



# HOUSE OF KEYS OFFICIAL REPORT

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# PROCEEDINGS

## DAALTYN

### HANSARD

**Douglas, Tuesday, 22nd 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 and Mr D J Quirk (Onchan);  
Mr R H Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North);  
Hon. D C Cretney and Mrs K J Beecroft (Douglas South);  
Hon. C R Robertshaw and Mrs B J Cannell (Douglas East);  
Hon. J P Shimmin and Mr C G Corkish MBE (Douglas West);  
Mr R A Ronan (Castletown); Mr G D Cregeen (Malew and Santon);  
Hon. J P Watterson, Mr L D Skelly and Hon. P A Gawne (Rushen);  
with Mr R I S Phillips, Secretary of the House.

**Business Transacted**

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*The House adjourned at 11.35 a.m.*

## House of Keys

40

*The House met at 10.00 a.m.*

[MR SPEAKER *in the Chair*]

45

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

### PRAYERS

50

*The Chaplain of the House of Keys*

### Leave of absence granted

55

#### **Congratulations to Mr and Mrs Hall on birth of their son**

**The Speaker:** Hon. Members, I have given leave of absence this morning to the Hon. Member for Onchan, Mr Hall. (**Several Members:** Hear, hear.) in the light of the recent arrival of his son, Seamus Zac Hall. (**Mr Houghton:** Hear, hear.)

60

On behalf of the House, I extend to him and his wife hearty congratulations on the birth of their first child.

**Members:** Hear, hear.

65

## Questions for Oral Answer

70

### CHIEF MINISTER

#### **Oxford Economics Report on film industry Cost**

75

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

*What the cost is of the Report on the film industry by Oxford Economics?*

80

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

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

85

**The Speaker:** I call on the Chief Minister to reply, Mr Bell.

**The Chief Minister (Mr Bell):** Mr Speaker, I can confirm that the cost of the Report produced by Oxford Economics is £39,000. This is consistent with the Answer previously provided by the Hon. Treasury Minister at the January sitting of Tynwald Court.

90

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

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

95

Is the Chief Minister aware that Oxford Economics published a report in June 2010 called, 'The Economic Impact on the UK Film Industry' and the media described this report as upbeat

and inferred that this was because the UK Film Council, Pinewood Shepperton Group, and postproduction companies, Framestore, Cinesite and Double Negative all paid for the report?

So could the Chief Minister please confirm who paid for the Oxford Economics Report on the Isle of Man film industry?

100

**The Speaker:** Chief Minister.

**The Chief Minister:** The Report was paid for by Isle of Man Film Ltd, which is a wholly owned company of Treasury.

105

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

**Mr Skelly:** Gura mie eu, Loayreyder.

Can the Chief Minister comment on the integrity and independence of Oxford Economics and why he felt it necessary to commission the Report?

110

**The Speaker:** Chief Minister.

**The Chief Minister:** Oxford Economics is a highly respected independent body which is frequently used for work of this nature, and in fact has very recently completed an extensive report on the Guernsey economy, which is quite an authoritative review of the future direction that Guernsey should move in.

115

It was felt appropriate because of the relentless undermining of the film industry by the Hon. Member and others, (**A Member:** Hear, hear.) that an independent review was necessary to prove once and for all what the true position of the film industry is.

120

This Report will be presented to Tynwald in June, and Members then will see what the true structure is behind the film industry, and I hope it will be received with a little less cynicism than we have been receiving lately.

125

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

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

Could the Chief Minister tell this House which other companies were considered for the production of the Report into the Isle of Man film industry and why Oxford Economics was preferred over these other companies?

130

**The Speaker:** Chief Minister.

**The Chief Minister:** I do not have that information, but it is irrelevant, Mr Speaker. The decision was taken to employ Oxford Economics. A number of companies were considered. These were considered to be the best and have produced a report which will be for discussion, as I say, in June Tynwald.

135

**The Speaker:** Mrs Beecroft.

140

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

If the Minister does not have information available today, would he be prepared to circulate that information, please?

145

**The Chief Minister:** The decision was made, Mr Speaker. The Report will be before Tynwald in June.

150

#### **Ministerial reshuffle Planned date**

1.2. The Hon. Member for Douglas East (Mrs Cannell) to ask the Chief Minister:

155

*When he will undertake a ministerial reshuffle?*

**The Speaker:** Question 2. Hon. Member for Douglas East, Mrs Cannell.

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

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

165 **The Chief Minister (Mr Bell):** Mr Speaker, I should like to put on record that, as Chief Minister, I am satisfied that the Council of Ministers is working very well through what will continue to be very challenging times. That said, I have stated from the outset that I would make changes to the Council of Ministers as and when I feel it necessary. However, I have no plans to make any changes in the immediate future.

170 **The Speaker:** Mrs Cannell.

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

175 Whilst I have to express disappointment in the fact that he does not plan to make any changes in the immediate future, I have to ask him, is he not aware that there are very serious complaints being made regarding one of his Ministers, that is not only tarnishing that particular Department, but the whole of the Council of Ministers and this assembly and what is he going to do about it?

**Mr Watterson:** Are you available then? (*Laughter*)

180 **The Speaker:** Chief Minister.

**The Chief Minister:** If the Hon. Member would like to put her application in, Mr Speaker, I would be very happy to consider it. (*Laughter*)

185 **The Speaker:** Mrs Cannell.

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

190 Does the Chief Minister not appreciate this is a very serious matter – a very serious matter – and one that should be looked at seriously? I asked him and I will ask him again, is he not aware of these complaints coming from professional people within a Department about their Minister's behaviour?

195 **The Chief Minister:** I am also very aware, Mr Speaker, that the Hon. Member made exactly the same question six months after the last Government was formed five years ago and I am sure she will do the same in future.

Mr Speaker, I am aware of debates which have taken place over the last few weeks, obviously, but my Council, as I said in my Answer, I believe, is working well together at the moment and I have no reason to change it.

200 **The Speaker:** Mrs Cannell, supplementary.

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

205 So the Chief Minister would prefer peace and harmony within the Council of Ministers' chamber, rather than release one Minister and have him become an active backbencher again, is that what he is saying to the House this morning?

210 **The Chief Minister:** The Hon. Member clearly has difficulty hearing this morning, Mr Speaker. I have said that I am very happy with the performance of my Ministers at the moment. We are in very difficult times, which perhaps the Hon. Member has not noticed. We are having to make very difficult and very painful decisions. These decisions will continue for a number of years to come and I am sure there will be robust debate about those decisions as and when.

215 For the moment, I believe my Ministers are working well as a team. The membership will *not* be changed in the immediate future, but, as I have said, again in my Answer and I repeat for the benefit of the Hon. Member who missed it, I have given a commitment that, at some point, there will be changes in the lineup, but that change will not take place now.

**The Speaker:** Final supplementary, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker, it is a final supplementary.

220 So is the Chief Minister saying to the House this morning then, that he is quite satisfied for a Minister to go around educational establishments using inappropriate language?

**The Chief Minister:** If the Hon. Member has specific complaints, Mr Speaker, she should either make myself aware of them, or the relevant line manager of that person.

225

**Scope of Government Report Review Parts One and Two  
CoMin decision; Tynwald debate**

230 1.3. The Hon. Member for Douglas East (Mrs Cannell) to ask the Chief Minister:

*When the Council of Ministers will reach a determination on the Scope of Government Report Review Parts One and Two and when the same will be laid before Tynwald Court for debate?*

235 **The Speaker:** Question 3, Mrs Cannell.

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

240 **The Speaker:** I call the Chief Minister.

**The Chief Minister (Mr Bell):** Mr Speaker, it is disappointing, to say the least, that the Hon. Member for Douglas East feels that she has to raise this Question today.

245 I made it clear at the recent Tynwald Members' briefing on these Reports that I would be bringing forward a motion for the June sitting of Tynwald, which would allow a debate on both Reports.

As I have stated in my press releases, these are independent Reports which are being published purely as a discussion document, to prompt what I hope will be a wide-ranging public debate over the next few months.

250 The review team have raised some valid questions about the size and role of Government, but – and I reiterate – the Council of Ministers has formed no view on these matters as yet and are making no recommendations either, at this stage.

255 **The Speaker:** Mrs Cannell.

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

Will the Chief Minister accept from me that he should not be disappointed about genuine Questions raised in this place, which is the best place to raise them?

260 Can he advise, then, that if we are going to have the debate in June in the High Court of Tynwald, what will it be on the basis of? Will it be on the basis of the two, Parts One and Two of the scope review Report that we have received? Will it not also include the Council of Ministers' view on the suggestions mentioned in that scope review Report?

265 **The Speaker:** Chief Minister.

**The Chief Minister:** Nothing the Hon. Member ever does disappoints me, Mr Speaker! She always lives up to expectations.

270 I made it very clear at the briefing, Mr Speaker, that both Reports will be tabled for general debate, without recommendation, at Tynwald in June and it is essentially for Members to express their initial views on the acceptability of some of the areas of recommendations. The debate within Tynwald, within the Council of Ministers and with the wider public will continue for several months yet, before any firm final recommendations are made.

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

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

Could the Minister give us an indication, then, if the Ministers will be given a free vote – an opportunity to have a free vote on the debate?

280 **The Speaker:** Chief Minister.

**The Chief Minister:** Mr Speaker, I have just made it very clear that there will not be a recommendation. The Report that will be presented to Tynwald for it to be received at this stage, without firm recommendations, to give Members the opportunity to express their views on it, so that the Council of Ministers and myself, in particular, can pick up the initial views of Members to give us some guidance as to the bounds of acceptability of some of the proposals.

