



# HOUSE OF KEYS OFFICIAL REPORT

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# PROCEEDINGS

DAALTYN

HANSARD

**Douglas, Tuesday, 9th February 2016**

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**Present:**

The Speaker (Hon. S C Rodan) (Garff);  
The Chief Minister (Hon. A R Bell) (Ramsey);  
Mr G G Boot (Glenfaba); Mr L I Singer (Ramsey);  
Hon. W E Teare (Ayre); Mr R K Harmer (Peel);  
Mr P Karran, Mr Z Hall and Mr D J Quirk (Onchan);  
Hon. R H Quayle (Middle); Mr J R Houghton and Mr G R Peake (Douglas North);  
Mrs K J Beecroft and Mr W M Malarkey (Douglas South);  
Mr C R Robertshaw and Mr J Joughin (Douglas East);  
Hon. J P Shimmin and Mr C C Thomas (Douglas West);  
Hon. R A Ronan (Castletown); Mr G D Cregeen (Malew and Santon);  
Hon. J P Watterson and Hon. L D Skelly (Rushen);  
with Mr R I S Phillips, Clerk of Tynwald.

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## House of Keys

*The House met at 10.00 a.m.*

[MR SPEAKER *in the Chair*]

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

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

5

**The Speaker:** In the absence of the Chaplain, I shall take prayers.

### PRAYERS

*The Speaker*

### Leave of absence granted

**The Speaker:** Hon. Members, I have given leave of absence to the Hon. Member for Rushen, Mr Gawne and the Hon. Member for Michael, Mr Cannan. (*Interjections*)

## 1. Questions for Oral Answer

### TREASURY

#### 1.1. Personal capability assessments – Payment to Dependability Ltd; savings made

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

*Since the contract for personal capacity assessments was awarded to Dependability Ltd, how much has been paid to Dependability Ltd; and how much has been saved because of people being found capable of work?*

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

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

15 May I ask the Treasury Minister, since the contract for personal capacity assessments was awarded to Dependability Ltd, how much has been paid to Dependability Ltd; and how much has been saved because of the people found capable of work?

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

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

As I explained in another place on 20th October last year, when answering a Question from the Hon. Member for Douglas North, Mr Houghton, the purpose of these assessments is *not* a cost-saving exercise, so no form of cost-benefit analysis has been undertaken. Rather these assessments are aimed at ensuring that claimants are receiving the correct benefits, according to whether or not they are capable of work, and signposting those that are capable of work to the specialised services which are available from the Department of Economic Development and other agencies to help them to get back into work.

To not assess claimants' capability for work would be to consign many who could actually work to a life on sickness benefits, when we should be ensuring they receive the specialist help they need to return to the workplace.

I believe the outcomes we are seeing from the PCA process, together with the positive feedback we have received from an overwhelming majority of customers who are being assessed by Dependability is very encouraging.

Thank you, Mr Speaker.

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

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

I do not think anybody has suggested that it was simply a cost-saving exercise, but I would have thought that the numbers to provide the Answer to my Question would have been easily available. You would know the amount of assessments made by Dependability and you would know the amount of people who have been found fit for work during those assessments. Therefore it would be a fairly simple calculation.

But if the Minister is not prepared to give me that information, then maybe he would comment on the positive feedback angle that he brought up himself, when he says that he has had a lot of positive feedback. Could this be because the feedback is actually taken at the end of the assessment by the team who is carrying out the assessments or by somebody who appears to be the team?

**The Speaker:** Minister.

**The Minister:** As I said at the outset, and as I said in another place last year, this is not a cost-saving effort.

**Mrs Beecroft:** I never said it was.

**The Minister:** What we are looking at really is the individual – we are focusing on the individual and we are doing what we think is right for them, for their health in the long-term future.

In terms of the customer survey, based on all the completed customer survey forms up to 5th February this year, 96.6% felt that they were put at ease by the assessor, and a further 1.8% did not answer this question; 97% rated the professionalism of the assessor as good or very good and 96.4% rated the unhurried manner of the assessment as good or very good.

I think, Mr Speaker, that that speaks for itself.

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

**Mr Karran:** Vainstyr Loayreyder, can the Shirveishagh Tashtee stop the spin; the reality is that the financial factors were part of the reason why this was done.

70 Can he also tell me when he talks about the great professionalism, when I talk to the likes of one of my constituency GPs, (**Mr Quirk:** Our!) he is absolutely horrified at the way the assessment is being done, and that there are a number of other GPs in other areas that are finding it an absolutely appalling situation? So will the Shirveishagh Tashtee please actually answer the Question, because otherwise he is not fit to be in office, if he does not know what saving there is, as far as this issue is concerned. (*Interjections*)

75 **A Member:** Come on!

**The Speaker:** Hon. Members, the Hon. Member must be careful when making comments such as he has just made.

80 This Question relates to cost –

**Mr Karran:** And I am asking for that.

**The Speaker:** – and the Hon. Member has broadened out the Question. Minister.

85 **Mr Karran:** No I haven't. I want the cost!

**The Speaker:** Hon. Minister.

90 **The Minister:** I do appreciate the Hon. Member's vote of confidence, sir! (*Interjection by Mr Karran*)

95 But what I would say is I would repeat my earlier comments that this has not been done on a cost basis; it has been done on what is best for the individual, focusing on the individual. A positive step to get people back into work.

**The Speaker:** Hon. Member for Douglas West, Mr Thomas.

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

100 The *Hansard* record shows that the Minister has said on a number of occasions that if we had introduced UK measures, we would have saved £8 million, £9 million or £10 million in benefits in Social Security payments. Has this programme of Dependability assessments contributed to saving that £8 million or £9 million or £10 million?

105 **The Speaker:** Mr Teare.

**The Minister:** I am very glad that the Hon. Member who has just resumed his seat has raised that.

110 In the information in the Ci65 report, it talked about 'in-work' benefits. This is not about an in-work benefit; this is about an out-of-work benefit. We are talking about Incapacity Benefit.

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

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

115 If I may just try again, two very simple questions: is the Minister prepared to give us the costings – the very simple costings that he could provide, I am sure, with ease?

And is he prepared to say how the feedback is collected? Is it collected at the time of the assessment or are they given the form to take away so they can truly say what they feel? A lot of people feel under pressure to answer such as 'have you been treated professionally?' – of

120 course they are going to say yes, if the person is staring at them while they answer it, and they are not even given the form to tick themselves.

**The Speaker:** Minister.

125 **The Minister:** Once again, I have said that this is not a cost-benefit exercise and I stick to that comment. I am not moving on that one at all, Mr Speaker.

In terms of the exit survey, what I have found here is that the response that we have had from the work of Dependability has been *much* better than the response when we had the trial period with Atos, (**A Member:** Hear, hear.) so I think it speaks for itself.

130 **Mrs Beecroft:** So in other words, no to both questions.

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

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

135 I ask this question in response to part of the Hon. Minister's Answer, and if the Minister can understand that I ask this question because of the complaints that I have received from persons, some vulnerable, about the way that they feel they have been treated by the Dependability staff, for whom the client, when they have received the report, they tell me that the information on the forms has items on that they have not even answered, (**Mrs Beecroft:** Yes.) they have not even discussed with the Dependability staff.

140 So could the Minister tell me what checks are made by Government overall on the performance and qualifications of the Dependability interviewing staff? Are checks made on their person-to-person skills and their ability to record accurate information given to them by the client?

145 **The Speaker:** We are in danger of straying into Question 2 here, but I leave it with you, Minister. The original Question was to do with the cost.

**The Minister:** Yes, I think we are also moving into a debate here, sir, as well. (*Interjections*)

150 The allegation that the answers were not discussed: some of the information on the paper will not have been gleaned directly from the person being interviewed. Some of the information will have been gleaned from the patient's GP and other health professionals that the patient has been receiving treatment from. It might be a physiotherapist; it might be Drug and Alcohol.

155 So it is a total picture, not only the information that has been gleaned by the Dependability Assessor.

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

160 **Mr Karran:** Vainstyr Loayreyder, can the Shirveishagh Tashtee and the second part of the Question, on how much has been saved because of people being found capable of work, be answered in this House?

165 What hope has this House got, to know that the figures are correct as far as the future Budget, if we cannot get those sorts of figures as a rely in the most important Chamber within the Government ... within the nation (**A Member:** Parliament.) as far as the parliament is concerned, if we cannot get an answer to that? What confidence can we have in the figures in the Budget, if we cannot get an answer to my hon. friend's Question, which is a legitimate parliamentary question, when a legitimate parliament would actually have to honour that question?

170 **The Speaker:** Minister.



**The Minister:** As I said before, this is not done as part of a cost-saving measure –

**Mr Karran:** I want more than that – *figures!*

175 **The Minister:** This is done in ... What I will say is I stand by the figures in the Budget.

**Mr Karran:** Disgraceful.

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

180

**Mr Thomas:** Thank you, Mr Speaker. (*Interjection by Mr Karran*)

Can the Minister advise why people receiving Incapacity Benefits and other similar Social Security payments were not able or did not take advantage of the services offered by the Department of Economic Development and other providers in the past? Does the Minister believe they are all skivers?

185

Secondly, can the Minister advise how much extra bureaucracy and costs on appeals and work for parliamentarians in their ombudsman function have actually been incurred, subsequent to these reviews under section 19 of the Social Security Act or wherever else?

190

**The Speaker:** Mr Teare.

**The Minister:** If my memory serves me right, I think there were 40 reviews and eight appeals. Half of those appeals were successful, so I feel that the appeal system does work.

195

**The Speaker:** Final supplementary, Mr Houghton.

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

Is the Minister aware that in the case of the benefits being cut from these people, when they are cut, there is no real latitude to allow that person to be reintroduced back to work with a lead-in period, especially where they are overcoming fractures to limbs, etc, where they require that period of time? Would he take that back to his Department, to allow his Department to have some latitude or discretion in order for a lead-in period for people to go back to work in such cases?

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**The Speaker:** Mr Teare.

**The Minister:** I am sympathetic to that. If I could just ask the Hon. Member to have a discussion with me privately after the sitting, I would like to go into it in more depth.

### **1.2. Personal capability assessments – Drug and alcohol abuse and dependency**

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

*What members of the team used by Dependability Ltd to carry out the personal capability assessment have specialist knowledge of drug and alcohol abuse and dependency?*

210

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

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

Could I ask the Minister for the Treasury, what members of the team used by Dependability Ltd to carry out the personal capability assessment have specialist knowledge of drug and alcohol abuse and dependency?

215

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

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

220 All of the health care professionals employed by Dependability Ltd to carry out personal capability assessments have a clinical background and medical knowledge of drug and alcohol dependency. They are also trained in the effects of alcohol misuse on mental and physical functions.

225 Furthermore, those health care professionals have been given additional training on how to complete a functional assessment in accordance with the medical assessment guidance. They are trained to identify any areas of permanent mental impairment or physical dysfunction that have resulted from drug or alcohol misuse. These factors are used to determine capability for work.

230 Mr Speaker, a person who has a drug or alcohol problem is not necessarily incapable of work. How they manage their addiction and what treatment they are receiving will be important factors in determining their capability for work. For many, work will actually aid their recovery, giving them a sense of purpose and focus. In contrast, worklessness will likely have the opposite effect.

Thank you, sir.

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

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

240 I do not think anybody is disputing that they have got a medical background or some clinical knowledge, but I asked specifically what specialist knowledge of drug and alcohol abuse and dependency they had. I would say that from what I have seen and what I have been told, they do not have, so I would really like the Minister to answer that – what specialist knowledge?

245 Would he not agree that when somebody is partway through a treatment plan to get off drugs or alcohol or some substance, and the GP says they are not fit to go back to work yet, that should be it? They should not even be assessed because that is actually putting an awful lot of stress on these people when they are trying to turn their lives round.

**The Speaker:** Minister.

**The Minister:** Thank you for that, sir.

250 The specialist knowledge: they are not actually specialists (**Mrs Beecroft:** No, exactly.) in drugs and alcohol, but what they are is they have access into our own Drug and Alcohol Unit. So basically, they will contact our Drug and Alcohol Unit. The patient is receiving treatment, they are on a referral path – where are they on that referral path? It depends on the stage of the referral path, but if they are engaging with that referral path, and the treatment course which has been put in place by the Drug and Alcohol Unit, then the PCA will be stopped until that process is completed.

She has obviously got a case in mind: if she would just like to bring the name of that person to our attention, we will certainly have a look at it.

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

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

I have more than one case in mind – several of the people do not want their names to be mentioned, because they are worried about the repercussions.

