership of an interest in a company to be that of the beneficial owner.

Under clause 7(2), the onus is on any person, legal or individual, acting in a nominee capacity, to declare to the nominated officer who the beneficial owner is of the interest in that company.

1555 Clause 7(3) requires the member to inform the nominated officer within three months of the occurrence of any of the following events after this provision comes into operation: 7(3)(a), where an existing interest in a company is not held by the beneficial owner of the interest; 7(3)(b), where a legal interest is acquired in a company that is not held by the beneficial owner of the interest; and 7(3)(c), where both the beneficial and legal title to an interest in a company have previously been held by a person and the legal title is transferred to another, with the beneficial interest retained by that person.

1560 Clause 7(4) creates the offence of a member failing to comply with the requirements of clause 7. This also creates the offence of providing a nominated officer with information that is known to be false, deceptive or misleading.

1565 Mr Speaker, I beg to move that clause 7 do stand part of this Bill.

The Speaker: Mr Henderson.

1570 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

The Speaker: I put the motion 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 8, Mr Teare.

1575 **Mr Teare:** Thank you, Mr Speaker.

Clause 8 sets out what details of a beneficial owner must be provided to the nominated officer in the circumstances set out in clause 7 above, where the legal interest in a company is held by a

member on behalf of the beneficial owner of the interest.

1580 Under clause 8(a), beneficial owners who are individuals must provide the following details: name; residential address; nationality; and date of birth.

Clause 8(b) requires a beneficial owner that is a body corporate to provide the following: name; jurisdiction of formation, incorporation or establishment; legal form and the relevant applicable law; the registered office or business address; and, if any, its registered number.

1585 Clause 8(c) considers those circumstances where the beneficial ownership interest may be held by a class of persons. Where the class of persons is too large to reasonably identify each person with a beneficial interest, the information provided must be sufficient to describe and identify the class of persons.

Mr Speaker, I beg to move that clause 8 do stand part of this Bill.

1590 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

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

1595 **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.

Clause 9, please.

Mr Teare: Thank you, Mr Speaker.

1600 Under clause 9, a nominated officer must inform the companies, where he is of the opinion that a member has, without reasonable excuse, either failed to inform the nominated officer of the details of the beneficial ownership of the interest, or has provided information that is known to contravene clauses 7(3) and 7(4).

1605 Under clause 9(3) a company has the ability to apply sanctions in respect of such a member's interest in the company. These sanctions include placing restrictions on transferring the interest of the member; restricting the voting rights in respect of that member's interest in the company; preventing the exercise of pre-emption rights in respect of an interest held; withholding any payments due in respect of the interest, such as a dividend payment. In an extreme case where the company has exhausted all other options, the member's interests in the company can be cancelled.

1610 Clause 9(5) gives a member who has been deprived of his interest in the company a right to appeal to the High Court. Under clause 9(6) the Court is given the power to confirm or overturn the decision and may make any other orders that it thinks appropriate.

Mr Speaker, I beg to move that clause 9 do stand part of this Bill.

1615 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

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

1620 **The Speaker:** I put the motion that clause 9 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 10, sir.

Mr Teare: Thank you.

1625 Clause 10 does not introduce any additional powers to compel the production of beneficial ownership information.

This clause does, however, require the nominated officer to provide information that is requested if a notice to do so is received.

1630 Clause 10(3) lists the persons entitled to give written notice to a nominated officer. These include: the Attorney General; the Assessor of Income Tax; the Chief Constable; an officer of the Financial Crime Unit; the Insurance and Pensions Authority; and the Financial Supervision Commission. Provision is also made to allow written notice to be given to the nominated officer by a person appointed and authorised on behalf of any of the persons entitled to give notice under clause 10(3).

1635 Clause 10(4) ensures that information requested within a notice must state what information is required and the purpose for which the information is required, such as a criminal or a regulatory matter. The notice must also confirm that the information requested in the notice is proportionate to the purpose of the request.

1640 Clause 10(7) makes it an offence for the nominated officer to either fail to provide information on request or to knowingly provide false information.

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

The Speaker: Mr Henderson.

1645 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir and reserve my remarks.

1650 **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 12.

Mr Teare: Sorry, sir, clause 11, I think.

1655 **The Speaker:** I beg your pardon. Clause 11.

Mr Teare: Clause 11 considers the offence of tipping off. This is not a new offence. Clause 11(1) clarifies that a nominated officer commits an offence if a notice under clause 10 has been, or is likely to be issued in respect of a company and the nominated officer discloses information that may prejudice the investigation to which the notice relates.

1660 Clause 11(2) allows for the exemption of legal advice, or of disclosure in relation to legal proceedings.

Clause 11(3) expressly disapplies the exception insofar as any disclosure relates to the furthering of a criminal purpose.

1665 Clause 11(4) contains a defence where it can be proved that disclosure was made in the absence of suspicion or knowledge that the investigation would be prejudiced by the disclosure.

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

The Speaker: Mr Henderson.

1670 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir and reserve my remarks.

1675 **The Speaker:** I put the question that clause 11 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 12.

Mr Teare: Clause 12 ensures that legal professional privilege is protected, where this is appropriate.

1680 Mr Speaker, I beg to move that clause 12 do stand part of the Bill.

The Speaker: Mr Henderson.

1685 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir and reserve my remarks.

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

1690 **Mr Teare:** Clause 13 sets out penalties in respect of offences under the Bill. Offences under the Bill are either conviction on information only, or summary offences. This clause considers that offences may be committed by individuals, or by bodies corporate. Where an offence has been committed by a body corporate, the officers of that body corporate can also be held liable for that offence.

1695 Mr Speaker, I beg to move that clause 13 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

1700 I beg to second, sir and reserve my remarks.

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

1705 Finally, clause 14 please.

Mr Teare: Clause 14 clarifies that the Bill does not limit or restrict certain provisions in other Acts, or in the articles of association of a company, where these might otherwise be seen to conflict with the Bill.

1710 Before moving this clause, Mr Speaker, I would like to thank my seconder, Mr Henderson for his help and co-operation in the movement of this Bill and the consideration also given by Hon. Members during the clauses stage today.

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

1715 **The Speaker:** Mr Henderson.

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

1720 **The Speaker:** I put the question that clause 14 do 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 clauses stage of the Companies (Beneficial Ownership) Bill.

That concludes the business of the House today. The House will now stand adjourned until the next sitting, which will be at 10 o'clock on Tuesday, 8th May in our Chamber.

1725 *The House adjourned at 11.43 a.m.*