**The Speaker:** Mrs Cannell.

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

Following picking up guidance from Tynwald Members during the debate in June, what else is the Chief Minister expecting from this? Will the Council of Ministers *then* reach a determination *after* the debate, and if so, when will Tynwald Court be notified?

295 **The Speaker:** Chief Minister.

**The Chief Minister:** The Council of Ministers will be listening to all range of views from Members, from the public and obviously from within Government itself, from those Departments affected by those recommendations.

300 They will ultimately be discussed within the Council of Ministers and a series of recommendations, whatever they may be, will ultimately be brought to Tynwald.

At this stage, I have no timeframe to confirm or otherwise.

305 **Kirk Michael planning application 12/00573/B  
Town and Country Planning (Development Procedure) Order 2005**

1.4. The Hon. Member for Michael (Mr Cannan) to ask the Chief Minister:

310 *In respect of planning application 12/00573/B for the development of 95 dwellings in Kirk Michael, who will judge matters relating to section 4(4) of the Town and Country Planning (Development Procedure) Order 2005?*

315 **The Speaker:** Question 4. Hon. Member for Michael, Mr Cannan.

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

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

320 **The Chief Minister (Mr Bell):** Mr Speaker, article 4(4) of the Town and Country Planning (Development Procedure) Order 2005 allows for the Planning Committee to decline to consider an application in any case where it considers that the application is substantially the same as an application which has been refused at any time in the previous five years.

325 Planning application 12/00573/B for the development of 95 dwellings in Kirk Michael has been referred to the Council of Ministers for determination in accordance with article 10 of the said Order. Such a referral is standard practice when planning applications include the development of land, any interest in which is vested in, or which is occupied, or controlled by the Department of Infrastructure.

330 Mr Speaker, I can therefore advise that, pursuant to processes established under article 10 of the 2005 Order, the ultimate arbiter of whether this is an application, which is substantially the same as a previous refused application, will be the Council of Ministers.

**The Speaker:** Mr Cannan, supplementary.

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

Can I ask the Chief Minister if he actually thinks the Council of Ministers is still in a position to fairly adjudicate on this matter, given that now a number of Ministers have inadvertently, or purposely, expressed support for this planning application?

340 **The Speaker:** Chief Minister.

**The Chief Minister:** If any Ministers are compromised on any application of this nature, Mr Speaker, they are obliged to stand out of Council when these considerations are made.

345 **The Speaker:** Mr Cannan.

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

350 Can I ask the Chief Minister, as I understand it, the Council of Ministers actually accepted the inspector's Report refusing this application *unconditionally*. I need to understand why we are having to go through this process again, when there are a number of other similar planning applications which have been refused on this five-year rule and it would seem that we are creating a precedent: one rule for a developer and one rule for the rest of us.

355 **The Speaker:** Chief Minister.

**The Chief Minister:** The arrangements around this application, Mr Speaker, are no different from any other applicant.

360 **The Speaker:** Mr Cannan.

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

365 Can I confirm with the Chief Minister, is he aware that a simple conversation with any of the leading Island estate agents – and I had a conversation with two senior figures in the estate agency business yesterday – would confirm that the number of houses for sale on the Isle of Man continues to increase, but there continues to be a number of houses on sale, particularly in the north of the Island, and some estimates, indeed in Kirk Michael, would indicate that the number of properties for sale have increased from 26 to 40 in their last seven to eight months? Is he aware of these figures and does he therefore think that continued development of this nature will help solve any economic problems?

370 **The Chief Minister:** I am aware, obviously, Mr Speaker, like everybody else that there is a slowdown in the housing market at the moment, but I would remind the Hon. Member that only a week ago he was strongly arguing that the population of the Isle of Man should increase rapidly to allow for economic expansion. There will, no doubt, be a future demand for housing if his proposals were to come through and no doubt the housing market would pick up on the back of that.

375 **The Speaker:** Mr Cannan.

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

I think just to direct that a bit more, can I ask the Chief Minister whether he would suggest that I also said that planning needs to be well thought through and that willy-nilly developments are not doing anybody any favour?

385 Can I ask him whether the process of this application being gone through once again, when clearly the five-year rule is there in place for very good purposes and it is in fact a complete waste of taxpayers' money?

**The Speaker:** Chief Minister.

390 **The Chief Minister:** The application is going through the same process as any other applicant has the right to do and I really cannot understand the basis of the Hon. Member's Question, as nothing that has been done in relation to this plan, as far as I am aware, at this stage, is in breach of their legal ability to do so.

395 **The Speaker:** Final supplementary, Mr Cannan.

400 **Mr Cannan:** Would the Chief Minister not agree with me that there is actually some significant conflict now arising? Obviously the former Minister for Education has quite clearly stated and has indicated previously to the House that he was going to rule himself out of any related matters to this development. The current Minister for Education, obviously has fought

strongly to ensure this deal – the deal that was signed related to this development – should remain. The Minister for Infrastructure’s own Department has ruled itself out of this process, because it says it is conflicted. (**Mr Karran:** Rubbish.) The Minister for Environment, Food and Agriculture has continually indicated that this development should go ahead on the basis that it is a nimby attitude and indeed, the Chief Minister himself indicated, once the development was refused initially, that he would not be surprised to see another application, inadvertently encouraging the developer to come back.

So, on that basis, would the Chief Minister agree with me that, actually there is serious conflict now between this scheme and the ability of the Council of Ministers to deal with it?

**The Chief Minister:** I am aware, Mr Speaker, that the Hon. Member does not want to see any development whatsoever in Kirk Michael and I appreciate his right to continue to argue, but I have answered this question already.

I made it very clear, Mr Speaker, that where Members feel that they are compromised, not just on this particular application, or any other application that comes in, Ministers have automatically to stand outside the chamber, when this is being considered. If and when such a proposal as this gets as far as Council of Ministers, the same rules will apply then.

## EDUCATION AND CHILDREN

### Pre-school education provision Expressions of interest

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

*How many expressions of interest have been received in respect of the provision of pre-school education as advertised by the Department of Education and Children?*

**The Speaker:** Question 5, Mr Cannan.

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

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

**The Minister for Education and Children (Mr Karran):** Vainstyr Loayreyder, 16 expressions of interest have been received. Some of these refer to single sites. Other bids are for one lot of provision but offering a number of alternative sites. Other bids are for multi-provisions at a range of locations.

The expressions of interest have been evaluated against the essential criteria to meet the Department of Social Care daycare standards. A meeting of the Council of Ministers working party on the pre-school education has been called to discuss the details as far as the expressions of interest.

**The Speaker:** Mr Cannan.

**Mr Cannan:** Thank you.  
Can the Minister inform us whether expressions of interest have been received for *all* the available sites?

**The Speaker:** Mr Karran.

**The Minister:** Vainstyr Loayreyder, at the present time there have not been expressions for all sites, but for the majority of sites.

**The Speaker:** Mr Cannan.

**Mr Cannan:** Thank you.

Can I also ask the Minister how many of the applications did not meet the standard of criteria required by the Department of Education?

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

**The Minister:** Vainstyr Loayreyder, there is a meeting tomorrow as far as CoMin working party is concerned. I have not got the details as far as the submissions in front of me. I am waiting for the subcommittee to deal with the details and that will then be made public.

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

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

475 Can the Minister advise, is it going to be the working party that is going to make the selection in terms of who was successful and who is not?

**The Speaker:** Minister.

480 **The Minister:** Vainstyr Loayreyder, the process as far as the situation will be on the criteria. It will be done by the working party, but obviously there is a conflict of one member of the working party who will not be involved with it.

**The Speaker:** Hon. Member for Malew and Santon.

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

As the Minister has now said, it is actually the postcode lottery that has come back in because not all establishments have interest. Would he disclose which areas have not got an interest so far in case there may be people out there who might decide they want to put something in, even though it is late?

490 **The Speaker:** Minister.

**The Minister:** Vainstyr Loayreyder, at the present time there is somebody, who has unfortunately been off the Island, who does want to apply for one of the locations.

495 The applications as far as the situation is concerned is that Victoria Road has four bids; Ballasalla has three bids; Ballacottier has six bids; Manor Park has one bid; Ashley Hill has eight bids; Cronk y Berry has six bids; Willaston has six bids; St John's has one bid; Peel Clothworkers' has five bids; Jurby has no bids; Bride has no bids at the present time; and Auldyn Infants has one bid.

500 **The Speaker:** Mr Cannan.

**Mr Cannan:** Can I ask the Minister what he intends to do about Jurby having no bids?

505 **The Speaker:** Minister.

**The Minister:** Vainstyr Loayreyder, I think at the moment that the working party will be looking at alternatives. Bride is also in the same boat. I think it would be wrong of us to get into the detail before it has been discussed as far as the working party meets tomorrow.

510 **The Speaker:** Mr Cannan.

515 **Mr Cannan:** Will the Minister accept that given the number of social housing estates at Jurby and the discussion that has taken place, particularly in this House and particularly surrounding our poorer families and the absolute need on benefits of very young children having the pre-school facility, will he assure me that he will be looking at this matter very, very seriously?

**The Speaker:** Mr Karran.

520 **The Minister:** Vainstyr Loayreyder, I do not need any lecture from the Hon. Member about social need, as far as a Member of this Hon. House. We actually have been looking at this issue. I believe that the figures are on average about six that actually turn up to the nursery at Jurby at the

present time and we have got issues in hand as to how we see a way of trying to deal with this issue.

525 I have to say, Vainstyr Loayreyder, the fact we have already looked at other ideas as far as Jurby is concerned – it always has been a concern as far as that is concerned. We have been able to get people to go and bus in to the likes of Manor Park provision in the past and in all these areas where you think it would be a priority as far as that is concerned; but Jurby, we just cannot get people. People are not interested in being bussed in to that area, so it was always going to be a problem as far as Jurby is concerned.