265 Could the Minister clarify then if the specialist knowledge is actually available to the team – why it is not a specialist who is carrying out the assessment in the first place?

**The Speaker:** Reply, sir.

270 **The Minister:** Because basically, what they are doing is they are a gateway to build up an overall report, an overall picture of the person's ability to undertake some form of work, which may not be the same form of employment as they had before.

275 So if a claimant is on a structured detox or rehabilitation programme at the time of their personal capability assessment, they may be deemed to be incapable for work for up to six months after their detox or rehab programme commenced, provided they continue to engage with that programme.

280 So as I said before in the answer to a supplementary question to an earlier Question, there are various information feeds coming in, and Dependability builds up their report on the basis of that information.

**The Speaker:** Mrs Beecroft.

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

285 Just for clarity then, where somebody has engaged in a detox programme or whatever other programme has been recommended for them, and their own specialist or GP says they are not fit for work, would the Minister re-think about sending them for an assessment that could actually frighten them and set them back in their progress because they are so stressed about it?

**The Speaker:** Minister.

290

**The Minister:** Actually, we are not to know the actual circumstances at the start –

**Mrs Beecroft:** Listen to the GPs!

295 **The Speaker:** Minister.

**The Minister:** We are not to know the actual detailed medical case at the start. It is only when we start actually having a look, or Dependability starts having a look, that this information comes out.

300 As I have said, as long as they are on a structured detox or rehab programme, and complying with that programme, they will be deemed to be incapable of work for up to six months after the programme commenced. So I think that is recognising the specific, difficult circumstances that these people are encountering.

305 **The Speaker:** Final supplementary, Mr Karran.

310 **Mr Karran:** Vainstyr Loayreyder, does the Treasury Minister agree that the situation as far as the personal capability assessments, and the specialist knowledge as far as drug and alcohol abuse and dependencies, by this organisation are farcical when I have got a Question down later on this paper from people expressing deep concern about the long-term damage and the setback of persons being assessed by people with no idea, as far as these aspects of drug and alcohol abuse, or the issue of mental health, which is another factor (**Mrs Beecroft:** Yes.) which is appallingly lacking as far as this assessment, which will end up costing us more by this exercise?

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

**The Minister:** He made some wild allegations there, which is not unexpected, coming from the Hon. Member for Onchan.

320 **Mr Karran:** Well, go and listen to your staff then, because they have been on to me – Treasury.

**The Minister:** ‘Farcical’ – no, it is not. This is a structured approach to try and help people, to help them –

325 **Mr Karran:** It is a cost-saving exercise.

**The Speaker:** Hon. Member, please let the Minister reply.

330 **The Minister:** And I have made it clear that cost is *not* part of the equation.

**Mr Karran:** You would give the figures then.

335 **The Minister:** But what I would mention to the Hon. Member – who seems incapable of keeping his own counsel at the moment – the people who are undertaking the assessment do know what they are doing; they are experienced professionals.

I would also point out to the Hon. Member that there has been very significant investment in the last few months by the Department of Health and Social Care in mental health facilities. It was the Cinderella; now it is the blushing bride.

340 **Mr Karran:** What is the professional – ?

**The Speaker:** Hon. Member, do you have a final supplementary?

345 **Mr Karran:** Yes, certainly, Vainstyr Loayreyder.

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

350 **Mr Karran:** Can the Shirveishagh Tashtee tell us the professional qualifications as far as this assessment is concerned?

If he has not got it, please circulate their professionalism and ability as far as drugs, alcohol and mental health – and you will see who is actually being factually correct in this House.

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

**The Minister:** Their qualifications were set out in a letter addressed to Hon. Members on 22nd October last year, sir.

### 1.3. Personal capability assessments – Variance between Dependability Ltd and GPs’ opinions

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

*In circumstances where the assessment made by people employed by Dependability Ltd are at variance with the claimant's own GP, whose opinion prevails when awarding benefits?*

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

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

May I ask the Minister for the Treasury: in circumstances where the assessment made by people employed by Dependability Ltd are at variance with the claimant's own GP, whose opinion prevails when awarding benefits?

365 **The Speaker:** The Minister to reply, Mr Teare.

**The Minister for the Treasury (Mr Teare):** I would like to take this opportunity to reconfirm that Dependability Ltd do *not* make decisions on benefit claims. Their function is to examine the claimant, allocate scores against the prescribed activities and descriptors that constitute the personal capability assessment, and make a written report including a recommendation to a Social Security adjudication officer. It is then for a Social Security adjudication officer to make the decision on their capability for work.

370 With the greatest of respect to the Island's GPs – who do a fantastic job – it is not their function, nor would they have the time or specialist training, to determine whether their patient is capable of any type of work based on the statutory test for incapacity benefits, i.e. for personal capability assessment.

375 However, in all cases when assessing a benefit claimant's capability for work, we ask the claimant's GP to complete a questionnaire about their patient's condition and any treatment they are receiving. All information supplied by the claimant's GP will be taken into account when assessing whether the claimant is or is not capable of work.

380 The GPs on the Island are aware of the PCA process and of the qualifications of Dependability staff and have expressed no concerns to us – and indeed they are supportive of Treasury's approach.

Thank you, sir.

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

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

390 I think everybody is aware that Dependability do not actually make the awards – and that is not what I said in the original Question.

The Question is, where Dependability and any subsequent person within the Department makes the assessment that they are fit for work and that is at variance to the GP, who is responsible for that final assessment? Who is responsible if anything goes wrong? If the GP says to the Department and says to Dependability, 'This person is not fit for work', and the Treasury Department decides that they are and something happens, who is responsible for that?

395 Whose insurance does somebody claim on? Who takes the ultimate responsibility for this?

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

400 **The Minister:** The buck stops with the Department, sir.

**INFRASTRUCTURE**

**1.4-1.5. PAC Report on dredging of Peel Harbour; Airport runway extension –  
Questions withdrawn**

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

*1.4. What disciplinary action will arise as a result of the Public Accounts Committee recent Report into the dredging of Peel Harbour?*

*1.5. Whether easyJet Airbus aircraft will be able to fly to and from the Isle of Man in the event of the extension to the runway being closed?*

**The Speaker:** Question 4, the Hon. Member for Onchan.

**Mr Karran:** Questions 4 and 5 have been withdrawn, Mr Speaker.

405

**The Speaker:** You have withdrawn Questions 4 and 5? Right.

**HEALTH AND SOCIAL CARE**

**1.6. Mental health care –  
Waiting times for appointments**

The Hon. Member for Onchan (Mr Karran) to ask the Minister for Health and Social Care:

*What the average waiting time was for an appointment to see a Mental Health Professional in the last 12 months; and whether there has been any increase because of the work load as a result of the fitness to work assessments?*

**The Speaker:** Question 6, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, the Question to the Shirveishagh Slaynt, Social Care: what the average waiting time was for an appointment to see a Mental Health Professional in the last 12 months; and whether there has been any increase because of the work load as a result of the fitness to work assessments?

410

I so ask, Vainstyr Loayreyder.

**The Speaker:** The Minister for Health and Social Care, Mr Quayle, to reply.

415

**The Minister for Health and Social Care (Mr Quayle):** Thank you, Mr Speaker

The average waiting time for an appointment to see a mental health professional over the last 12 months is dependent upon which service or practitioner is required. For example, a referral for a community mental health professional for adults stands at six to eight weeks; for an occupational therapist, mental health, six weeks; for an adult psychiatrist, six to eight weeks; for a psychological therapist, eight months; for a drug and alcohol mental health professional, four weeks; for a community mental health professional for older adults, two weeks; for a community mental health professional crisis response home treatment team, within 24 hours; for a child and adolescent mental health professional, six to eight weeks.

420

425

The personal capability assessments, whilst not having a direct effect on waiting times for an appointment, have had an effect on workload. This includes carrying out assessments, producing

430 reports, liaising with patients and management where appropriate, and in some instances providing additional support to individuals who may be going through formal capability procedures at work, e.g. a tribunal.

**The Speaker:** Supplementary, Mr Karran.

435 **Mr Karran:** Vainstyr Loayreyder, can the Shirveishagh inform this House as far as any increase or decrease in the last 12 months as far as this issue is concerned?

I am thanking him for his reply because I am sure the Service Users' Group will find this very useful to find out whether this is fact or fiction, and it will be very interesting to see that these standards are going to be kept up.

440 **The Speaker:** Minister.

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

445 It is a little disappointing about 'fact or fiction', but I am pleased to be able to give him the average waiting times for the *previous* year, Mr Speaker, estimated as following: community mental health professionals for adult figures are not available for comparison as the referral process and configuration of the team has changed, although the management to believe that the waiting time has increased. Occupational therapist adult mental health, six weeks, remains unchanged; adult psychiatrist, five weeks, that has seen an increase in the waiting time; psychological therapist, 10 months, that has seen a reduction and now it is eight months; drug and alcohol team professional high risk, within two weeks, medium risk within four weeks and low risk within six weeks, remains unchanged; community mental health professional for older adults, two weeks, remains unchanged; child and adolescent mental health professional generic appointment, four to six weeks; neurological development clinic, six weeks, and that has increased six to eight weeks; and last but not least, community mental health professional crisis response team within 24 hours, which remains unchanged.

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

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

460 I am sure the Minister will put me right if I have misheard something or written it down incorrectly. I think he said that community mental health for adults was six to eight weeks at the moment but there was not a comparative because of restructuring or something, but that the managers thought it had increased.

465 I am just wondering if he could give any indication how much of an increase his managers are telling him there has been?

**The Speaker:** Minister to reply.

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

470 That was just our office being as honest as possible trying to give a gut feeling that they *feel* it has increased, but because of the changes in working practice, etc. that they are undergoing at the moment they were unable to give an exact time – it was just their feeling.

**Mrs Beecroft:** Lots or a little bit?

475

**The Minister:** It will be a little bit.

But I am delighted to say that we have a new Head of Mental Health Services, Mr Speaker; and the proposals in the pipeline and the projects that they are working on I am confident will see some significant improvements, especially to the children side of mental health.

480 **The Speaker:** Final supplementary, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would be Shirveishagh take on my thanks for actually trying to answer the Question with the figures that should be in the elected House, as far as giving a decent answer – more than other Ministers as far as Questions put down on the Question Paper.

485 But would the –

**The Speaker:** Hon. Member, would you get to your Question please? We do not need this preamble.

490 **Mr Karran:** Would the Minister not think it would be important maybe to meet up with the Service Users' Group, who are there to try and help this section of the community, on a regular basis to make sure that he *does* know what is actually going on? And would he consider having a meeting with that group in order to make sure that he is actually fully aware of what is reality, which is a major problem with some Ministers in this House?

495

**The Speaker:** Hon. Member, these little asides that you throw into your supplementary questions do you no credit, sir; and would you please refrain.

**Two Members:** Hear, hear. (*Interjection from Mr Karran*)

500

**The Speaker:** Minister to reply.

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

505 If I could point out to the Hon. Member for Onchan, that obviously with the size of the Department of Health and Social Care, I have a number of political Members on the Department who have responsibility.

510 Mr Michael Coleman MLC has responsibility for mental health and I am sure he does meet with the organisations representing the public on numerous occasions; and I know in the last month or so I have toured the new mental health facility building that is currently under construction – Manannan Court – and met with them and had a chat.

So whilst I do my best to see all organisations throughout the Department, I cannot regularly meet with them; but we do have a very good political Member working in that area – as we do in all other areas of the Department. (*Laughter and interjections*)

## COMMUNICATIONS COMMISSION

### 1.7. Mobile phone masts – Monitoring microwave levels

The Hon. Member for Douglas North (Mr Houghton) to ask the Chairman of the Communications Commission:

*How often the microwave levels from mobile phone masts are monitored?*

515 **The Speaker:** With that, we move to Question 7, the Hon. Member for Douglas North, Mr Houghton.

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



I beg leave to ask the Chairman of the Communications Commission, how often the microwave levels from mobile phone masts are monitored?

520

**The Speaker:** The Chairman of the Communications Commission, the Hon. Member for Rushen, Mr Watterson.

**The Chairman of the Communications Commission (Mr Watterson):** Thank you, Mr Speaker.

525

Ofcom, the United Kingdom's communications industry regulator, has responsibilities across the UK *and* the Isle of Man for managing the UK civil radio spectrum – which includes mobile phone base station transmissions. Between 2001 and 2012 Ofcom and its predecessor – the DTI Radio Communications Agency – conducted a programme of measurements around mobile phone base stations. The Isle of Man was included within the scope of this programme.