530

**The Speaker:** Mrs Cannell.

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

535 Of the 16 expressions of interest that have been received, can the Minister indicate whether or not they are from all locally-based applicants or does it involve some off-Island applicants?

**The Speaker:** Minister.

540 **The Minister:** Vainstyr Loayreyder, I am unaware of the details of the applicants, but I would be surprised if they are off Island.

Hon. Member, I think it would be wrong for me to make a statement on information I do not know as far as that is concerned, but most of them have got a record as far as the provision is concerned.

545

**The Speaker:** Last supplementary, Mr Cannan.

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

550 I am not trying to give the Minister a lecture on social issues; I am merely trying to do the best for my particular constituency and to highlight with him the issues, particularly out at Jurby, that there would appear be a requirement for young children to have special attention when it comes these matters. There are a lot of poor families out there who need this kind of care. Does he agree with me and will he reassure me that he will take this matter seriously?

555

**The Speaker:** Minister.

560 **The Minister:** Vainstyr Loayreyder, I take it to be quite offensive that somehow one would not take such important issue seriously. What seems to be part of the misinformation that some people have is the fact that where there is concern as far as children of this age group and younger is concerned, we have never allowed the ringfencing of the day provision and pre-school facility that we have as far as Sunshine School is concerned. Obviously, we make sure that there is always no question where there were people, parents with children who we believed were of concern will be looked after.

565 The fact is we understand that there is nobody who wants to take on Jurby at the present time. We actually have been trying to discuss this issue with other parties. Making that information open here and now will almost certainly undermine the Department's position as far as this is concerned. So I hope the Hon. Member understands that more likely his question has actually more likely helped to undermine the position of getting a provision as far as this is concerned.

570

**Pedestrian access near new Bemahague School  
Reasons for closure**

575 1.6. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Education and Children:

580 *Why his Department has closed off all pedestrian access points on the inner public footpath adjacent to the new Bemahague High School and the Bemahague Road from Signpost Corner to the Nook which services Governor's Hill and Birchill Estates and was put in place for Onchan and Douglas residents?*

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

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

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

**The Speaker:** Minister for Education, Mr Karran.

**The Minister for Education and Children (Mr Karran):** Vainstyr Loayreyder, thanking the  
590 Hon. Member, it is a prior condition of the approval for the school development that all existing  
pedestrian accesses from the A18 Bemahague Road adjacent to the school site are closed off with  
infill and the remaining openings following the opening of the new footbridge on 1st May.

The condition was included to ensure that students and other pedestrians do use the safe bridge  
crossing, now a designated crossing point, rather than walk across the highway and dangerous  
595 locations. The closure of the accesses will also ensure that parents will not attempt to drop children  
off from the school or collect them from the main highway.

The new footbridge provides a direct link for Douglas residents within the Governor's Hill area  
and beyond to the public footpath and the Onchan side of the highway and should significantly  
improve pedestrian safety.

600 **The Speaker:** Mr Henderson.

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

I thank the Shirveishagh for his Answer which clarifies the situation, but would he be willing  
605 to re-look, at some point, at the concerns of residents from both sides of the road who have been  
expressing concerns in relation to the access points that have been closed, inasmuch as they have  
enjoyed the original access points, which have had safety measures put in place to prevent people  
from actually accessing the road directly but in a safe manner?

**The Speaker:** Mr Karran.

**The Minister:** Vainstyr Loayreyder, obviously I am the Minister, the Shirveishagh son Ynsee,  
610 and I do not have anything to do with planning. So I think maybe the answer would be for the  
Hon. Member to make representations to the Department of Infrastructure about the planning  
conditions and obviously then, if those planning conditions can be lifted, then that would maybe  
615 be a suitable route, as far as the Hon. Member and others who have concerns on this issue.

Obviously, one thing that we have been very keen on, as a Member of this Hon. House, is that  
planning, like the rule of law, has to be the same for Government Departments as everybody else  
and if there is a planning condition, we are honour bound to actually honour that planning  
620 condition.

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

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

625 I am just wondering whether the Minister has actually gone over the bridge yet? (*Laughter and  
interjections*)

Can I ask the Minister regarding the particular bridge, is it in his ownership? Is it going to be  
transferred to the Department of Infrastructure? Who will actually maintain it? When will the area  
around the bridge actually be finished?

630 **The Speaker:** Minister.

**The Minister:** Vainstyr Loayreyder, maybe I have gone to the other side, to the dark side, as  
far as being a member of the Council of Ministers – I will be over the bridge for doing so!

635 The situation is that the Question on the Order Paper is about the access onto the Bemahague  
Road and the issue is it is a planning condition. The Hon. Member needs to realise that planning  
conditions have to be honoured, even if they are in the Government. This is something that some  
of us argued about 15 or 20 years ago in this Hon. House and I cannot do anything about that.

640 As far as the future of the bridge is concerned, I am unaware of the situation, but I would  
imagine it will become the responsibility of the Department of Infrastructure.

**ECONOMIC DEVELOPMENT**

645

**Skill shortages on Island  
DED strategy**

1.7. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Economic Development:

650

*What skill shortages his Department has identified that have the potential to hamper economic growth on the Island, especially in areas that could affect the export of goods and services from the Island or the substitution of imports into the Island; and what his Department's strategy is for dealing with such skill shortages?*

655

**The Speaker:** Question 7, Mrs Beecroft.

**Mrs Beecroft:** Thank you.

I ask the Question standing in my name.

660

**The Speaker:** I call the Minister for Economic Development, Hon. Member for Douglas West, Mr Shimmin.

**The Minister for Economic Development (Mr Shimmin):** Thank you, Mr Speaker.

665

My Department is focused on the continuing growth and diversification of the economy and I am acutely aware of the importance of a flexible, skilled workforce. The key challenge for my Department in relation to future skills shortages is the one faced by the engineering sector and in particular, the aerospace subsector. Current and forecast growth, coupled with an ageing workforce, means that the sector as a whole is predicting acute skill shortages over the next few years, with anecdotal evidence already being received that units of work are being outsourced to other off-Island locations, due to the lack of skilled workers.

670

My Department has discussed this matter with both employers and the Department of Education and Children. The management at the Isle of Man College of Further and Higher Education is determined to rise to the challenge and is actively considering future changes to the engineering facilities. Such changes, together with an alternative approach to the structure of apprentice training will result in an increased number of skilled workers with the skills required by industry. This is a clear example of how working in partnership, both with industry and other Government Departments, we can achieve common goals.

675

A general skills concern also exists around information and communication technology amongst school leavers. Courses from level 1 to degree level are offered at the College. Most sectors are heavily reliant on technology and computing and the ICT sector skills group is committed to engaging with the Department of Education and Children, in order to try and influence the IT curriculum, which is taught in secondary schools. The aim is to motivate those who wish to pursue an ICT-based career, whilst at the same time embedding the use of IT and understanding of technology in the mainstream curriculum, which will benefit all sectors.

685

The e-gaming sector employs in excess of 670 staff and where staff skills of a specific nature are required, the employer generally provides bespoke training, for which financial assistance may be available. However, the e-gaming team within my Department has advised that, while there is an introductory course available, this is mainly of use in raising awareness of the sector and potential job opportunities.

690

Employers are seeking to recruit staff who have level 4 to 6 accredited e-gaming qualifications. The team is working closely with the College to provide several accredited qualifications to ensure that the industry's needs are met. We are currently preparing a level 4 degree level course in e-gaming with a route through to level 6 and hope to be in a position to announce the introduction of such a course in the near future.

695

In addition, we are mindful that there is a high degree of interest in e-gaming as a vocation from Island residents. In order to provide a feeder into the level 4 course, the College is also investigating the introduction of a level 3, which is equivalent to A-level course in e-gaming, aimed at people not currently employed in the industry and who otherwise would not qualify for direct entry onto the level 4 course. The College is currently preparing these courses and we will shortly begin discussions on how we can involve local suppliers in the delivery of the full range of accredited courses.

700

705 My Department also provides a great deal of support to the financial services sector by providing assistance towards a range of professional qualifications, such as the Society of Trust and Estate Practitioners, known as STEP, the Institute of Chartered Secretaries and Administrators, and the Chartered Institute of Securities and Investments.

710 General training in supervisory and management skills remains a key requirement across all sectors and to that end, my Department provides support in respect of courses with the Institute of Leadership and Management, the Chartered Management Institute and the Institute of Directors. These courses provide support at all levels of management.

In addition, Mr Speaker, the Vocational Training Strategy is due to be reviewed later this year. The funding scheme attached to this scheme is very flexible, entirely discretionary and enables the Department to react quickly to any skill shortages areas.

715 In summary, Mr Speaker, because I could go on at some length, my Department is working closely with the private sector to identify skill shortages, which could prevent us from achieving our continuing objectives of economic growth and diversification. Where these shortages are identified, we work closely with training providers to ensure that courses of sufficient quality and content are available. The Department makes financial assistance available across all sectors, so that access to such training is affordable. Mr Speaker, this area is an important question. I am grateful to the Hon. Member, because, without a skilled workforce in preparing for the future, then we will not succeed.

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

725 **Mrs Beecroft:** Thank you, Mr Speaker and I would like to thank the Minister for his comprehensive response.

730 Would the Minister also accept that it is not always the obvious skill shortages that cause the problems and stop the economy from growing? For instance, is the Minister aware that, in the UK at the moment, they have a currently increasing level of export business of large machinery and the like and that there is a skill shortage of workers experienced in actually making the packing crates to help this industry? What action is the Minister looking at the relevant ancillary trades to the skill shortages that have been identified over here?

**The Speaker:** Minister.

735 **The Minister:** Mr Speaker, as I said, I gave you the abbreviated version. Although we are not led by articles and reports in the UK press about issues they may be facing with a population in excess of 50-plus million people, what we are doing is looking at those areas that will avoid the importation or benefit the export of business.

740 The Foods Park, which is currently worked in partnership between DEFA and ourselves, is a tremendous success, where we are looking to increase our exports and provide a range of jobs at a lower skill level, but some of these jobs are very well paid. Within the business community, the Chamber of Commerce and ourselves work regularly to ensure that there are the appropriate skills and to work with entrepreneurs who will see opportunities in the marketplace. We are currently having over 24 different sectors of apprenticeships being taught at any one time on the Island; we are aware of the growth sectors; we are aware of those sectors that are already on our Island and we have a strong recognition of entrepreneurs and the ability for them to deal with new technologies and indeed some of the more basic shortages around the world.

750 So I would be delighted to invite the Hon. Member to come back into the Department once again with the specifics, because we do not have a monopoly on good ideas, but we do require business and entrepreneurs to come forward with the ideas of something which is economically viable.

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

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

The Minister highlighted skill shortages in the engineering and manufacturing area. Would he agree with me that the removal of the Year 10 vocational training by the Department of Education and Children will actually not help matters in this respect?

760 Would he agree with me that he should recommend to the Member for Douglas South that she speaks to her party leader about how they can get some vision into Education that will help support economic growth, rather than destroying it?

765 **Several Members:** Hear, hear.

**The Speaker:** Minister.

770 **The Minister:** Mr Speaker, I am very grateful for the level of support Hon. Members gave the other week to the idea of economic growth, and I am aware that the Minister for Education is as concerned as I am about the opportunities to train young people into employment opportunities in the future.

775 We are graphically aware about the shortage of vocational training, which is being provided by some secondary schools, which is why the Minister and myself met with all the secondary heads, the Principal of the College and others very recently, in order to try and discuss this. Part of it is financial, part of it is practical to get the students to the courses, but I can assure the Hon. Member for Michael that the Minister for Education is fully aware and supportive of all these initiatives and indeed has been in the vanguard of trying to improve these types of courses for many years in this place.

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

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

785 It is nice to know that the Minister is actually talking to another Minister, but could I ask regarding the College of Further Education, which is a prime example, how much discussion, or how many meetings has he had with his colleague in the Council of Ministers to progress the extensions to the College, making the College fit for purpose?

**The Speaker:** Do you have that information?

790 **The Minister:** Well, yes, Mr Speaker.

I sometimes wish that those backbenchers who ridicule Ministers would actually spend as much time talking to us as we talk to each other in the Council of Ministers.

795 The meetings about the College have been very positive and I think in any way to criticise the College of Higher and Further Education is so far off the mark. It is an outstanding establishment that, on Friday night of last week, a number of us attended to see some outstanding young students receive awards for their performance during their time at College.

800 I think the Principal and the staff at the College have a vision, which is to work with Education – and indeed ourselves – which was reiterated again on Friday to make sure that we identify what is required and they will provide it. The progress on the improvements of the College are all part of a strategy to allow all of our young people to have a better step into employment than maybe some of our young people have, when they leave secondary school. Certainly the meetings that I have had with the Principal, with the Minister and with many other colleagues about the College are all moving in the right direction. I just hope the Hon. Member for Onchan, Mr Quirk, will get on board.

805 **The Speaker:** Final supplementary.

810 **Mr Quirk:** I was just going to ask the Minister for Economic Development... I was not criticising the College of Further Education; I was actually merely – would the Minister not agree with me – just dragging it out of the Council of Ministers, or the two Ministers here who are involved in this particular issue, what is exactly happening, and maybe if the press statements could include the backbenchers on their reports that come out, we may be informed a bit more.

815 **The Minister:** Mr Speaker, I will pursue the investigation of *Hansard*. I took the message from the Hon. Member for Onchan as being in some way a dig at the College and its performance. If I was incorrect in that, I apologise. However, it did strike me that he made a throwaway comment about an establishment which I believe is a great credit to us all, and certainly the staff and students in that establishment.

820 With regard to the other part of it, I cannot really recall what he actually said, Mr Speaker.

**HEALTH AND SOCIAL CARE**

825

**Ritalin prescriptions  
Number in Isle of Man over last decade**

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

830

*(a) If he is aware of the figures from the UK NHS Business Services Authority published in the Observer on 6th May 2012 which show roughly a fourfold increase in the number of prescriptions for Methylphenidate Hydrochloride (Ritalin) over the last decade;*

*(b) what the equivalent figures are for the Isle of Man; and*

835

*(c) if he will state the reason for any significant change in the number of prescriptions in the Isle of Man over that time frame?*

**The Speaker:** We move on to Question 8, Mrs Beecroft.

840

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

**The Speaker:** This Question has been redirected to the Minister for Social Care, Hon. Member, Mr Robertshaw.

845

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

In answer to part (a) yes, I am now aware of the article and I am grateful to the Hon. Member for Douglas South for drawing it to my attention.

850

In answer to part (b) regarding methylphenidate hydrochloride in the Isle of Man, the number of prescriptions have roughly trebled in the last five years. In 2007-08 there were 436 prescriptions issued, compared to 1,256 in 2011-12. The figures before 2007-08 are not known.

There has been a steady increase over last five years. Children and Adolescent Mental Health Services estimates that this represents about 150 children and young people currently prescribed methylphenidate. It is approximately 0.9% of children under 18 on the Island.

855

Methylphenidate is a treatment for attention deficit hyperactivity disorder (ADHD), which is a problem with inattentiveness, overactivity, impulsiveness or a combination of these together. I understand that up to 5% of children meet the criteria for ADHD. The figure quoted in the *Observer* article is 5% to 10%.

860

In answer to part (c), the reasons for the increase are the same as in the UK, principally the following four key factors: a greater understanding and recognition of the conditions amongst professionals and parents; improved methods of detection and of making an early diagnosis; a steady increase in the amount of research supporting the use of medication to treat ADHD alongside other approaches; a marked expansion of Child and Adolescent Mental Health Services to help young people gain the specialist support they need.

865

Thank you, Mr Speaker.

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

870

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

Is the Minister aware that Dr Margot Sunderland, who is a child psychologist and Director of the Centre of Child Mental Health in London, is reported in this week's *Examiner* as saying people are often quick to diagnose and put them on Ritalin or another drug without thinking about the underlying causes because it is often comforting for parents to have a diagnosis and medication? She also stated that the UK statistics were comparable with the Isle of Man.

875

Does the Minister not agree that a lot of creative youngsters actually do not conform, but that this does not necessarily mean that they need medication? (**A Member:** Hear, hear.) Does he agree with the respected Education Minister, Ken Robinson, who believes that much of the problem lies with our desire to have a conformist society?

880

Does the Minister not believe that we should be teaching our children *how* to think, not *what* to think, and that maybe this difference in mindset explains the difference between our economy and that of China and India, because their economies are growing because they are embracing this non-conformity?

**The Speaker:** Minister.

885 **The Minister:** I thank the Hon. Member for her 30,000 questions (*Laughter*) but what she really touches on, in all seriousness, is an important and fundamental debate. All I can do in this session here, I think, is focus on one or two points which I hope she will find helpful.

890 First of all, with regard to the *Observer's* comments about the bad practice in prescribing methylphenidate in the UK, i.e. specifically identifying prescription to children under seven, giving cocktails of medication for ADHD and not considering other treatment approaches, I am confident that those issues do not apply in the Isle of Man. The Isle of Man follows very carefully NICE's practice codes in its application.

895 Touching on the whole matter of using methylphenidate in connection with ADHD, I think it might be helpful just to look back a little bit at what has been happening in recent years on the subject, if she will bear with me.

900 The causes, diagnosis and the treatment of attention deficit hyperactivity disorder have been the subject of active debate, at least since the 1970s. For various reasons, ADHD remains one of the most controversial psychiatric disorders, despite being a well-validated clinical diagnosis. Possible over diagnosis of ADHD, the use of stimulant medications in children and the methods by which ADHD is diagnosed and treated are some of the main reasons for the controversy.

905 According to the National Institute of Health and Clinical Excellence, ADHD has attracted controversy from many people, as she has indicated. The criticisms include: how it is diagnosed; negative stereotyping of children; risks of other conditions being misdiagnosed as ADHD; and questioning the very existence of ADHD. NICE has concluded that despite such criticism, ADHD represents a valid clinical condition with genetic, environmental, neurobiological and demographic factors, which you alluded to.

910 The best course of ADHD management is also a source of debate. Stimulants are the most commonly prescribed medication for ADHD and according to NICE, under medical supervision, stimulant medications are considered safe, and that is the only way that they are applied in the Isle of Man.

910 Thank you, Mr Speaker.

**The Speaker:** Mrs Beecroft.

**Mrs Beecroft:** Thank you.

915 I thank the Minister for his helpful response and I apologise as I have actually missed a bit in some of his response. I think he said there was 150 children and young people currently being medicated. Could he confirm if any of those are under school age?

920 **The Speaker:** Mr Robertshaw.

925 **The Minister:** Mr Speaker, to my best knowledge and belief, we do not have any children under five on methylphenidate and our figures... I could not establish the absolute comparison between youth on the Isle of Man and in the UK, but tabbing back from the data I have got, we have a 0.9% take up and in the UK, the best indication that we get is about 1.1% to 1.2% of the population.

Thank you, Mr Speaker.

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

930 **Mr Singer:** Thank you.

935 Would the Minister agree with me that our medical people within the Children and Adolescent Mental Health Service should be following the guidelines of NICE and that we expect them to follow the guidelines NICE, and in doing so, NICE say that if those guidelines are followed, this is not a controversial treatment?