530

The Ofcom programme found that emissions levels around mobile phone sites surveyed were consistently found to be a very small fraction of the safety levels for exposure published by the UK Health Protection Agency. Therefore the ongoing programme of measurements has now finished.

535

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

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

I thank the Chairman of the Communications Commission for his answer, but since then of course technology has grown. We are now from 3G to 4G, which *must* be a stronger signal (**The Chairman:** No!) coming out of these mobile phone masts.

540

Would he do two things ... I would be grateful if he would? One is, would he circulate those measurements that have come from Ofcom, for Hon. Members' information?

And two, would he ask Ofcom to do further checks on masts on the Isle of Man, specifically, with the increased technological output from these masts?

545

I would be very grateful.

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

**The Chairman:** No, Mr Speaker.

550

Firstly, I do not accept that the change from 2G to 3G to 4G has meant a great increase in the amounts of power people are being susceptible to in terms of, as is mentioned, what is per square metre in open and closed areas. It is just a different propagation system, it is not an increase in the power output. So that would be the first point I would make – it is very different and it is not the way it is working.

555

In terms of the total band exposure recorded: the highest value total band exposure recorded during those surveys was approximately one one-hundred-thousandth of the ICNIRP maximum guideline reference levels for public exposure. So we are talking about minute fractions of the accepted safe levels.

560

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

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

Can I actually draw the Minister's attention to the report that was done in 2009 to the Council of Ministers? Could I ask the Minister: the Communications Department, there was an obligation there under the recommendation number 5 – he may not be aware of this – but could I ask him regarding the Communications Commission, what reports have they been doing and how have they been complying with the recommendation which was approved then that all the sites and information should be put in the public domain?

565

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

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

575 **The Chairman:** Well certainly, for all sites that were surveyed, the results are in the public domain; and if the Hon. Member does not have a link to that I will make sure he gets one.

I would also point out that whilst there has been an awful lot of heat, rather than light, about base stations, the World Health Organisation accepts that the radio frequency fields emitted by mobile phones – the actual *handset* – is around a thousand times higher than that from base stations –

580

**Mr Houghton:** I do not think that.

**The Chairman:** So the simplest – Well, I will go with the World Health Organisation, rather than Dr Houghton, here.

585 And I think that is possibly the more important thing: if you do not want to be exposed to these sort of electro-magnetic fields, the best thing to do is do not own a mobile phone.

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

590 **Mr Karran:** Vainstyr Loayreyder, with the great experience of the Shirveishagh Cooishyn Sthie here on this, can he just explain what is the difference between 3G and 4G, and the implications as far as the power and the effect is concerned?

Can the Shirveishagh tell us when the list of the monitoring of these mobile phone masts was last done? When was the last time they were *done* and who actually *did* them?

595 Allowing for the fact that I am surprised that we do not actually do that through our own agency, as far as the Communications Commission – after all whilst it polices the monopoly, it does cost something like £300,000, or something.

**The Speaker:** The Chairman.

600

**The Chairman:** We had this, I think it was last week, Mr Speaker. And I will again debunk the myth that it is costing money. The Communications Commission generates half a million pounds surplus to return to Treasury every year. (*Interjection by Mr Karran*) There is still the propagation of this myth that it is a net loss to Government, where in fact it yields benefits to Treasury.

605 The last audit was done in 2012 and, as I say, I am happy to arrange for the results of those to be circulated; but as I have already said, the one with the highest result was one one-hundred-thousandth of the maximum guideline reference level.

610 Undertaking a system of mast audits on the Isle of Man would cost us in the region of £70,000 a year and you can see that just would not be value for money given the fractions of the safe levels that are being emitted. So I do not see the benefit of it, sir.

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

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

615 I thank the Hon. Chairman for putting so much very interesting information on *Hansard* for the future that he may regret he said today.

**The Chairman:** Dr Houghton being the most ...

620 **Mr Houghton:** We will see – that is all I can say to you, Mr Watterson.

Out of his £300,000 budget – a very large budget for the Communications Commission, when we do not see very much coming out of that place – would he agree to conduct a further proper, independent survey on the mobile phone masts, unannounced?

625 And also would he please supply us with the scientific information that he has been relying upon this morning?

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

630 **The Chairman:** Yes, Ofcom are responsible for measuring the power output – what we would be doing would be duplicating something that is somebody else's job and I would not intend to waste public money doing that, sir.

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

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

Could I just ask the Minister then with reference to the examination that took place in 2012? Since then there have been a number of microwave transmitters that have been established on the Island – site-to-site units.

640 Can I ask the Minister on that: what has Ofcom or the Communications Commission been doing about examining the microwave transmissions that are coming from those particular towers?

And while I am on my feet, can I ask the Chairman of the Communications Commission regarding the proliferation of sites for new masts: would he not consider that it is the policy of this Government to make sure these sites, or these additional masts, are clubbed together on additional mast sites? Would he not agree that is a good suggestion?

645

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

650 **The Chairman:** It is already the policy to use the existing mast network – as much as anything to prevent the proliferation of additional masts and things like that – rather than any other reason.

In terms of the micro-transmitters – and we are straying a bit, because I am primed for the mobile phone network – but I understand that they are regulated in the same way.

655 **The Speaker:** The Hon. Member for Douglas South, Mrs Beecroft.

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

660 Would the Chairman not agree that it is slightly disingenuous to compare the emissions with base masts to those of mobile phones, because people who have concerns can actually stop using a mobile phone if they feel strongly about it? But it is not always easy to avoid being near a base mast?

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

665 **The Chairman:** Well I thought it was a very useful comparator to allow people to know that the exposure from using a phone was a thousand times that from using a base station, but of course, you hold the phone right up to your head, whereas you would normally be several metres at least from the actual transmitter from any base station, and given that the power decreases by the square of the distance, you are going to end up with a far lower exposure living near a base station than you are by using a mobile phone. I think that was a valid point to make. I do not think it was disingenuous, but I thought it would be something that people who may have concerns in this area would be validly interested in.

670

**The Speaker:** Final supplementary, Mr Hall, Hon. Member for Onchan.

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

Does the Chairmen not accept and agreed that mobile telecommunication masts have not been in common use for long enough to be able to draw definitive conclusions on the long-term effects of exposure to radio frequency radiation?

680 Would he not further agree that ionising radiation, radioactivity is recognised as being a cause of various brain cancers, but cases due to radioactivity rarely become apparent before 10, 20 or 30 years of exposure?

**Mr Houghton:** Hear, hear.

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

**The Chairman:** Yes, I would accept the points that the Hon. Member makes. I would say that we are not battling this alone in the Isle of Man. There are some 6.9 billion subscriptions globally for mobile telephones and it is something that we will follow international best practice on, sir.  
690 *(Interjection)*

## TREASURY

### 1.8. Housing of vulnerable persons – Direct rent payment; accommodation standards

The Hon. Member for Onchan (Mr Karran) to ask the Minister for the Treasury:

*What safeguards there are to protect vulnerable persons on benefit to allow them to pay their rent direct; and what plans his Department has to bring in standards of accommodation and introduce rent allowances?*

**The Speaker:** Question 8, Hon. Member for Onchan, Mr Karran.

695 **Mr Karran:** Vainstyr Loayreyder, I would like to ask the Treasury Minister, Shirveishagh Tashtee, what safeguards there are to protect vulnerable persons on benefit to allow them to pay their rent direct; and what plans his Department has to bring in standards of accommodation and introduce rent allowances?

**The Speaker:** Treasury Minister, Mr Teare to reply.

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

I thank the Hon. Member for Onchan for his Question. Social Security legislation already exists which allows for a benefit claimant's rent to be paid direct to a landlord if: they are in arrears with their rent or are likely to get into arrears; and it would be in their interests to be paid direct to their landlord. A limited contribution towards any arrears of rent may also be paid direct to the claimant's landlord if applicable.  
705

The provision for rent direct payments and the provision of accommodation of an acceptable standard are not however linked and never have been. It is not the function of the Social Security benefits system to ensure that accommodation which is rented by claimants is of an acceptable standard. That I believe requires a multi-Department, multi-agency approach, and it is ultimately the responsibility of this Hon. House and another place to decide whether  
710

legislation should be brought forward to provide that properties for let must meet certain standards.

Thank you, sir.

715 **The Speaker:** Supplementary question, Mr Karran.

**Mr Karran:** Thanking the Shirveishagh Tashtee for his reply, would he not agree that the fact that the Service Users' Network who look after the interests of people with mental health and other social problems have raised these and the questions of my hon. colleague for South  
720 Douglas

Would he not agree that the situation needs to be that he has got power under secondary legislation, to actually bring about that why should taxpayers' money be spent on giving this money to places that we would not regard as acceptable accommodation for ourselves, where we are in a more stable position than many of these people are being forced to accommodate  
725 such substandard accommodation?

**The Speaker:** Treasury Minister.

**The Minister:** Could I suggest to the Hon. Member that the passage of the Landlord and  
730 Tenant (Private Housing) Bill 2014 could well have helped this.

**Mr Robertshaw and other Members:** Hear, hear.

**The Speaker:** Supplementary question, Mrs Beecroft.  
735

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

Would the Minister consider just putting out something to those who would be interested in this, the different organisations, and possibly to people who are on benefits, to make them aware that there is this option available because a lot of people do not realise it and end up  
740 getting into debt because they are given the money, and particularly those with mental health issues or substance abuse issues. They get into debt, and they do not realise that they could have had their rent paid direct, that there is that option. Maybe he would highlight it to those people.

745 **The Speaker:** Treasury Minister.

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

Rather than wait for the *Hansard* to produce the transcript of the Hon. Member's suggestion, could I ask her just to drop me a line, and I will certainly have a look into it.  
750

**Mrs Beecroft:** I will do, yes.

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

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

Could I ask the Treasury Minister ... First a comment from me, I suppose, if I can get away with it. If the Landlord Bill was actually equal for everybody, I think Members would have accepted that, would he not agree?

Can I ask the Minister, though, regarding direct payment, which is the question – direct  
760 payment to landlords or to local authorities – the individual has to agree this, because it is a right of an individual to dispose of the portion of the rent in any way he sees fit. Could I ask what safeguards the Treasury Minister would have to stop persons getting into debt, because

765 sometimes individuals can and have in the past not notified ... or notified the Department to stop it, and then the landlord does not find out for another month. That is the issue when they get into debt.

**The Speaker:** Minister.

770 **The Minister:** The Hon. Member who has just resumed his seat has hit the nail on the head. It is difficult knowing the exact circumstances of the case, but the first issue I would say is that the individual, the tenant has to agree for the rent to be paid direct to the landlord.

775 We are having issues of the moment, to be honest with Hon. Members, whereby some tenants have left the premises but the rent is still being paid, because the Department that they have left the premises. So there is a bit of an issue there at the moment that we are currently looking into.

But safeguards about people getting into debt: we will try and help them, and if they contact us and ask for the rent to be paid direct to the landlord, then we will.

780 Interestingly enough, the number of payments to the landlord, the direct payments to the landlord, have more than tripled in the last seven years. That is in terms of the number of payments rather than the amount paid, sir.

**The Speaker:** Hon. Member for Douglas West, Mr Thomas.

785 **Mr Thomas:** Thank you, Mr Speaker.

Can the Hon. Treasury Minister update this House on the actual figure paid by Social Security for housing, I believe it was £20 million a year or so ago. If it is that or a larger amount, does the Treasury Minister agree, it might be seen as being less than perfect if not neglectful for him to have answered that he was not concerned about the standard of the accommodation acquired for the payment of £20 million?

790 Furthermore, could the Treasury Minister advise this House how he has consulted with others who might care about the standards of accommodation before providing the answer he has given today?

**The Speaker:** Treasury Minister.

795 **The Minister:** I think the hon. gentleman who has just resumed his seat has misquoted me. I did *not* say that I was not concerned with the standard of accommodation. That is the last thing that I said. It is definitely incorrect and I am sure that *Hansard* will support me on that.

800 The bill for Social Security housing: I do not have those figures with me. What I would say is that the biggest organisation in receipt of direct payments is Douglas Corporation, who received in the last financial year £1.56 million from Social Security.

**The Speaker:** Hon. Member for Malew and Santon, Mr Cregeen.

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

Would the Minister not agree that when Government is effectively paying itself the rent, it would be easier for those tenants to actually have that money paid directly, because if a tenant gets into rent arrears, and the Government is paying it, they are losing twice? So would he not consider it to be something for themselves to look at seriously?