**The Speaker:** Mr Robertshaw.

**The Minister:** Yes, I concur absolutely with the comments made by the Hon. Member.

940

**ECONOMIC DEVELOPMENT**

**Classic TT; pre-TT Classic Races; Southern 100  
DED plans for 2013**

945

1.9. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

950

*(a) In view of his Department's intention to move the Classic TT to August in 2013, whether the pre-TT Classic Races at Billown will continue; and  
(b) what further plans his Department has in connection with the Southern 100 races in July 2013?*

955

**The Speaker:** We turn to Question 9, Hon. Member for Douglas North, Mr Houghton.

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

960

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

**The Minister for Economic Development (Mr Shimmin):** Thank you, Mr Speaker.

965

No decision has been made to rename the Manx Grand Prix festival as the Classic TT. Consideration of any new name for the event will occur at the appropriate time. My Department has no plans to change the format of the pre-TT classic races at Billown, which have been a successful part of the TT Festival. The pre-TT classic races are run by the Southern 100 Club, with DED funding and we are content with the arrangement.

970

In answer to part (b) my Department's team will work closely with the Southern 100 Club, in order to support and develop the Southern 100 races. Some discussions have taken place with the Club regarding a move to a weekend-based event, but these discussions are in the early stages and may ultimately require a change in legislation.

975

There will be further discussions between the Head of Motorsport and Club officials in the near future. Whilst we are keen to see the event grow, there are currently no decisions or agreements in place with the Club to implement any particular changes to the Southern 100 races in 2013.

**The Speaker:** Mr Houghton.

980

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

Can the Minister clarify who in his Department has spoken with the Southern 100 organisers and is it the Southern 100 organising Club that they have spoken to in totality? Can he confirm that first?

985

**The Minister:** Mr Speaker, I think we would be unlikely to talk to a club in its totality. I have no idea how many members there are of such a club. My understanding is that the Head of Motorsport, Mr Trevor Hussey, has been in discussion with, I assume, some members, or all the members of the committee of the Southern 100 Club, but unfortunately in view of the publicity given to alternative discussions in the motorsport area, much misinformation has gone around. My attempt at the moment is to achieve a fantastic 2012 TT, a fantastic 2012 Manx Grand Prix and to work with and support the Southern 100, who do an outstanding job and the whole agenda is one which is to try and promote and benefit the people in the Isle of Man motorsport.

990

I regret enormously that there has been so much misinformation provided, which has caused a lot of concern to the many hundreds and thousands of volunteers and supporters of these events. So my clarification today is to be unequivocal that there is no change proposed, but also most importantly, my officers now have the task of attempting to deliver what is building up to be a tremendous year of motorsport.

995

**A Member:** Hear, hear.

1000

**The Speaker:** Hon. Member for Castletown, Mr Ronan.

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

1005 Does the Minister agree with me that the Southern 100 festival is vital to the southern area, especially Castletown's economy, not just for the Southern festival, but also for the pre-TT and Steam Packet events?

**The Speaker:** Minister.

1010 **The Minister:** Mr Speaker, the Department does indeed recognise the importance of the Southern 100 races to the local economy. The pre- and post-TT races are also of value to the local economy, and are in addition an important part of the TT festival, providing entertainment for visitors arriving early and leaving late. So all three events, I do confirm, are highly valued by my Department.

1015 **The Speaker:** Hon. Member, Mr Houghton.

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

1020 In noting what the Minister has said in respect of this issue to do with the Southern 100 and its future, can the Minister give clear assurance this morning that his Department will fully consult with, not only the Southern 100 organising committee, but also people on the [*Inaudible*] such as the local MHK and others, so that, if there are changes, it is done properly at first hand with those people, those important players in the south of the Island, and that they get it right first time, not the botch-up that his Department caused for the Manx Grand Prix? (*Laughter*)

1025 **The Minister:** If the Hon. Member wants to go toe to toe, Mr Speaker, (**Members:** Ooh!) I find the actions of the Hon. Member in his final throwaway comments there are part of what has caused the problems in recent weeks.

1030 **Mr Houghton:** *You* are part of it and your Department – no-one else!

**The Speaker:** Hon. Members!

Hon. Member, Mr Houghton if you will allow the Minister to give his answers.

1035 **The Minister:** Mr Speaker, no decisions will be made about the Southern 100 races without prior consultation with the Southern 100 Club. If any proposals are, in the future, formulated, which involve significant change to the event, there will be a proper process of consultation with key stakeholders, which should include those at the political level.

1040 I must reiterate there are currently *no* plans which would have a significant impact on the races and the team is keen to continue to develop a professional and constructive relationship with the Southern 100 Club.

Mr Speaker, if the Hon. Member continues, then I am afraid it will actually be to the detriment of some of those other parties involved in other discussions.

1045 **The Speaker:** Mr Quirk.

**Mr Quirk:** Thank you, Mr Speaker, and I am sure I will not upset the Minister. (*Laughter*)

1050 Could I just ask him regarding the Manx Two Day Trial, is there any news about that, because they are interrelated? It does not say it on the Question, but I assume the Minister will want to comment.

**The Speaker:** Minister.

1055 **The Minister:** Following the meetings last week and the meetings this week, the matter is ongoing, sir.

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

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

1060 The Minister has just answered the question I was going to give regarding consultations. It is very important that, if there are any changes to the Southern 100 on the Billown Circuit, certainly the hard-working Southern 100 Committee, myself, and more importantly as well, the local Commissioners are engaged in this.

Thank you, sir.

1065 **The Speaker:** Mr Cregeen.

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

Will the Minister confirm or otherwise who initiated this discussion regarding the change of dates? Was it his Department and was he aware of it, if it did come from there?

1070 Will you also note that the Billown Circuit is in Malew, not Castletown? (*Laughter and interjections*)

**Two Members:** And Rushen.

1075 **The Speaker:** Minister.

**The Minister:** Mr Speaker, the DED is the major funder of the event and we do wish to ensure, as with any other event, motorsport or otherwise, that it funds that the money is bringing the best return to the economy. Dialogue is ongoing all the time, as has been done in other situations, and certainly the intention is to ensure that with a product, which we believe works and is successful, there are opportunities for it to grow.

1080 We do not believe that the product needs to be changed. Therefore, discussion, which I think has been coming from both sides, is a positive one to see how can we improve it. Part of that has looked at the dates, but that is something which may require legislative changes and certainly is not something which my Department is promoting, but is happy to discuss.

1085 **The Speaker:** A supplementary question, Mr Ronan.

**Mr Ronan:** Mr Speaker, for the Minister, for the record the Southern 100 Billown Circuit –

1090 **The Speaker:** Hon. Member, are you...? That is not a question.

**Mr Ronan:** Would the Minister agree with me that the Billown Circuit is in Malew, Arbory and Castletown? (*Laughter and interjections*)

1095 **The Speaker:** Minister, would you agree? I think he would.

Hon. Members, this brings us to the end of Question Time, but I am going to allow the Hon. Member for Michael –

1100 **Mr Cannan:** Point of order.

**The Speaker:** – to make a point of order.

**Mr Cannan:** Point of order, Mr Speaker.

1105 Mr Speaker, in my Question to the Chief Minister, or questions to the Chief Minister, I did indicate that some Ministers *may* have conflicted themselves by remarks they have made about Kirk Michael planning. I wish to make it clear I was not questioning the integrity of the Ministers, all the Ministers; merely that there *may* be some conflict in this matter.

1110 **The Speaker:** With that explanation, that brings us to the end of Questions for Oral Answer. The four Questions for Written Answer will be distributed.

## Questions for Written Answer

1115

### HEALTH

1120

#### **Vitamin D levels Rickets; dietary recommendations**

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

1125

*What assessment he has made of the percentage of the population of the Isle of Man with;*

- (a) deficient levels of Vitamin D; and*
- (b) insufficient levels of Vitamin D;*

1130

*how many cases of rickets were recorded in the Isle of Man in each of the last 25 years; what dietary recommendations his Department has made referencing Vitamin D; what research he has sponsored or advice sought in relation to this; and if he will make a statement?*

1135

**Answer:** (a) and (b) A small non-random sample of adults attending Noble's Hospital was carried out in 2009 which showed that 21% of that small non-representative sample was deficient and 40% were insufficient. These results do not reflect the true state of Vitamin D levels in the Isle of Man population because they were not taken randomly from residents and only adults in the hospital setting participated. We have not done any analysis of children's population levels of Vitamin D and we have not had any clinical reason to do so yet (no Rickets cases).

1140

There have been no recorded cases of Rickets on the Isle of Man in the last 11 years (we do not have comment from clinicians from before 2001).

1145

The Clinical Recommendations Committee (CRC) has developed a Vitamin D policy for the Isle of Man, taking into account good quality evidence and the best available expert reviews on Vitamin D. Appropriate leaflets have been developed for the local population and these are being distributed via our midwives, community nursing staff and community pharmacists. We do not at present see the need to screen routinely for vitamin deficiency and will leave the decision to test bloods for deficiency to individual clinicians. Public Health officials are closely monitoring both UK and international developments on Vitamin D and will keep the Department informed about new developments. At this stage routine prescribing of Vitamin D supplements for 'at risk' groups is not advised on the NHS but I am encouraging all these people to purchase over the counter Vitamin D preparations, through the leaflets being distributed and via the CRC policy to clinicians.

1150

Pleased note, the 'at risk' groups on the Isle of Man are pregnant mums, infants and people of Asian or African origin, especially those who wear dark clothing and cover their entire bodies when outside.

1155

#### **Vitamin D deficiency Testing; public information; supplements**

1160

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

1165

*What guidance his Department has issued on testing for Vitamin D deficiency; what steps he is taking to provide information for the public on Vitamin D intake; what estimate he has made of the level of Vitamin D supplements consumed by*

1170

- (a) children under the age of 5;*
- (b) pregnant women;*
- (c) women aged over 65; and*
- (d) men aged over 65 in each of the last five years;*

*and if he will make a statement?*

1175 **Answer:** The Department has produced local leaflets for distribution by local midwives, local  
community nursing staff, community pharmacists and GP surgeries. The Clinical  
Recommendations Committee has developed a local Vitamin D policy to guide local GPs and  
consultants about prescribing and blood testing. The Director of Public Health is keeping track of  
developments, both in the UK and internationally, and will keep the Department informed of any  
changes needed to current policy. Media coverage of Vitamin D deficiency must be measured  
1180 against the availability of good quality scientific evidence and also the reality that we have had no  
Rickets on the Island to date. A good diet to include oily fish and eggs and other foods  
supplemented with Vitamin D combined with sensible exposure to the sun will be sufficient for  
most people on the Isle of Man.

1185

**Hospital-acquired infections  
Number of cases in last five years**

1190 2.3. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Health:

*How many cases of hospital-acquired infections were recorded in each of the last five years?*

1195 **Answer:** Healthcare associated infection (HCAI), previously referred to as ‘hospital acquired  
infection’, is an infection resulting from medical care or treatment in any healthcare setting within  
both hospital and community, including nursing homes, general practice, community health  
facilities or the patient’s own home.

1200 In the United Kingdom (UK), two main indicator organisms are used to assess the extent of  
HCAI. These are meticillin-resistant *Staphylococcus aureus* (MRSA) blood-stream infection and  
*Clostridium difficile* infection. In the Isle of Man the number of MRSA cases recorded includes all  
infections, not only blood-stream infection.

The following raw data is broken down into two tables, illustrating the number of cases of  
HCAI in each full year from 2007 to 2011 in both the hospital and community:

**Table 1: Healthcare associated infection by number of cases – overall**

Year	MRSA	<i>Clostridium difficile</i>
2007	2 cases	24 cases
2008	8 cases	58 cases
2009	11 cases	58 cases
2010	15 cases	93 cases
2011	17 cases	75 cases

**Table 2. Healthcare associated infection by number of cases – Hospital**

Year	MRSA	<i>Clostridium difficile</i>
2007	2 cases	14 cases
2008	6 cases	44 cases
2009	8 cases	29 cases
2010	9 cases	52 cases
2011	9 cases	40 cases

1205

**Table 3. Healthcare associated infection by number of cases – Community**

Year	MRSA	<i>Clostridium difficile</i>
2007	0 cases	10 cases
2008	2 cases	14 cases
2009	3 cases	29 cases
2010	6 cases	41 cases
2011	8 cases	35 cases

1210 It is difficult to compare the rates of infection with our UK counterparts as the Isle of Man does  
not form part of the UK mandatory surveillance reporting system. In addition, data analysis must  
apply statistical principles in order to calculate and compare with other hospitals or trusts and the  
number of HCAI cases in the Isle of Man is too small to elicit data of statistical significance.

**SOCIAL CARE**

**Wrongly paid benefits  
Proportion due to fraud and error**

1215

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

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*What estimate he has made of the proportion of the annual sum wrongly paid in benefits in each of the past three years which was attributable to –*

- (a) fraud;  
(b) error; and*

1225

*what estimate he has made of the proportion of the amount so paid in error which is attributable to –*

- (i) claimant; and  
(ii) official error in respect of benefits paid by his Department?*

1230

**Answer:** The figures for (a) fraud and (b)(ii) official error, are shown below. It is not possible to state how much was overpaid as a result of (b)(ii) claimants' errors on the grounds that it is not practically possible to record such information. Such errors arise from a wide variety of causes and are addressed by working with the claimants.

1235

Types of such error include failure to provide all information on an application, providing erroneous information, failure to report change of circumstances relative to the benefit claimed, among others. To record all such errors would require a substantial increase in administrative effort at a time when the Department is working hard to reduce costs.

Year ending 31st March	(a) Fraud detected	(b) (ii) Official error
2012	£168,280	£22,029
2011	£121,340	£20,144
2010	£126,765	£17,868

1240

The Question asks for an estimate of the figures as a 'proportion'. The total Social Security payments in the year ending 31st March 2012 exceeded £240 million, hence fraud detected is 0.07% and 0.009%.

1245

## Orders of the Day

### BILL FOR FIRST READING

1250

#### Moneylenders (Amendment) Bill 2012

**The Speaker:** We will now turn to Item 3 on our Order Paper, Bill for First Reading and I call on the Secretary of the House.

1255

**The Secretary:** Bill for First Reading, Moneylenders (Amendment) Bill 2012: Member in charge, Mr Henderson.

1260

### BILLS FOR CONSIDERATION OF CLAUSES

#### Town and Country Planning (Amendment) Bill 2012

##### Clauses considered

1265

4.1. Mr Crookall to move.

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**The Speaker:** Item 4, Bills for consideration of clauses: we have three and the first of those is the Town and Country Planning (Amendment) Bill. To move clause 1, I call on the mover of the Bill, the Hon. Member for Peel, Mr Crookall.

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

This is an amendment consisting of two clauses, as you stated, sir. Clause 1 of the Bill states the short title of the Bill.

1275

I beg to move clause 1 standing in my name, sir.

**The Speaker:** Mr Quirk.

1280

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

**The Speaker:** The motion is 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.

Clause 2.

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**Mr Crookall:** Mr Speaker, Hon. Members, clause 2 is to amend the Town and Country Planning Act 1999 by inserting a new section, 14A, which will enable the Department of Infrastructure to refer a decision as to whether to enter a building which is owned by the Department in the protected register to the Council of Ministers in certain circumstances, for determination by the Council of Ministers.

1290

Mr Speaker, this is a very short and simple, but significant amendment to the Town and Country Planning Act. It is only in respect of buildings in ownership of the Department, which has nothing to do with the effect on deregulation of protected buildings and takes nothing away from the Department.

1295

I beg to move clause 2 standing in my name, sir.

**The Speaker:** Mr Houghton.

1300

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

I am very happy to second that. Could I have clarification from the Hon. Member for Peel's remarks, bringing this Private Member's Bill forward, when he is going on about ownership of buildings in the Department, does he mean in all Government ownership, which would be controlled by the Council of Ministers?

It is quite an important point, I think.

1305 **The Speaker:** Mr Crookall to reply.

**Mr Crookall:** It is all public-owned buildings, but most buildings will come under the Department of Infrastructure when it comes to registration, I believe, sir.

1310 **The Speaker:** In that case I put the motion that clause 2 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it.

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

1315	FOR	AGAINST
	Mr Quirk	Mr Karran
	Mr Ronan	
	Mr Crookall	
1320	Mr Anderson	
	Mr Bell	
	Mr Singer	
	Mr Quayle	
	Mr Teare	
1325	Mr Cannan	
	Mr Cregeen	
	Mr Houghton	
	Mr Henderson	
	Mrs Beecroft	
1330	Mr Robertshaw	
	Mr Shimmin	
	Mr Corkish	
	Mr Watterson	
	Mr Skelly	
1335	Mr Gawne	
	The Speaker	

**The Speaker:** With 20 votes for and 1 against, the motion therefore carries.

That concludes consideration of clauses for the Town and Country Planning (Amendment) Bill.

1340

### **Company and Business Names etc Bill 2012** **Clauses considered**

1345

4.2. Mr Henderson to move.

**The Speaker:** The next Item is the Company and Business Names etc Bill and I call on the mover, Mr Henderson, please.

1350

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

This Bill seeks to address a recommendation of the IMF arising from the 2009 Report on the Isle of Man. The comment concerned the lack of regulation surrounding the use of certain words or phrases, such as 'bank' or 'banking' that are ordinarily associated with a specific regulated activity. The IMF wanted to have greater clarity and procedure protection in place.

1355

While the Companies Registry does have guidance on what particular words can be used in a name, it is just that – guidance. This Bill seeks to replace the existing guidance in respect of the words and phrases that can ordinarily be used in the names of bodies corporate and unincorporated that are registered in the Isle of Man.

1360

This is presented the Isle of Man with the opportunity to review the existing regime in respect of name approvals across the various Acts that are subject to the name approvals process. The various Acts to which the existing regime applies span a period of over 100 years. This has created a situation where the person with authority in respect of name approvals under the various Acts is referred to by different names under different Acts.

1365

At its most basic level, the Bill seeks to consolidate the existing regime across the various Acts into a single central piece of legislation. The Bill will also redefine the various names given to the person with authority in respect of name approvals. The Bill creates the single role of the 'appropriate name approval authority'. This term will apply across all relevant Acts. Conventions

1370 that have arisen over time, such as the ability to reserve a name will be clarified and put into legislation to provide certainty.

The Bill contains 14 clauses and one schedule. The schedule sets out the consequential amendments that will be required to be made to other Acts. Should the branches of Tynwald support this Bill, the Bill will come into operation by Order made by the Treasury.

1375 Vainstyr Loayreyder, turning to the Bill itself, clause 1 presents the short title.  
I beg to move that clause 1 stand part of the Bill.

**The Speaker:** Mr Teare.

1380 **Mr Teare:** I beg to second, sir.

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

Clause 2 please.

1385 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

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.

1390 I beg to move that clause 2 stand part of the Bill.

**The Speaker:** Mr Teare.

**Mr Teare:** I beg to second sir.

1395 **The Speaker:** I put the motion that clause 2 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

1400 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Clause 3 defines certain words and expressions used in the Bill. This clause provides a single term for the person with power to approve the use of words and phrases in respect of the names of bodies corporate and unincorporate. The various terms applied to this person under the various Acts are replaced by the appropriate name approval authority.