810

**The Speaker:** Treasury Minister.

815 **The Minister:** As I said earlier, in the answer to a supplementary question, the tenant has to agree, under the terms of the regulations. We cannot just say that 'because you are in local authority or public sector housing, the rent will be paid direct.'

**The Speaker:** Final supplementary, Mr Karran.

820 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh Tashtee not agree that the issue of the legislation that failed is one thing, but would he not agree that if it was something to do with banking or finance, we would see a lot more priority, as far as using secondary legislation, in order to bring about some sort of standards of guiding the taxpayers' money, public money, on accommodation that is totally unacceptable to anyone in this House to live in? Why should we  
825 be subsidising that sort of accommodation by the taxpayer, when we hear, week after week, about wanting to cut back? Here is a way of cutting back and making sure that standards actually go up as far as accommodation to protect this very vulnerable section of the community?

**The Speaker:** Minister.

830 **The Minister:** Well, the issue really is that the opportunity was in Hon. Members' hands when the legislation came before them. *(Interjection by Mr Karran)* The legislation did not fail because of the want of any enthusiasm or action on the part of Government. It failed because it did not pass this House – simple as that. So we brought the legislation forward. It did not meet the approval of this Hon. House. **(Mr Robertshaw:** Hear, hear.) Therefore that is where the  
835 matter rests.

**The Speaker:** Hon. Members, that brings us to the end of Question Time.  
There are seven Questions for Written Answer. The replies will be distributed.

## 2. Questions for Written Answer

### CHIEF MINISTER

#### 2.1. Minister for the Cabinet Office and Minister for Policy and Reform – Decisions made

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

*Pursuant to his Written Answer 3 of 26th January, how many decisions, and on what dates, he has made as Minister of the Cabinet Office; and how many decisions the Minister of Policy and Reform has made and on what dates?*

840 **The Chief Minister (Mr Bell):** In preparing this Answer, all recorded decisions by the Minister for the Cabinet Office have been collated. It is important to note that in addition to decisions relating to the statutory functions of the Department, ministerial decisions are made in relation to the operation of the non-statutory functions of the Department.

845 *Minister for the Cabinet Office*

Date	Number of decisions made
07/01/16	5
08/01/16	1
27/01/16	6

*Minister for Policy and Reform*

There are no decisions recorded to date for the Minister for Policy and Reform.

### TREASURY

#### 2.2. Demolition contracts – Amount paid to contractors

The Hon. Member for Onchan (Mr Karran) to ask the Minister for the Treasury:

*How much was paid for a demolition contract for each contractor in each of the last three years?*

850 **The Minister for the Treasury (Mr Teare):** The Treasury does not record the information requested and has not been instructed to tender any demolition contracts in the last three years. Treasury did however make a request to each Department to provide demolition contract information and a summary of the responses received is below:

Year	Contractor	Value	Scheme
2013	Manx Demolition Ltd	£105,000	Park Road School
2014	Manx Demolition Ltd	£6,100	Knockaloe Farm, Barn Demolition
2015	JCK Ltd	£23,989	Bridge House, Foxdale
	Island Drainage & Groundwork Ltd	£189,000	Glenside



**POLICY AND REFORM**

**2.3. Government employees nearing retirement –  
Breakdown by Division**

The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Policy and Reform:

*Pursuant to his Written Answer to Question 2 on 26th January, if the Minister will provide a breakdown by Division of the 318 employees as at 19th January?*

**The Minister for Policy and Reform (Mr Shimmin):** Pursuant to my Written Answer on 26th January 2016, the staffing of the Cabinet Office broken down by Division is as outlined in the following table:

855

Division	No of People	Full Time Equivalents
Executive Office	18	16.27
Government Technology Services	107	105.8
Change & Reform	14	12.43
Policy & Strategy	6	6
Crown & External Relations	41	38.32
Human Resources	60	56.98
Payroll	28	27.27
Learning, Education & Development	44	38.78
<b>Grand Total</b>	<b>318</b>	<b>301.85</b>

\* Notes

Change & Reform includes the Welcome Centre

Human Resources includes Health, Safety & Welfare

**HEALTH AND SOCIAL CARE**

**2.4. Radiology clinic –  
Cancellation of appointments**

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

*Why the radiology clinic on 13th October 2015 listing 14 scan appointments was cancelled?*

**The Minister for Health and Social Care (Mr Quayle):** The rescheduling of this clinic relates to the Magnetic Resonance Imaging bookings for 13th October.

Unfortunately, appointments involving five patients from 13th October had to be rearranged.

This was due to a number of inpatient and other high priority referrals. There was no option but to reschedule some patients.

860

The patients rescheduled were non-urgent and were given new appointments quickly.

Unfortunately there is a high demand and pressure on MRI appointments, which exceeds the current staffing capacity of the service.

**2.5. Stroke or vascular emergencies –  
Standards of diagnosis and care**

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

*Whether a person who has a stroke or vascular emergency on the Isle of Man will receive a standard of diagnosis and care equal to that they would receive if they lived in England?*

865 **The Minister for Health and Social Care (Mr Quayle):** There are considerable variations in the approach to stroke care in the UK, with services often colloquially described as subject to ‘postcode lottery’.

870 Although the last quarter of the National Stroke Audit showed us just below the national average for overall stroke care, there were areas we were doing well compared to the UK average. Since this audit period, we have made further improvements which should reflect in the future audit results. There are further improvements planned for the future, which should take us to the UK average over the next year or so.

875 The review, conducted by Prof. Tony Rudd, affirmed that current best practice in stroke services requires patients who have suffered a stroke to be cared for in their early acute, and then their rehabilitation phase, in a single co-located stroke unit.

880 The model Prof. Rudd recommended to the Isle of Man requires a maximum of 14 acute and rehabilitation beds for this purpose. In order to implement this recommendation as soon as possible, Ward 7 on the first floor of Noble’s Hospital (the previously designated acute care stroke ward) was identified as the best temporary location for the co-location of both acute and rehabilitation patients. It allows delivery of the recommended care pathway to stroke sufferers and follows the Royal College’s best practice guidance. To provide the full complement of 14 beds on a permanent basis, the stroke unit will be relocated in spring 2016 to a dedicated reconfigured area on the ground floor. Here, as well as the full complement of 14 beds, stroke patients will enjoy garden facilities and eventually a bespoke new gym and occupational health facility.

885 The provision of stroke thrombolysis significantly improves people’s outcomes from stroke, with up to 20% of people surviving without a disability after the stroke and more than half living without formal care input. Thrombolysis commenced at Noble’s in August 2015, Monday to Friday, 9 a.m. to 5 p.m. The case for a provision of a full thrombolysis out-of-hours service with the use of telemedicine is under consideration.

**2.6. Stroke patients –  
Number flown to England for diagnosis or treatment**

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

*How many times in each of the last five years stroke patients have been flown to England for diagnosis or treatment?*

**The Minister for Health and Social Care (Mr Quayle):** The Department can advise that less than 10 patients per year are transferred to England, out of approximately 250 stroke and 150 transient ischemic attack patients presenting in the Isle of Man.

**MANX UTILITIES AUTHORITY**

**2.7. Sewerage works provision –  
Expenditure and value**

The Hon. Member for Onchan (Mr Karran) to ask the Chairman of the Manx Utilities Authority:

*What the 25-year Capital Expenditure, Operating Expenditure, and Net Present Value of sewerage works provision at: (a) Patrick; (b) Glen Maye; (c) Dalby; (d) Kirk Michael; (e) Peel; and (f) St Johns are?*

895 **The Chairman of the Manx Utilities Authority (Mr Cannan):** Manx Utilities maintains a long-term financial plan which includes a 20-year projection of expenditure on capital schemes. Projections are not maintained beyond this 20-year timescale.

900 There is no planned capital expenditure on the sewerage works listed at (a) to (d) within the Manx Utilities' long-term financial plan, as the life of the sewerage works will exceed the life of the 20-year plan. Capital expenditure on sewerage works listed at (e) and (f) will depend on the option appraisal and design processes for each location. Provision is included within the Government capital programme for this expenditure.

The operating costs of the existing works for the 2014-15 financial year were:

905	• Patrick	£2,600
	• Glen Maye	£11,900
	• Dalby	£2,600
	• Kirk Michael	£17,800
	• St John's	£44,800

910

Operating costs for Peel will be dependent on the agreed design development process and final location of the new sewerage works.

915 Net Present Value calculations have not been performed on the above stated amounts as this is not required for operational purposes. Such calculations are dependent on, and highly sensitive to, numerous assumptions which change over time. The calculations are most useful for making comparisons but require the same assumptions to be applied in each case.

## Order of the Day

### 3. BILLS FOR SECOND READING

#### 3.1. Marriage (Same Sex Couples) Bill 2016 – Second Reading approved

Mr Bell to move:

*That the Marriage (Same Sex Couples) Bill 2016 be read a second time.*

**The Speaker:** We turn to Item 3, Bills for Second Reading, the Marriage (Same Sex Couples) Bill, and I call on the mover, the Hon. Member for Ramsey, Mr Bell.

920 **The Chief Minister (Mr Bell):** Mr Speaker, it is now 25 years since homosexuality was decriminalised. At that time, the law provided a possible sentence of life imprisonment for homosexual activity. Lives were ruined, lives were lost and the Isle of Man's reputation was in tatters, as a result of the prevailing social and political attitudes of that day.

925 Today this Hon. Court has the opportunity to bury that dark history once and for all, and to stand proudly alongside the growing international community in supporting the right of those in same-sex, loving and committed relationships to enter into marriage.

930 I realise, Mr Speaker, that this is a sensitive and emotive subject on which many Hon. Members will have very clear views, either for or against the idea of two people of the same sex being able to marry. I entirely respect that there is a range of strong personal views, which are held for religious, moral or other reasons, and that is why I am happy for there to be a free vote throughout the proceedings of this Bill.

935 It is perhaps useful to consider for a moment the debates from that time. Some people both in this House and outside it made dire predictions about the dangerous effects that the decriminalisation of homosexuality would have. It was said, amongst other things, that the Island would become a magnet for gay visitors and the Island's whole way of life would be undermined.

Of course, those predictions did not come to pass. Life continued as before, except for one thing. Those consenting adults who happen to be attracted to people of the same sex could go about their private lives without fear of becoming a criminal because of who they love.

940 In 2011, the Civil Partnership Act came into operation, and again, were there any great problems? In fact, there have been none, and to date the Isle of Man has celebrated 25 civil partnerships.

945 What will happen if the Marriage (Same Sex Couples) Bill is approved today and in its subsequent readings? Will it undermine the entire institution marriage or damage the marriages of heterosexual couples? No. Will it undermine the Church of England or other churches and religions? Of course not. The fact that same-sex couples can marry will have absolutely no effect on another person's marriage, and the Church of England and many other religious bodies will continue to maintain their view on what constitutes a marriage as only being a marriage between a man and woman.

950 It has been said as far as the Church of England is concerned, there is no such thing as a division between religious marriage and secular marriage. This is because the Church has traditionally accepted that the marriage of couple who have, for example, been married in a registry office as being a marriage in the eyes of the Church. If this Bill is passed, I imagine the established Church will maintain its traditional view, as indeed many others will do also, and as  
955 in other areas of law, the position under the Island's legislation will be somewhat different from the position under ecclesiastical law. This is already the case in England on this subject.

960 Although I will deal with what the Bill broadly includes in a moment, I think it is worth emphasising at this point that the Church of England is entirely excluded from the scope of this Bill. Its clergy cannot marry same-sex couples and its buildings cannot be used for same-sex marriage. If the Church's understanding of marriage were to change in the future so that it accepted same-sex marriage, further primary legislation would be required, and this is exactly the position under the legislation that now applies in England.

965 As for other religious bodies, their clergy will only be able to participate in same-sex marriages and their buildings will only be able to be used if the governing authority for the particular body has approved such participation. The Bill also makes it clear that no person can be compelled to be present at, carry out or otherwise participate in the religious marriage of a same-sex couple.

970 There is, however, one exception to this provision, and that relates to civil registrars and the Chief Registrar. As with civil partnerships, they may be required to participate in the same-sex marriage process. This is so that all couples can be treated equally in the provision of this important and, for civil marriage, secular public function.

I have just mentioned civil partnerships and some people may say that if civil partnerships are basically equivalent to marriage, why is the extension of marriage to same-sex couples needed at all? It may be that some Members will say that very same thing today, but I would disagree.

975 This point was made forcefully when the Civil Partnership Act was introduced. What was being granted to same-sex couples at that time was legal recognition of their relationship. That might be akin to marriage, but it definitely was not marriage. Even though the rights under a civil partnership may be nearly the same as the rights under a marriage, the very fact that the two things are described differently and by many perceived differently means there is discrimination.

980 As I have said, even just five years ago, the idea that two people of same sex could be married seemed entirely unrealistic in the foreseeable future. So what has changed? Mostly I think that society has changed and same-sex is now acceptable to the majority of people. I know when we consulted on this issue, only a narrow majority of responses were supportive of same-sex marriage, but personally, I do not believe that the outcome of the consultation exercise represents a true picture of attitudes on the Island. I believe that many more people in the Island are supportive of same-sex couples being able to marry than are opposed to it, and as in any consultation exercise or referendum for that matter, the people who respond are generally going to be those who have strong views or a particular interest in the subject matter of the proposals.

990 And this is why when we consult on something we make clear that the consultation is not a referendum on the issue. It is obviously important for consultation to take place to hear the views of those who wish to respond, but ultimately it is for Government to bring legislation to Tynwald that it considers to be the right thing to do for the Island as a whole. Hon. Members, I genuinely believe that this Bill *is* the right thing to do and that now is the right time to do it.

995 I know there has been some criticism that the consultation in this case was slightly shorter than usual, and that may be raised again, so I would like to address this point. It was slightly shorter. This was largely due to the pressure of time, but further reasons were set out in the consultation document.

1000 Did the length of the consultation stop people making their views known? From the number of responses and the length of some of those responses, it is clear to me that they did not. Would there have been a few more responses if the consultation had been longer? Possibly. Would those additional responses have significantly changed the overall picture? I do not believe so.

1005 This is, in essence, a simple issue. Do you believe in the principle of allowing two people of the same sex who are in a loving, committed relationship to get married or not? For a great number of those who responded to the consultation, it was a black-and-white issue and the detail of the Bill was not relevant. They were passionate in expressing their sincerely held views

about the principle both for and against, with some of the responses being very strongly worded.

1010 The Bill itself is a fairly short and straightforward piece of legislation, which is closely based on the legislation that is now in operation in England and Wales. In large part the Bill amends our Marriage Act 1984 and I know that a copy of that Act as it would appear amended by this Bill has been circulated to all Hon. Members for their information.

1015 I think that I have covered most aspects of the Bill, but for completeness, I will just reiterate the main points.

It will allow same-sex couples to be married in the Island by way of a civil ceremony, and in law those marriages will be equivalent to the marriages of opposite-sex couples. The Church of England and marriage according to its rights is entirely excluded from the scope of this Bill. It will permit the marriage of same-sex couples according to religious rights and usages of other religious organisations if, and only if, the governing authority of such an organisation has opted into that process.

1020 It provides that there will be no obligation or compulsion on religious organisations or individuals to carry out or participate in the religious marriage ceremony of a same-sex couple. It makes some consequential amendments to the Sharing of Church Buildings Act. It allows recognition in the Island of the marriages of same-sex couples that were lawfully entered into outside of the Island. It amends the Matrimonial Proceedings Act 2003 to provide for same-sex couples to be able to divorce. And finally, it amends the Civil Partnership Act, so that couples who wish to do so can convert their civil partnership into a marriage.

1025 Mr Speaker, attitudes in the world around us are changing fast. This legislation is now in operation in England and Wales and Scotland. Jersey and Guernsey have agreed to allow this change by 2017, and last year the landmark referendum in the Republic of Ireland broke new ground by strongly endorsing same-sex marriage in the first referendum of its type in the world. Those events just serve to illustrate how society in the countries round us have changed for the better in recent years.

1035 I genuinely believe that society here in the Island has also changed for the better. Embracing this legislation will reflect our position as a progressive society that takes seriously the rights of vulnerable people and minorities. The message the Isle of Man has to send out in 2016 is that we are a tolerant, inclusive, compassionate and open society; that we reject discrimination and we are outward looking and engaged with the wider world.

1040 I know that some people are and will remain firmly opposed to the marriage of same-sex couples. I may not agree with them but I do respect their views, and that they have the absolute right to hold those views, whether for religious or other reasons. It should be remembered of course, that both freedom of religion and freedom of expression are guaranteed under our Human Rights Act. What is not necessarily guaranteed, though, is for people of a particular faith or a particular interpretation of a faith to be able to decide what is right for others. It is our job here in this House to make law that balances the rights of everyone, and I believe that this Bill strikes an appropriate balance.

1045 Mr Speaker, I believe that the values of fairness and tolerance and compassion are shared by the substantial majority of people in our Island and in this Hon. Chamber. I believe that the time has come for everybody to be able to marry the person they love, whatever the sex of that partner.

Mr Speaker, I beg to move that the Marriage (Same Sex Couples) Bill 2016 be read for a second time.

1055 **The Speaker:** Hon. Member for Rushen, Mr Watterson.

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

**The Speaker:** Hon. Member for Douglas East, Mr Robertshaw.

1060 **Mr Robertshaw:** Thank you, Mr Speaker.

The mover of this Bill brings it to its Second Reading today backed by his clearly expressed, sincere and strongly held belief in the importance of equal rights.

I fully respect that, but for my part I will be opposing the Bill and wish to explain why I hold such views with what I believe is an equal strength of conviction. I am confident that each side will hear the other out in a calm atmosphere of mutual respect and the right we all have in this Hon. House to hold different views, as he has indicated.

Mr Speaker, I must apologise to Hon. Members because what follows is an expression of my strongly held personal beliefs, which normally remain just that – personal. It is, however, necessary to express them here, if my contribution to this Reading is to have any meaning.

1070 I hope that my views are not misrepresented outside of this Hon. House today – although here I travel more in a spirit of hope, than expectation.

Let me begin by saying how much I welcomed the introduction of the concept of the civil partnership some years ago. In my opinion, nothing has done more than its introduction to create a greater degree of tolerance and understanding in our society. As a consequence, I think we are becoming a more gentle and a far less prejudiced society – something that is translating into a much greater level of empathy, respect and understanding for differences in a whole range of areas that previously some may have found difficult – such as gender definition, mental illness, mental disability, racial prejudice, serious physical disability and profound physical impediment, to name just a few.

1080 I think it is fair, though, to say that many of us have all been on something of a journey in many of these areas over recent years.

Why then do I oppose same-sex marriage?

In the recent presentation given on this Bill by the mover some Hon. Members then present may recall both the question I asked and the reply I received. I asked the drafter of the Bill what the difference in law actually was between civil partnership and a marriage and his reply was very clear – and he is with us today. In law, he said, there is *none*. It is a difference of nomenclature. Put simply, in law it is the same thing but with a different name.

As you may be aware, in the well-publicised court case in England recently, a judge ruled that a heterosexual couple was not entitled to enter into a civil partnership because they already had full and open access to marriage. My understanding of his ruling was that it had the same basis as the explanation given to us by our drafter – that in law the two are of equal value to each other. They need not therefore be an overlapped or interchanged in any way.

If a heterosexual couple have no need to seek a civil partnership, then conversely a homosexual couple have no need to seek a marriage.

1095 Given that to be the case – I have no reason to doubt either our experienced drafter or the judge – then the mover of the Bill must be wrong when he argues that this Bill should be voted through on the grounds of equality of rights in law. Surely that has already been achieved and is now beyond question.

1100 So, if it is not a matter of equality, what, if anything, is the difference between the two? And, given that there is one, why would we be so unwilling to respect that difference in an age when, as I have already said, nothing has played a bigger role in the encouragement of respect for difference than the introduction of the civil partnership itself?

From my understanding of this subject, I am aware that there are a number of leading commentators, who are themselves homosexual, who have asked the very same question I pose here. They, like me, have said this move is unnecessary.

Turning away then from the matter of equality and addressing instead the matter of difference – I believe that this is best identified by looking at where the two forms of partnership find their origins.

1110 Clearly, the civil partnership came into being as a consequence of the long held and totally understandable wish of homosexual couples to have their form of relationship recognised in

law. They sought, and achieved, equality and recognition in the eyes of the law, essentially providing their right to legitimacy and respect.

1115 Marriage finds its origins not primarily in the rights of the couple, but rather in the need to protect the interests of the child or the children of that partnership. That essentially is what heterosexual partnership is about – it is the very nature of sexuality and procreation. Marriage therefore is, at its core, one of accepting a series of responsibilities around the bringing up of children.

1120 Therein, I believe lies the difference. A civil partnership is essentially one designed to acknowledge the rights of the couple. A marriage is essentially about the acknowledgement and acceptance of responsibilities designed to protect the rights and interests of the children.

Great progress has been made in recent decades in the recognition of rights. We only have to look at the emerging authority of the European Court of Human Rights or our own forthcoming Equality Bill to find significant examples of that.

1125 What I personally find disappointing-is that as the pendulum swings ever more towards the capacity of various jurisdictions to enhance the rights of their citizens – as indeed they should – an inextricable and subtle swing is occurring away from the desire to express the continued importance of responsibility.

1130 I believe this emerging mindset – where rights achieve primacy over responsibilities – is having a damaging effect in a number of areas, but here specifically, this Bill will have a damaging and detrimental effect of the institution of marriage.

The Bill before us, if it meets the approval of this Hon. House, will further undermine the institution of marriage because it will help to confuse the two key issues of rights, on the one hand, and responsibilities on the other, and in so doing have the quite unintended consequence of diminishing the importance that is attached to protecting the rights and the interests of children of that relationship.

1135 Mr Speaker, after all we have been through in recent years in the matter of the well being of our children, is that really what we want? Do we not want to reinforce the sense of responsibility in the upbringing of children?

1140 Only by way of example, in the event of divorce: have the mediators not got it right when they say that the preoccupation of the parents must be towards the responsibilities they have for their children; and our judicial system got it very wrong when it, by its very nature, draws the couple into an accusatorial confrontation, setting the *rights* of the two opposing parties against each other – with the consequence that the longer the case lasts the more expensive it becomes?

1145 That is why I told the hon. mover of the Bill some considerable time ago, when I was still a member of the Council of Ministers, if he did choose to bring a same sex-marriage Bill forward, that I would not be able to support it.

I said to him then – and he may recall this – that my stance was not about doubting the rights of homosexuals, but about the defence of the institution of marriage and what it actually means.

1150 Some might say that my argument is undermined by the rights of homosexual couples have to adopt children, (**Mr Thomas:** Hear, hear.) but I would say those holding that view make my case for me. They do not have a right to adopt any more than do heterosexual couples or single parents have that right. *It is not a right.* Adoption is very simply not about rights.

1155 Should any Member believe what I say here is somehow led by a religious conviction, then I would have to firmly correct that misunderstanding. Marriage has been a cornerstone of many religions *and none* – and of endless numbers of states and societies through the ages. Religious bodies simply play their part, where the couples so wish, in solemnising it within a religious ceremony.

1160 Let me turn now to two points the hon. mover made in his presentation, namely: that a number of states have already put same-sex marriage in statute; and secondly, that the Isle of Man would do much to repair its reputation for being, historically at least, seen as homophobic.



Taking his second point first. Through our introduction of the civil partnership, I believe we have already shown very clearly that we have dealt with that and are now in a good place. We have nothing we need to prove with further gestures. This is not about gestures.

1165 With regard to his first point, I do not accept that we should do something just because other jurisdictions have acted – any more than we should *not* introduce same-sex marriage because many other jurisdictions have *not* done so. Surely we must think this through for ourselves – and that is why we are here today.

1170 In conclusion, my contribution to this debate has focused on the rational and the legal and it should do because before us we have a Bill and ultimately clauses and then procedures. But in the final analysis we are talking about deeply emotional things. We are deeply emotional beings. It is those emotions that drive us to form deep relationships, be they homosexual or heterosexual, and both these forms of partnership demand our respect and acknowledgement.

1175 The point of difference, however, is when the state of being a husband and wife turns into that of being a father and mother at the point of procreation. It is when that partnership subordinates itself to that which is greater than itself that the family is created. That is where the true meaning of marriage comes into its own. It has been so for eons before we were born, and it will remain so long after we have gone and it is profoundly important that we continue to recognise that fact. I believe we need more time to reflect on this matter. There is no need to

1180 rush to judgement.

Thank you, Mr Speaker.

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

1185 **Mr Singer:** Thank you, Mr Speaker.

I am sure that all Hon. Members support fairness, equality and the respecting of alternative views, and in return expect their own genuinely held views to be similarly respected. I am always ready to listen to the views of others and I hope they would be always ready to listen to those that I express. I would never consider that I can push my opinion onto others or be pressurised

1190 into accepting theirs.