1405 I beg to move that clause 3 stand part of the Bill.

**The Speaker:** Mr Teare.

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

1410 **The Speaker:** I put the motion that clause 3 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

1415 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Clause 4 lists all persons, bodies corporate and unincorporate to which the Bill applies. This includes bodies corporate or unincorporate that are incorporated, established, or registered under the following Acts: Companies Acts 1931, Companies Act 2006, Business Names Acts, Limited Partnerships and Foundation Act.

1420 Sir, I beg to move that clause 4 stand part of the Bill.

**The Speaker:** Mr Teare.

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

1425 **The Speaker:** I put the motion that clause 4 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 5 please.

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

1430 Clause 5 sets out the circumstances in which it is necessary to obtain approval to use a name. There are various circumstances in which a body corporate or unincorporate might need to seek consent to use a name. The most common circumstances for which name approval must be obtained are either on: establishment, registration, incorporation, or changing an existing name.

1435 I beg to move that clause 5 stand part of the Bill.

**The Speaker:** Mr Teare.

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

1440 **The Speaker:** I put the motion that clause 5 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 6.

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

1445 Clause 6 clarifies that where an approval is required to use a name and circumstances considered under clause 5 as previous, this must be made to the appropriate name approval authority. The application must be in the required form, as determined by the appropriate name approval authority.

1450 This clause also introduces a power, which is not an obligation, to charge a fee when application is made. This power is a new enabling power. It has been included to ensure that if at some future point it is considered either necessary or desirable to introduce a fee, this can be done without further changes to the legislation.

I beg to move that clause 6 stand part of the Bill.

1455 **The Speaker:** Mr Teare.

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

1460 **The Speaker:** I put the question that clause 6 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 7.

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

1465 Clause 7 replicates the existing powers for the appropriate name approval authority to either approve the use of a name unconditionally; approve the use of a name, subject to the fulfilment of certain conditions; or refuse to consent to use of a name. The conditions under which a name can be refused under clauses 7(3) and 7(4) replicate current provisions within the various Acts.

1470 Reasons for refusal include: it contravenes provisions contained within other legislation; the name is too similar to another already registered or reserved; it contains a word or phrase, the use of which is ordinarily restricted to a specific context; or it may simply appear to be undesirable to permitted use.

1475 The existing convention whereby the appropriate name approval authority consults with other interested parties, such as Statutory Boards and Government Departments, is replaced with a statutory duty to consult these stakeholders. The Treasury has the power to determine by regulation who these stakeholders are.

1480 A new power is given to the appropriate name approval authority under clause 7(7). This power gives the appropriate name authority ultimate discretion to approve the use of a name, despite any objections raised during consultation with stakeholders. Circumstances in which this might occur could consider the following scenario. A company providing tailoring services with premises in Bank Road may wish to register the name of 'Bank Road Tailors Limited'. Ordinarily, 'Bank' would be a word that is only to be used by those businesses conducting banking business. Since there is little chance that the public would be misled by this name, the appropriate name approval authority will have the power to approve the name.

1485 As a further safeguard against the public being misled in these circumstances, clause 7(7) requires a publicly available register of such cases to be set up.

Sir, I beg to move that clause 7 stand part of the Bill.

**The Speaker:** Mr Teare

1490 **Mr Teare:** I beg to second and to reserve my remarks, sir.

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

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

1495 The Member mentioned a publicly available register. Is that by a book or will it be electronic?  
I am just wondering what...

**Mr Henderson:** My understanding, sir, is that it will be in hard copy format as an additional register to what we already have, so that we have some clarity on the situation, should this kind of scenario turn up in the future. It is actually additional to what we have got already.

1500

**A Member:** A best seller.

**The Speaker:** I put the question that clause 7 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
1505 Clause 8, please.

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

1510 Clause 8 replicates the existing powers in respect of name approvals. A name that has already been approved may have conditions or additional conditions attached to the approval, or conditions may be varied or revoked. In all circumstances the appropriate name approval authority must inform the person in writing, giving reasons for the attachment, variation or revocation of any conditions.

I beg to move, sir.

1515

**The Speaker:** Mr Teare.

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

**The Speaker:** I put the question that clause 8 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
1520 Clause 9.

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

1525 Clause 9 again reproduces existing powers that currently appear in the various Acts. In circumstances where it appears to be necessary to direct that a person change its name, the appropriate name authority has the power to make a direction to this effect. As is the case now, reasons must be given for making the direction. Similarly, where a direction to change the name is ignored, the appropriate name approval authority retains the existing power to impose a change of name.

1530

I beg to move.

**The Speaker:** Mr Teare.

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

1535

**The Speaker:** I put the question that clause 9 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 10.

1540

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

1545 Clause 10 over time and in response to the request of the financial services industry, the practice of permitting names to be reserved for a period of three months has been adopted. Clause 10 replaces this practice on a statutory footing under clause 10(9). Approval of the reservation of a name is subject to the same conditions and requirements as in clauses 6 and 7.

1550 Clause 10 again considers the charging of a fee in order to reserve a name. Again, this is an enabling power and does not oblige the appropriate name authority to introduce a fee. A name can be reserved for additional periods of three months under clause 10(10) in a departure from the current position. The formal approval and application process must be followed. Abuse of the current practice which sometimes sees name reservations rolled over from one period to another will no longer be permitted. Formal application must be made for re-reservation of a name. This

must be in the required form and subject to the conditions required by the appropriate name authority.

I beg to move that clause 10 stand part of the Bill.

1555 **The Speaker:** Mr Teare.

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

1560 **The Speaker:** I put the question that clause 10 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 11.

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

1565 Clause 11 considers appeals against decisions of the appropriate name approval authority. The persons who may appeal a decision of the appropriate name approval authority and the circumstances in which this may be done are set out in clauses 11(2) and 11(3).

Clause 11(7) gives the Treasury the power to extend the persons and circumstances in clauses 11(2) and 11(3). Appeals must be made to the court and any ruling of the court is binding on both the appellant and the appropriate name approval authority.

1570 I beg to move that clause 11 stand part of the Bill.

**The Speaker:** Mr Teare.

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

1575 **The Speaker:** The question is that clause 11 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 12.

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

1580 Clause 12 gives the Treasury wide-ranging powers to make regulations on various matters included in the Bill. Most of the regulations considered must be approved by Tynwald in order to come into operation. However, there are two circumstances in which regulations must simply be laid before Tynwald. The most important of these are those that will replace the existing guidance on restrictive words and phrases, along with those parties who must be consulted under clause 7(3)(f). It is vital that the current flexibility and speed with which the existing guidance can be updated is not lost as a consequence of seeking to comply with the IMF recommendation.

Sir, I beg to move that clause 12 stand part of the Bill.

1590 **The Speaker:** Mr Teare.

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

1595 **The Speaker:** I put the motion that clause 12 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 13 with the schedule.

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

1600 Clause 13 considers the amendments that will need to be made to the various enactments as a result of this Bill. The various name provisions that will be amended by this Bill are set out in the schedule to the Bill. This clause provides for the automatic repeal of the schedule to the Bill and this clause on the latter of the day after promulgation, or the day after the last revision was brought into operation.

1605 The automatic repeal provision will not affect the operation of any of the amendments under this section. This is a housekeeping exercise that aims to declutter the statute books.

I beg to move.

**The Speaker:** Mr Teare.

1610 **Mr Teare:** I beg to second and reserve my remarks, sir.

**The Speaker:** I put the motion that clause 13 and the schedule be approved. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 14 sir.

1615

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

Clause 14 contains certain saving provisions, in particular, any specific provisions in respect of names under other enactments apply in addition to the provisions of this Act.

1620

Clause 14(3) confirms that the power of the appropriate name approval authority under clauses 8 and 9 applies to circumstances that predate the coming into operation of this Bill.

Just a footnote to that, I will obviously answer the Hon. Member for Onchan's query with regard to the register when we get to the Third Reading in respect of electronic or hard copy availability. I understand the register is... there will be an additional register but I have got to clarify on the format it will be presented in.

1625

Sir, I beg to move that clause 14 stand part of the Bill.

**The Speaker:** Mr Teare.

1630

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

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

That concludes consideration of the clauses stage of the Company and Business Names etc Bill.

1635

#### **Heavily Indebted Poor Countries (Limitation on Debt Recovery) Bill 2012** **Clauses considered**

1640

4.3. Mr Teare to move.

**The Speaker:** We turn now to the Heavily Indebted Poor Countries (Limitation on Debt Recovery) Bill and I call on the mover, Mr Teare, to move clause 1, please.

1645

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

Before moving clause 1, with your indulgence, sir, I would like to deal with a couple of points raised by the Hon. Member for South Douglas at the Second Reading stage.

1650

The first point raised by the Hon. Member related to sunset clauses and whether these could be inserted into legislation to obviate the need for obtaining Royal Assent, if a decision had been taken to revoke the legislation. The constitutional position of the Island means that Royal Assent must ordinarily be obtained before any new legislation can be enacted or revoked. While the idea of exploring ideas to avoid this requirement is commendable, it is in practice unworkable. Inherent in sunset clauses is a limitation on the relevant legislation's lifespan. In certain circumstances this is appropriate. It serves as a reminder that the enactment in question was a time-bound or temporary measure to be reconsidered at some set future point. This legislation is not intended to have a limited life, but will remain in force if its passage through the legislative process is successful.