People live very different lifestyles, for many reasons, and in my view, if they are not harming anyone else, not breaking the law and they do not abuse me for having a different view, that is a modern world that we should be living in. We should not be condemning the fact that we have our differences; we should be celebrating them.

1195 We live in a modern world of equality, hopefully far advanced and removed from some of the practices we see in countries which are still living in the Middle Ages. We really have to ask if we want to be living in an atmosphere of enlightenment. I hope we have no qualms about answering yes.

1200 On my consideration of this Bill I have my own thoughts and opinions, but taking into account what I have just said, I fully respect that there are others who feel their opinions are equally valid – and they are. So it is an irrelevance what I think.

I have read all the comments on the consultation, and indeed they are very much polarised but every single opinion expressed I hope is generally felt and therefore should be respected. Those who support this Bill believe that two persons of the same sex who wish to confirm their

1205 feelings for one another and feel that marriage will strengthen that relationship cannot be said to be wrong. Similarly, those who oppose same-sex marriage, saying it weakens the institution of marriage, which should only be between persons of the opposite sex, also cannot be said to be wrong.

1210 I have considered both arguments long and hard. My personal conclusion is that heterosexuals deciding whether or not they wish to be married, either in a religious or civil ceremony, will not be influenced by legal marriage between people of the same sex. Similarly, the strength of those same-sex marriages will not be influenced by the other.

1215 If two people of the same sex wish to be joined in a marriage ceremony, who am I to say that they should not be able to do so if they feel it strengthens their personal relationship and commitment? We have accepted the right to a civil partnership for same-sex couples – their joining in marriage will not influence my life in any way and I will be very happy for them if they are happy.

1220 The sad fact – and I am one of those in the statistics – is that 42% of marriages in the United Kingdom end in divorce and there is no reason to believe that legalising same-sex marriages will have any effect on divorce rates. Recent figures from the Williamson Institute in the USA show that the divorce rate during the first year of marriage is 1.1% in same-sex marriages and 2% in heterosexual marriages – pretty similar.

1225 If I can now refer to the religious views, as you would expect from me, I totally respect the followers of peaceful religions who will accept the teachings and are to be respected for doing so, but surely the important word, the important attitude, should be tolerance, the attitude of ‘I may not agree with you but I acknowledge your right to have a different view, as long as you show that tolerance of my views.’

1230 The world is in transition and I think that the wide-ranging media to which we have access now enables us to form our own balanced views. I was very moved by the statement of Pope Francis in July 2013 after his visit to Brazil, when he said:

If someone is gay and he searches for the Lord and has good will, who am I to judge?

– a leader of the modern era bringing a fresh of breath air and equality. Of course, this does not endorse same-sex marriages but I believe it is a statement which brings a sea-change to society.

I acknowledge fully the interpretation of marriage by the established religions and the message delivered to their followers, but not everyone is a member of a religion, and even those who are may have a different view of the meaning of marriage. This is where there is a need to practise tolerance, accepting that as a fact.

1235 Overall, of course, it is essential within this Bill that the views of those who do not agree with the principle of same-sex marriage are fully protected by the law – that they are not ostracised for their opposing few, that they are fully entitled not to take part in any of the matters leading up to and including the marriage ceremony in any way. I think that the way this Bill is written does give that protection, whether it be in regard to the use of religious buildings or the service of the clergy all the way through to caterers and florists. I do note what the Chief Minister said about registrars and I have got one doubt in my mind that registrars also, wherever possible, need to be protected if someone has a strongly held view; and if there is an alternative – for example, another registrar will take the place of the registrar who does not want to undertake the service – I think that should, on every occasion, be able to take place.

1245 It is a case of respecting, not vilifying, those who genuinely hold opposing views. It has been said to me, ‘If we permit this, what will they want next?’ This, to me, is a nonsense argument, and those people should be true to themselves, not scaremongering, and vote according to their personal views, not be hiding behind such a negative excuse.

1250 Hon. Members will be aware that I have raised the subject of civil partnerships for heterosexual couples. The Civil Partnership Act 2011 gives rights to same-sex couples. My personal opinion is that under the headings of equality, fairness and human rights, civil partnerships should be legalised also for heterosexual couples. The view has been expressed that heterosexual couples should be directed to marriage as the rights obtained will be basically the same as in a civil partnership; but denying the civil partnership status to all is imposing the belief of others, which is unacceptable in today’s society. For those who wish to be in marriage it is fine, but some people do not wish to enter a marriage relationship for many personal reasons but they do wish to have a relationship which has protections for them and their family.

1260 I am grateful to Manx Radio, 3FM and the *Manx Independent* for publishing my thoughts on civil partnerships for heterosexual couples and asking for the public to relay their views to me. I thank those who have responded by email and telephone. All the responses to me were

positive, with one indicating that they thought there should be no civil partnerships at all for anyone if the same-sex marriage Bill is passed. Therefore, Mr Speaker, subject to this Second Reading being approved, it will be my intention to introduce an amendment at the clauses stage which will permit civil partnerships for heterosexual couples, therefore righting what I believe  
1265 has been an omission in the law, and I hope it will receive Hon. Members' support at that stage.

There is one final point that I wish to make. It may be that those who oppose this Bill will try to scupper its progress by sending it to a committee and it would not complete its passage through both Houses by the end of this session. I would say to them: be honest today, and if you oppose the Bill then vote against it.

1270 Thank you, Mr Speaker.

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

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

1275 At present I cannot support this legislation, and I would just like to give some background.

I am a Methodist, and as Hon. Members might expect, I sought guidance from my Church. We have always regarded marriage as a union between opposite sexes, and this is derived from an understanding of the principles set out in the Bible. However, you should not infer that we have always been reactionary or that our views may not change, and I would draw Hon.  
1280 Members' attention to our support of anti-discriminatory legislation, including civil partnerships in 1993. I also support the principles of the proposed equality legislation and look forward to having an opportunity to consider the provisions of the Bill in the near future.

In this instance, we have not had enough time to canvass the views of our members, as the period for consultation is only five weeks compared with 12 weeks for similar legislation in the  
1285 UK. It is difficult to appreciate the reason for the short timescale, as with more time we might have been able to support the proposed legislation. Our position is not set in stone and the Methodist Church in the UK hopes to have its position clarified by June this year.

It is not as if same-sex couples have no provision provided for them to celebrate their love for each other. We have the civil partnership legislation, which is specifically tailored to meet their  
1290 needs. It is exclusive to same-sex couples and I would argue that, at present, marriage legislation should be the avenue for opposite-sex unions.

Turning to the Bill itself, I do appreciate that there are caveats to religious organisations, but it is silent on the position of suppliers to weddings – for example, caterers, wedding cake makers, hirers of venues, or florists. If this legislation proceeds, then I feel that exemption could  
1295 be extended, perhaps by an amendment to the equality legislation which has recently been published.

With that, Mr Speaker, I give notice that I cannot support this Bill at this time.

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

1300

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

I will be brief, because for me most of it is a very brief matter: it is about equality.

As previous speakers have said, though, marriage is an emotional issue – of course it is; it is not just a legal issue. If it did not involve emotion, we would not fall in love and want to get  
1305 married. I do disagree that it is primarily about the rights of a child, because, for instance, why would I have remarried? I was certainly past childbearing age, but I fell in love with my husband and I wanted to marry him. It was a signal not just to us but to other people: we were a married couple – we felt that strongly about each other. I do not see why that should be denied to same-sex couples who have the same feelings for each other. So, to me it is not just a legal matter; it is  
1310 about emotion, fairness and equality in dealing with those emotional matters.

I have to agree with Mr Singer, though – I know this is outside the Bill – and I look forward to seeing his amendment about the equality on civil partnership for opposite-sex couples. Some

1315 people do not want to enter into marriage – maybe their feeling towards the very word is  
different to my interpretation, my emotional feeling for it, and I think we should be looking at  
ways to make it equal in that respect as well so that everybody's feelings and rights are  
respected under the law. So I very much look forward to seeing Mr Singer's amendment and I  
hope I will be able to support it when it comes along.

Really, that is all I have to say on it. I will be supporting the Bill. I think it is the right thing to  
do.

1320 **The Speaker:** Hon. Member for Onchan, Mr Hall.

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

1325 When it comes to matters of such public importance as the redefinition of one of the most  
fundamental and foundational institutions in our society as marriage is, it is perfectly reasonable  
to ask those who seek this change to listen to and give a fair hearing to those who oppose it. A  
healthy society is one that tolerates a diversity of opinion and viewpoints, and this should be  
valued.

1330 In opposing same-sex marriage, I see myself as addressing a very fundamental question.  
Would it be to the benefit of society and of families to make a fundamental change to the  
definition of marriage? What are the implications for society, and crucially for children, of the  
proposal that marriage would no longer mean a union between one man and one women in the  
kind of indissoluble relationship in which the procreation and raising of children takes place?

1335 You do not have to be a person of faith to value the centuries of tradition which societies the  
world over have attached to the institution of marriage; and, as has been pointed out, the  
unintended but glaring inequality resulting from the Marriage (Same Sex Couples) Bill, whereby  
same-sex couples are still entitled to continue in a civil partnership, to take up a civil partnership  
or to enjoy the extension of marriage, while opposite-sex couples have only the option of  
conventional marriage, albeit by a larger range of religious institutions. That is hardly fair. It  
gives rise to an inequality in what is being billed by the Chief Minister as a Bill to promote  
equalities, and in my view it does seem to fly in the face of notions of equality.

1340 This blatant unfairness that has been highlighted was recently challenged in the UK High  
Court by Rebecca Steinfeld and Charles Keidan, who are in a long-term relationship. Logic and all  
notions of equality would suggest that they had an extremely good case; yet, unbelievably, they  
have lost. The case was obviously brought to the High Court by this couple to make a very good  
point, and it is one that cannot be ignored by any government indefinitely. Mr Speaker, the  
change in the attitude towards homosexuals over the past 30, 40, 50 years has been remarkable  
and welcome; yet now, most bizarrely, it is heterosexual couples who face discrimination and  
disadvantage unless this is addressed.

1350 What is even more disturbing in this whole affair, as I understand it, is that under the UK  
government proposals adults could very soon be able to change their gender by simply filling out  
an application form. That can already be done in Ireland. It was as a result of pressure from the  
transgender lobby to end discrimination against transgender and transsexual people.

1355 The message of the Chief Minister and those of the 'yes' side is that this Bill is about equality  
and whether gay relationships should be offered the same security and the same respect as  
those of heterosexual relationships. It is as simple as that, no more and no less. If a heterosexual  
citizen is allowed to marry the person he loves, then why should a homosexual person not be  
allowed to marry the person he loves? This argument appeals to our sense of fairness and  
justice, but is it really as simple as this? Is it really as simple as the Chief Minister is trying to  
make his case?

1360 Equality is something we should all be passionate about. It is a basic human right and we  
must all cherish and promote it, yet its application does not necessarily give us the freedom to  
do whatever we would like. The Irish Human Rights and Equality Commission itself  
acknowledges that:

Equality does not always mean treating everyone the same.

1365 As a value, equality becomes problematic if it is treated separately from other concerns and  
other values, as would appear to be the case in the same-sex marriage debate. In fact, it is quite  
mistaken to apply it apart from other fundamental principles such as truth and justice. And it  
also does something else at the level of conscience. An exclusive focus on equality in separation  
1370 from other principles distracts us from asking in conscience the absolute critical question: can a  
relationship between two people of one sex, however loving, however committed, be truthfully  
termed a marriage? This distraction of one's conscience by appealing to equality without taking  
into account other values and rights, including the central issue in this debate of the rights of  
children to a mother and a father, is the first part of what I would term the equality trap.

The second part is that we are told this Bill is not about changing marriage but it is about  
1375 sharing it, about extending it to others, and this is also profoundly untrue, in my view. For many  
people who are married, it is abundantly clear in each day of their married lives that the  
manifold distinctions between male and female define what marriage is. Allowing people of the  
same sex to marry requires that the traditional and natural institution of marriage is stripped of  
its very essence: the bonding of man and woman and the begetting and raising of children by  
1380 their natural parents in a relationship of permanence and sexual exclusivity.

The legal recognition of marriage as a union between a male and a female does not  
discriminate, but it appropriately differentiates. It is appropriate because only the union  
between man and woman is open to new life. To try to make marriage something else by simply  
repeating that it is about marriage equality numbs the engagement of our consciences, which in  
1385 silence and peace tell us the truth: that we are made male and female, and we are made by a  
male and by a female. This is the unchanging truth upon which marriage, as the bond between a  
male and a female, is based.