1655

The Hon. Member also suggested that thought should be given to introduce a clause that restrict such enterprises, known as 'vulture funds', from suing for more than the original debt, so that it would stop the Isle of Man from becoming a location of choice to operate from. With the greatest respect, it appears that the Hon. Member has misread or misunderstood what is, admittedly, a Bill addressing a highly complex and technical subject. The Bill not only seeks to prevent vulture funds from bringing legal action to recover more than the amount of the original debt, Mr Speaker and Hon. Members, the Bill goes further than this. It limits the amount that can be recovered on the debt of a country that qualifies for the Heavily Indebted Poor Countries Initiative to the amount that remains of the debt under the Initiative. The amount of the debt recoverable will be a maximum amount of 33% of the original debt. The amount recoverable may, however, be lower than this.

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1670

The reduction factor applied to debts is determined by the IMF and the World Bank. This is a truly global initiative. Eligible countries will continue to be afforded relief under the Initiative for the duration of the Initiative. The Isle of Man is simply seeking to recognise this and must do so to

1675 ensure that it cannot be used to promote morally questionable behaviour and profiteering at the expense of the development of the world's poorest nations. In this particular instance, a sunset clause is not required initially will be brought to an end at a time that it is determined to be appropriate by the World Bank and the IMF. At this point, the legislation will have run its useful course, and then can be revoked at leisure.

1680 If enacted, this Bill will provide the means to support the international Initiative to help poor countries manage their debt. This will be achieved by introducing a prohibition against the courts of the Isle of Man from being used to enforce a judgment in full against a country eligible for the Initiative. It will ensure that the amounts of debt that can be recovered through the Island's courts will be limited to the level of debt that remains after the reduction factor has been applied. The Bill will ensure that the Isle of Man continues to demonstrate that it is a responsible world citizen, that does not tolerate morally questionable practices.

1685 The effectiveness of this legislation will be severely hampered if the scope of application did not include judgment debts. This assertion is drawn out with evidence that there are a number of creditors who have obtained judgments on their debts against countries that are covered by the Initiative. It should be noted that the Bill mirrors legislation recently enacted in the UK. For the Island not to follow suit could create a risk that unscrupulous creditors would seek to enforce debts in the Manx courts, in preference to those of the UK, thereby frustrating the effectiveness of UK stance in enacting their legislation.

1690 The Island is relying on the UK's assertion in relation to its own legislation that any interference with Human Rights under this Bill is proportionate and within a margin of appreciation afforded to signatories to the Convention. Therefore, in my view, the Bill and its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.

1695 Should the branches of Tynwald support this Bill, it will come into operation on receiving Royal Assent.

1700 Mr Speaker, turning to the Bill. Hon. Members, clause 1 provides the short title of the Bill. I beg to move that clause 1 stand part of the Bill.

**The Speaker:** Mr Henderson.

1705 **Mr Henderson:** I beg to second, sir, and reserve my remarks.

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

1710 **Mr Teare:** Clause 2 sets out the purpose of the Act. This is to support the Heavily Indebted Poor Countries Initiative by preventing recovery of certain debts to which the Initiative applies against countries and territories to which the Initiative applies.

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

1715 **The Speaker:** Mr Henderson.

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

1720 **The Speaker:** I put the motion that clause 2 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 3, sir.

1725 **Mr Teare:** Clause 3 defines certain words and expressions used in the Bill. Included in this is a definition of 'decision point' which is used throughout the Bill.

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

**The Speaker:** Mr Henderson.

1730 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.  
I beg to second, sir, and reserve my remarks.

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

Clause 4.

1735

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

Clause 4 deals with the meaning of 'debt'. A comprehensive definition of the meaning of debt for the purposes of this Bill is given under this clause.

1740

Clause 4(1) sets out the parameters, liabilities and obligations regarded as debt under the Bill.

Subsection (2) clarifies by way of further explanation those liabilities that are not treated as debt for the purpose of this Bill. The definition is based on that used by the World Bank and the International Monetary Fund in determining which debts are included in the Initiative.

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

1745

**The Speaker:** Mr Henderson.

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

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

1750

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

Clause 5.

1755

**Mr Teare:** Clause 5 sets out and clarifies the debts to which the Bill applies. The application of the Bill is limited to debts of countries to which the Initiative applies. These debts must have been incurred by an eligible country and fall due for payment at least a year prior to the commencement of the Bill, or at least a year prior to the country having reached decision point. Under subsection (3), the debts of a country to which the Bill applies are those debts that have been incurred by the government of that country, any department of the government of that country, a monetary authority, or central bank of the country, or a body corporate that is either directly or indirectly controlled by the government, a department thereof, or monetary authority of that country.

1760

Subsection (4) makes provision for the inclusion of debts that have been underwritten or guaranteed by the government, monetary authority etc as set out in subsection (3).

1765

Subsection (5) expressly excludes debts that are owed to creditors resident in that country, either before a decision point was reached in that country, or the enactment of the Bill.

Under subsection (6), debts that have been restructured and which were originally incurred prior to the commencement of the Bill are within the scope of the Bill. This is consistent with the practice of the Initiative in determining whether a debt is included in the Initiative on the basis of the nature of the original debt, rather than of a replacement that arises through the restructuring.

1770

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

**The Speaker:** Mr Henderson.

1775

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

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

Clause 6.

1780

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

Clause 6 considers the amount recoverable on debts under the Initiative. This clause reduces the amount recoverable on a debt to the amount that the creditor could recover, if the creditor provided the level of debt relief expected under the Initiative. A standard formula applies reducing qualifying debts to a maximum of 33% of the original claim. Debts that qualify under the Initiative and courses of action associated with these debts are limited to the reduced amount. Courses of action associated with a qualifying debt might, for example, be a damages claim.

1785

Subsections (2) and (3) apply to those cases where an agreement has been reached to reduce or compromise a debt or related cause of action. Whenever level of reduction expected under the Initiative exceeds that degree under the terms of the agreement, the Initiative will be applied to the amount of debt before compromise. An illustration of the effect follows an example below.

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The original debt of £100 is reduced to £50 under a compromise agreement, but the level of reduction expected under the Initiative is 20%. Applying the reduction factor of 90% to the compromised amount will mean that the debt becomes worth £5. Applying the reduction factor of

1795 90% to a debt of £100 that has not previously been reduced under a compromise agreement will mean that the debt is worth £10.

If the reduction factor under the Initiative is not applied against the amount of the original debt, the creditor who has agreed to a compromise arrangement will clearly be disadvantaged when compared with a creditor who has not done so. Under subsection (4) compromised debts that would increase under the Initiative are not eligible for recalculation. In this case, the agreed amount of the debt is the amount of the debt recoverable.

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

1805 **The Speaker:** Mr Henderson.

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

1810 **The Speaker:** I put the motion that clause 6 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 7 please.

1815 **Mr Teare:** Clause 7 reduces the value of judgments and arbitration awards relating to debts to which the Bill applies. The effect of subsection (2) is to ensure that judgments and awards in respect of qualifying debts can be enforced only for the amount by which the debt is reduced under the Initiative.

Subsection (1) of this clause confirms that it applies to judgments and awards given within the Isle of Man and to those in foreign jurisdictions before the enactment of this Bill. This will ensure that the amount recoverable is limited to that under the Initiative. However, under subsection (3), if the application of the reduction factor under the Initiative would be to increase the amount of the debt recoverable, this will not apply.

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

1825 **The Speaker:** Mr Henderson.

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

1830 **The Speaker:** I put the question that clause 7 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 8, please.

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

1835 Clause 8 contains an exception to the legislation. This excludes debts where the debtor does not make an offer to repay the amount which remains recoverable under the Initiative. The purpose of this is to increase a creditor's prospects of recovering the amount to which it remains entitled and to encourage the debtor to participate in negotiations to agree settlement of a debt.

This provision is intended to obviate the need for creditors to pursue debts through the courts.

1840 Where a judgment or a law to which this clause applies has been made before the Bill is enacted, the reduction will apply automatically. There will be no need for the debtor to make an offer.

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

1845 **The Speaker:** Mr Henderson.

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

1850 **The Speaker:** I put the question 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.

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

1855 Clause 9 considers those circumstances where the Isle of Man is obliged to enforce filing of judgments under EU law or another international obligation. This clause excludes foreign

judgments and awards from the effects of the Bill in those circumstances where there is an obligation under international instruments to enforce them all, even where this is contrary to the Island's public policy.

1860 Mr Speaker, I beg to move that clause 9 stand part of the Bill.

**The Speaker:** Mr Henderson.

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

1865

**The Speaker:** I put the question that clause 9 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Clause 10.

1870 **Mr Teare:** Thank you, Mr Speaker.

Subsection (1) of clause 10 considers circumstances in which a creditor has already received payment of an amount by a debtor. This clause ensures that there can be no requirement for the creditor to repay this amount under any of the provisions in this Bill.

1875 Mr Speaker, I beg to move that clause 10 stand part of the Bill.

**The Speaker:** Mr Henderson.

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

1880

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

1885 **Mr Teare:** Thank you, Mr Speaker.

Clause 11 limits the application of the Bill in respect of changes that might in future be made to the terms under which countries eligible for relief under the Initiative. Any future changes will not extend or reduce the debts to which the Bill applies.

1890 Mr Speaker, I beg to move that clause 11 stand part of the Bill.

**The Speaker:** Mr Henderson.

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

1895

**The Speaker:** I put the question that clause 11 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Hon. Members, that brings us to the end of business of the House on the Order Paper today.

1900

**Leave of absence granted  
for the Speaker next sitting**

1905 **The Speaker:** Hon. Members, that brings us to the end of business of the House on the Order Paper today.

I would like to ask the House for leave of absence for the next sitting, 12th June, in order to attend the CPA regional conference in Edinburgh with other Members of Tynwald. Is that agreed?

1910 **Members:** Agreed.

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

The House will now stand adjourned until the next sitting to take place at 10 o'clock on 12th June in this Chamber.

1915

*The House adjourned at 11.35 a.m.*