Mr Speaker, I fear that if this Bill succeeds it will become increasingly difficult to speak in  
1390 public about marriage as being between a man and a woman, and mention of mothers and  
fathers will likely be removed, or will have to be removed, from a whole raft of legislation to be  
replaced with gender-neutral terms.

Because of this, I am concerned about what teachers may be obliged to teach about marriage  
in schools. Teachers may very likely find themselves being forced to act against their  
consciences. Even in Roman Catholic schools – which I note that the Chief Minister makes  
1395 absolutely no mention of; he mentions the Church of England but makes no mention of the  
Roman Catholic Church – the state generally holds a position of dominance in regard to the  
curriculum. Therefore, it is reasonable to ask whether, if the Bill succeeds, teachers will be  
forced to teach the new reality of gender-neutral marriage even if the Roman Catholic parents  
or the management, the board, the governors have got profound misgivings about it. It is  
1400 absolutely imperative that faith schools are protected. They must have the right to freedom of  
thought, conscience, religion and expression, and they must be free to model the teachings,  
values and principles, in the case of St Mary's School, of the Roman Catholic faith and in the case  
of St Thomas's, of the Church of England.

What would happen if a man or a woman in a same-sex marriage applied to teach at a  
1405 religious school, was successful in obtaining a job offer, and then informed the school that they  
were in a same-sex marriage, which resulted in the offer being revoked? That has happened  
elsewhere. A court could rule that to be discrimination, but it could also be argued that this  
would be an assault on religious freedom. Religious schools, in my view, must have the right to  
govern their internal affairs free from state interference, and I ask the Chief Minister to address  
1410 this should this Bill succeed and before coming forward.

I would also question whether this will lead to a climate of intolerance and a violation of  
religious freedom. The cross-denominational group in Ireland pointed out that when Britain  
introduced same-sex marriages the adoption agencies had to close because they were not  
prepared to provide services to same-sex couples.

1415 The Inter-Church Group has also said that service providers such as photographers and  
caterers at weddings would be acting illegally if they were to decline services for same-sex  
weddings, even though providing those services would be contrary to their consciences. They  
are also of the view that chaplains working in publicly funded institutions, such as prisons and  
1420 hospitals, could face disciplinary action and possible dismissal if they spoke of marriage as being  
between a man and a woman only.

I would also add a real concern of mine: that if the Bill succeeds, any public servant, teacher,  
police officer, marriage registrar or member of the judiciary could face legal sanction and  
possible dismissal if that view were to be expressed in the course of their work.

Looking at other jurisdictions, in one case in the United States the co-founder of Mozilla, the  
1425 IT company, was forced to resign in 2014 from his position as the chief executive after it  
transpired that he had personally donated US\$1,000 in support of a campaign to oppose the  
introduction of same-sex marriage in California some years previously. His modest donation, out  
of his own personal pocket, elicited global boycotts and protests from the lesbian-gay  
community and its supporters, and eventually he was forced to give up his job.

1430 Closer to home, in Northern Ireland, the Equality Commission took action against a baking  
company – a family business run by people who held the view that marriage can only be  
contracted between a man and a woman – apparently because they refused to bake a cake with  
a slogan on it promoting same-sex marriage. And even though the judge hearing the case  
accepted that the owners held deeply religious views, she said the that business was not above  
1435 the law. They lost the discrimination case and were ordered to pay costs. But then it is  
interesting to note that this month a high-profile appeal by them was halted by the dramatic  
intervention from Northern Ireland’s top lawyer, the Attorney General, because there was  
possible incompatibility between the equality laws and the European Convention on Human  
Rights, and the case continues today. In a free society I do not think that a business should be  
1440 compelled to assist in the promotion of an idea that it opposes.

In jurisdictions that have legalised same-sex marriage we also hear that Church authorities  
can find themselves in trouble if they refuse to hire parish halls, for instance, for same-sex  
marriage celebrations.

1445 Mr Speaker, the intention, I feel, of the Chief Minister and some people supporting this Bill  
might be to try to create a more tolerant, caring and inclusive society – and, in principle, this is  
something which we should all be in favour of. However, as I have outlined, there are real fears  
that if the House allows the Bill to continue it might result in the opposite – in a less tolerant  
society. This is the risk, the danger, and the responsibility lies with those who want to redefine  
marriage to show that this will not be the case in the Isle of Man.

1450 It is also important that we all consider very carefully what a fundamental change in the law  
would mean for society today and for future generations. The Isle of Man prides itself in placing  
family at the heart of society – so much so that the institution of marriage and the families it  
creates enjoy a special position and must be guarded with special care. Like the vast majority of  
countries in the world, marriage in the Isle of Man is considered to be a legally binding union  
1455 entered into voluntarily by a man and a woman. We are now being asked to consider changing  
this definition so that two people of the *same* sex might also enter into marriage.

The issue we are being asked to vote on is about more than simply changing a piece of law  
which may or may not apply to us as individuals; it is about changing the way that we as a  
society think about family, and enshrining that change in our land.

1460 The proposed redefinition of marriage as a legal contract, without distinction as to their sex,  
is saying that the special role marriage has had until now in bringing forward and nourishing new  
human life, only possible between a man and a woman – this, without distinction of sex – will be  
incidental to marriage.

1465 Moreover, it is saying that it is a matter of indifference to us a society whether a child is  
raised by a father or a mother, or by two men, or two women – and, more basically, by its

biological parents at all. Mr Speaker, Hon. Members, that is what we will be voting into our society.

1470 In due course, Mr Speaker, no matter how carefully the law seeks to regulate matters, technologies that have until now only been used to aid infertile heterosexual couples will be the ordinary means of reproduction for same-sex couples – who biologically cannot otherwise have children. It is a possibility that children could very well end up with several people that they could properly refer to as their parents: the genetic mother who donated the egg, the surrogate mother who bore the child in her womb, the adopting lesbian mother, the father who donated the sperm, and the adopting homosexual father.

1475 If the proposed law is enacted and our society is changed, all of these kinds of parenting will have to be considered as part of the new 'normal'. Experts have said that in such situations the issue of legal guardianship of children will be very difficult to determine. And in order to conceive a child, a same-sex couple would have to overlook a child's right to be raised by both his or her biological parents.

1480 All of these changes are about adults' needs rather than the needs of children. Are they likely to contribute to a culture in which children are viewed as commodities? We have to remember that our culture predisposes us to value self-fulfilment above virtually everything else.

1485 In my view, the introduction of same-sex marriage will put the needs of some adults before the natural rights of children to a father and a mother. This cannot but be highly damaging to society in general and to the institution of the family in particular, which must be guarded with special care.

1490 Mr Speaker, I appeal to Hon. Members not to be motivated by error or by the pressures of the moment, and not allow any further passage of this legislation as it will, in my opinion, constitute a real and grave anthropological backward step. Something very unique and very precious is in real danger of being lost. Legalising same-sex marriage will lead us down a slippery slope to where anything goes. Once gay marriage itself has been granted on grounds of equal protection or equal benefits, it will be virtually impossible to deny either parental or marital status to any number of adults.

1495 The state is *not* discriminating when it requires there to be a man and a woman for a marriage contract; it merely recognises the natural reality. A marriage made up of a man and a woman is not the same as a union of two people of the same sex.

To distinguish is not to discriminate, but to respect differences. Same-sex marriage is a fundamental threat to marriage and the Bill is trying to tamper with society's DNA and the consequent mutation which will reap unimaginable consequences for the Isle of Man.

1500 There is an abundance of evidence that recognising same-sex marriage will undermine the entire institution; and even when you look at Scandinavian gay marriage, that has driven home the message that marriage itself is outdated and virtually any family form is acceptable. More than half of all the children in Norway and Sweden and Denmark are now born to unmarried parents – and married parenthood has become a minority.

1505 Mr Speaker, changing the legal term of marriage is not about one change in the law, like the Chief Minister is trying to portray, but rather amounts to hundreds of changes all at once. The term 'marriage' can be found in family law, employment law, trusts and estates, healthcare law, tax law, property law, and many others. And these laws affect and pervasively regulate religious institutions such as churches, religiously-affiliated schools and families.

1510 The battle is not between the two ideologies and I do not oppose one ideology with another. But we do need to understand the intention: respect and care for gay and lesbian people on the one hand and opposition to same-sex marriage on the other.

1515 Mr Speaker, looking at the consultation itself – as the Chief Minister has touched on. It was held for five weeks and that lasted until 13th November; and it was, in fact, one week short of the recommended minimum period under the Government's code – a point that did not pass unnoticed. That means that there could well have been people unable to respond.

1520 Nevertheless, there was an unusually high return consisting of 176 responses. Many of these showed a remarkable degree of detail, which at the very least deserve close examination. The very fact that so many people took the trouble to respond – and in some cases devoted a very considerable amount of time and effort – was good news for the very democratic process that underlies our system of Government.

1525 The results of the consultation were not published until 26th January, or thereabouts, by which time an announcement had already been made some three weeks earlier that the Marriage (Same Sex Couples) Bill *would* proceed. Leaving aside all else, this was not only most regrettable and somewhat discourteous to those people who *had* responded, but it could also be perceived as further evidence that the elected representatives do not have a due and proper regard for what ordinary people think. This hardly encourages a greater participation in the electoral process and it may well further exacerbate what may be described as a democratic deficit.

1530 I have already touched on the issue of equality, Mr Speaker; but again, without becoming too technical, there are two particular grounds on which a nullity decree may be sought for heterosexual marriage. The first is on the grounds of a lack of consummation, though by Schedule 2, part 3, paragraph 5(3) this does not apply in the Bill before us.

1535 The second is on the grounds that the respondent was pregnant at the time of the marriage by someone other than the applicant, and that this fact was unknown to the applicant. This is not excluded from the Bill, though without needing to pursue the point further it is very difficult to see how the respondent could ever be pregnant by the applicant in a same-sex marriage. Surely it does not assist a respect for the law to pass provisions whose wording, at least in part, poses a factually impossible proposition.

1540 The second deficiency concerns the dissolution of a marriage by way of divorce. Until more recent times divorce was available solely on the proof of what is sometimes still called ‘the marital offence of adultery’. This has always been heterosexually perceived. The Bill retains this perception in Schedule 2, part 3, paragraph 4. In doing so it loses its claim to the creation of equal marriage. Put another way, if the marital offence of adultery is regarded as being capable of being committed only in heterosexual terms, it must imply that this is only how marriage itself can be perceived.

1550 Mr Speaker, in pursuing this question of equality further: if this Bill is passed it has been contended that it would create a further inequality for heterosexual couples and the same-sex couples who have got *two* alternatives open to them, which are either a civil partnership or marriage. And again it has been suggested this could be rectified by the Civil Partnership Act being amended to include heterosexual couples as well.

1555 So two questions arise from this: what, if anything, is the difference in practice between the Civil Partnership Act and the Marriage (Same Sex Couples) Bill? And what would be the practical, legal and financial consequences of having four separate pieces of legislation on essentially the same subject?

1560 On the issue of conscience, Mr Speaker, the Marriage (Same Sex Couples) Bill contains limited provisions concerning conscience with reference to ministers of religion. This is to be welcomed as far as it goes but, as it stands, it also again creates a degree of inequality. Traditionally, religion has been perceived in terms of a belief in deity, but it is notable that the forthcoming Equality Bill defines religion far more widely so as to include a philosophical belief – or even an *absence* of such a belief.

1565 Religion will become one of the protected characteristics, yet in a matter where religious conscience is likely to become particularly active with regard to same-sex marriage, the scope of protection appears to be very narrow and therefore, in my opinion, unsatisfactory.

1570 Mr Speaker, unless the Equality Bill is to become deficient with regard to one of the protected characteristics, the Marriage (Same Sex Couples) Bill requires a careful scrutiny to determine how the conscience on the grounds of religion in the broader legal sense can be truly protected. That might well include, for instance, provisions for registrars and teachers in schools



1570 where marriage education is given. Issues could also arise in the sphere of employment where applicants for a job or for promotion are discriminated against because of their religious views on same-sex marriage.

1575 Mr Speaker, the Marriage (Same Sex Couples) Bill is no ordinary piece of legislation. It has ramifications far beyond its actual provisions and I think it requires some greater degree of enquiry and consideration that can even be achieved by the ordinary legislative process. The case for the creation of a Select Committee to investigate its provisions further in the terms that I have described, and maybe in other areas too, is very compelling and self-evident.

I therefore beg to move that the Marriage (Same Sex Couples) Bill be referred to a committee of this House.

1580 **Mr Robertshaw:** Mr Speaker, I –

**The Speaker:** You cannot move that.

**A Member:** Pardon?

1585

**Mr Watterson:** What? Why not?

**The Speaker:** It cannot be moved.

1590

**Mr Watterson:** Any time after the Second Reading has been moved ...

**The Speaker:** It cannot be moved in the middle of a Second Reading debate.

**Mr Watterson:** Can't it?

1595

**The Speaker:** It can be moved *after* the Second Reading, that the Bill be referred. Hon. Member for Malew and Santon, Mr Cregeen.

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

1600

I will be brief on this; I am only brought to my feet by a comment from the Chief Minister.

First of all may I declare an interest? My brother is the Chief Registrar.

1605 I have not actually spoken to him about this point, it is only something that the Chief Minister brought up, which was that the registrar or Chief Registrar must carry out this provision. How would this work with a Civil Service disciplinary if they are opposed to a ceremony that will actually cause an issue with an individual, in forcing them to carry out something which is against their conscious belief?

I am concerned about that point. There does not seem to be anything in the Bill to protect an officer if it is against their religious beliefs and they do not believe in it. I am concerned regarding that.

1610

I would like to make it clear that I have not discussed this with the Chief Registrar and I would seek your guidance regarding this as a declaration, Mr Speaker.

**The Speaker:** Your declaration ... ?

1615

**Mr Cregeen:** My brother is the Chief Registrar, so I do not know how that affects my position on voting?

**The Speaker:** It affects it in no way. You have declared your position, it is open and transparent.

1620

I call on the mover to reply. *(Interjection)*

If other Members wish to speak, please ... Nobody else has indicated.  
Mr Malarkey.

**Mr Malarkey:** Thank you Mr Speaker.

1625 I had not originally intended to rise today to speak, but I am rising in favour of the Bill that is  
before us today. Comments have been made that maybe 30 or 40 years ago I would not have  
risen to support this; but as time has moved on and life changes, I think the Bill before us today  
*has* to proceed. But there are one or two concerns that have arisen in the debate this morning  
which I am concerned about and, again, it goes back to the Hon. Member, Mr Cregeen's point  
1630 about criminalising or disciplining somebody for their beliefs.

Much of this has talked about equality and I am very much in favour of equality, and I have  
made it very clear in all my speeches on equality that I fully support equality; but I will not  
criminalise anybody for having their own beliefs. And if I cannot find it in the Bill and in  
legislation – and I certainly will be talking to the Chief Minister afterwards ...

1635 If, like in a recent case in England, where a baker refuses to bake a cake for a same-sex  
marriage couple and then gets criminalised for not wanting to bake that cake ... His beliefs were  
such that he did not want to be associated with that!

Well I am sorry, I cannot support the Bill in that instance, because for me equality is all about  
both sides of the fence. It is all about people having the rights in all directions. So if it was my  
1640 belief that I did not want to let out a hall for a same-sex marriage, I should not be criminalised  
for having my beliefs.

From what I can read in the Bill, it will not criminalise any of the churches or anybody in any  
form, but I want reassurance that the general public – for having their own beliefs – will not be  
prosecuted or criminalised because they refuse to supply the hire cars ... because a religious  
1645 person who owns the company has said, 'Well, I do not believe in same-sex marriages and you  
cannot hire my cars.' I want that reassurance to come from the Chief Minister.

Many of us have been lobbied by lots of people during the last couple of months with regard  
to this Bill and I have quite an interesting one which was sent to my colleague and myself from a  
young lad. I actually know the family quite well in South Douglas. And he wrote a very nice letter  
1650 to us both, and in one comment he came out and said, 'Our Government exists to look after us,  
where we otherwise would not. For me this is the duty of Government: it provides the Police to  
keep us safe from crime, streetlights to protect us from the dark, and equality to protect us from  
each other.'

I think that is very true and very moving from a young lad. He finishes the letter and in his  
1655 very last sentence, 'Do not let history see us as bigots, as a homophobic Island, as those who did  
nothing.'

So yes, this is an important debate today, Mr Speaker. I believe life and times have moved on  
considerably in the last 30 or 40 years. And we have to move on with it. We are the guardians of  
our children's future and when we get letters like that from this lad who is the same age as my  
1660 daughters ... we are here to represent them.

But I will *not* criminalise anybody for having their own views, Mr Speaker. And I do want  
clarification from the Attorney General's office and from the mover of the Bill that is not going  
to be the case if this Bill goes through in its current form.

Thank you, Mr Speaker.

1665 **The Speaker:** The Hon. Member for Douglas West, Mr Thomas.

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

1670 I want to congratulate the Chief Minister and all the officers for working so well on this Bill,  
because it seems to me that there have been put into it significant safeguards for an individual  
not to take part in any process with which they are uncomfortable or disagree. There are

arrangements made to opt in to various things, which is different from this sort of legislation in other places in certain ways.

1675 The other point is, I wanted to express regret that in this state legislative process, words and phrases like ‘anthropological backward step’ and ‘tamper with society’s DNA’ were even used, because this is about putting together a three level arrangement for equalising marriage in its various guises and civil partnerships; and so therefore that is what we should be looking at with hearts and with feelings – but also rational – from a state legislative perspective.

1680 The second point I wanted to say on that is that we are obviously going to be asked to move this to a committee after this Reading, if it is successful. But I just wanted to say as it was not mentioned this morning, in the context of the Landlord and Tenant Bill which *did* go to committee, that it was only actually six people in this House ... six Ministers – Minister Teare, Minister Gawne, Minister Quayle, Minister Robertshaw, Mr Ronan and Mr Skelly – who did vote against not continuing with that Bill. And that is because everybody else in this House – 16 of us  
1685 – were persuaded that that Bill was flawed in legal terms. It was unintelligible in places. And nothing today has in any way persuaded me that issues of flaw, in legal terms, of unintelligibility in legal drafting terms have actually been offered to us.

1690 So the consultation was, unhelpfully, only five weeks – and I have made that point myself in Questions. It could have been done better. But having said that, we have been consulting on Equality legislation since 2014; and the responses about the conscience clause described by some of my colleagues has actually been there for 12 months.

1695 We have taken this seriously. This is a very simple piece of legislation to equalise marriage. I think it is helpful that the Hon. Member for Ramsey, Mr Singer, has brought forward his amendment – I discussed that with the Chief Minister five or six weeks ago, and I think the feeling then was it could be done in two stages. But if we can do it in one wraparound, and end up with a three level procedure to respect the Church of England’s beliefs and all other religious entities’ beliefs, to respect people to actually come with a tolerant, better place – so be it.

1700 So in summary, Mr Speaker, Hon. Members, I will be supporting this Reading. I think it is such a simple Bill that in this case it is not necessary to go to committee, because no actual legal challenges except for the one identified by Mr Skinner which has already identified a very – (*Interjection*) Mr Singer ... you did that to me once, so I have returned the favour! (*Laughter*).

1705 Only one small amendment has been proposed, so if you can do it all in one Reading so be it. And I believe that this simple Bill will achieve some valuable harmony; and it is regrettable that this debate has actually provided some disharmony. And I believe it is a very consensual social society in which we live.

**The Speaker:** The Hon. Member for Douglas North, Mr Thomas – Mr Peake! (*Interjections by Mr Thomas*) (*Laughter*)

Thank you.

1710

**Mr Peake:** I will be supporting this Bill. And it is a shame, I think, that it has expanded so much and a lot of fear has been dragged in.

1715 Personally, I think it should be kept simple, as the Chief Minister has said. Keep it simple, it is a simple subject. I do think it is fairness and I think we should respect each and every one of us. So I will be supporting it.

Thank you very much.

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

1720 **Mr Quayle:** Thank you, Mr Speaker.

And I thank the Hon. Members for what I think has been a very good debate, and especially the ones who have got a view that they are going to oppose it, for having the backbone to stick to their beliefs (**A Member:** Hear, hear.) and their consciences.

1725 And I suppose conscience comes down to it for myself, to an extent; I have thought about this long and hard. And I suppose when we look at conscience we go back to Queen Elizabeth I, who was famous for her declaration: 'I have no desire to make windows into men's souls'.

Opinion is still divided over whether that worked, but almost everyone today would subscribe to Elizabeth's intent that no government should intrude into the consciousness of the citizen.

1730 Having thought it through, at the end of the day ... what is this legislation? And I have read this legislation as enabling legislation – it is 'may', not 'shall'. And it does not force religious organisations to conduct same-sex marriage services, it enables them to do so if that is their position. And I would make it clear that if this legislation was to force religious organisations to conduct same-sex marriages I would –

1735

**A Member:** You would support it.

**Mr Quayle:** – vote against it totally and actively fight it.

1740 However, I do have one concern and it has been raised by Mr Cregeen, Mr Malarkey, Mr Singer and, to an extent, Mr Hall in part of his speech. And it comes under clause 9, section 4C, page 11 of the Marriage Act 1984, on the definitions of what we would call the 'opt-out' activity. And in this section someone who is enabled to opt out is a 'person' which:

(a) includes a religious organisation;

– that is (a); but

(b) does not include a registrar or the Chief Registrar;

Now, that is where I have a concern.

1745 I have done some research on this matter and there has been a case in the fourth section of the European Court of Human Rights. It was a group case, made famous by a lady called Eweida. If you remember, she was the British air hostess who wanted to wear a cross and had left work because she could not wear a cross. They changed their mind and allowed her to wear a cross and she was claiming for compensation for the time she had been off work.

1750 Within that case, of the four people, there was also a registrar from London – the late Mrs Ladele ... and my apologies to her family if I have mispronounced her name. She was a registrar in a borough of London who had strong religious views. And for a while she was allowed *not* to have to take same-sex ceremonies, but as a result of a couple of colleagues who complained about it ... and it was sad because, I think, you could say they were activists who felt that she *must* do it. She was forced to do it and as a result she claimed undue dismissal, went to the Court of Human Rights and they adjudicated against her.

1755 But there were sympathies for her, and they said everyone should have freedom of religious rights and I think Article 9 is the key one which she defended herself on. It provides a guarantee of a right to practise one's religion. But as is the case with many of the rights in the Convention, it is qualified; and the decision went against her on a technicality that it could be argued that she was stopping other people from having their freedom and rights. And that is why she lost.

1760 However, they did state in the European Union ruling that consideration should be given where possible that if you have, say, five registrars and two of them fully support same-sex marriages and three do not, then the three should be allowed to abstain from having to hold the service.

1765 I feel that law is always growing, isn't it? It is expanding – and we should always look at what has already happened. So to date, the highest court in Europe has decided that you *have* to – but they had some concerns.

1770 So I would like to ask the Chief Minister: would the Chief Minister confirm that, as far as practical, neither the Chief Registrar nor any of his staff will be required to participate in same-

sex marriages if they do not wish to do so? And I think if that was stated as a directive ... so obviously, if you have say five registrars who are responsible for wedding ceremonies and all five of them oppose it, then the Court of Human Rights ruled that one of them must carry out the service because they are then taking away the rights of an individual.

1775 So that is one, I think, that would alleviate some of my concerns and I think the concerns of some of the Hon. Members. However, one of the items I had *not* researched and that is why I think the debate has been good – is the case of the wedding providers. I missed that one.

1780 So I suppose whether or not by us making a statement ... I do not think anyone, if they have a deep religious view, should be forced to do something. (**A Member:** Hear, hear.) And therefore whether we need a slight amendment or whether a comment from the Chief Minister during the next Reading would solve the concern of the Hon. Members ... ?

1785 It is one of *my* concerns too that we should never force *anyone* to do something from a religious point of view. And I am a practising Methodist – I do not hold myself up as a particularly good one – (**A Member:** Hear, hear.) but I do practise; and my Methodist community are opposed to this because they have not had time to think about it.

I have decided that my conscience will allow me to vote in favour of this, because it is enabling legislation; and I think the debate in the future for the various churches ... I think it is up to *them* to decide. It is not up to us to decide whether the churches should take part – it is up to the churches themselves and I think that has to be respected.

1790 So, as I say, if the Chief Minister can answer that.

I would just like to draw to our attention Mr Thomas, the Hon. Member for Douglas West, who raised a comment which had me slightly concerned, because I have obviously missed something that he has ... and maybe he could share it in writing to all Members. He said that there were different words in this Act compared with other jurisdictions' legislation, which gave opt-out or opt-in clauses.

1795 I saw this as a simple cut-and-paste from UK legislation and therefore I would be interested to see where he has spotted the differences. And, as I say, if we have developed it as a result of the problems experienced in other jurisdictions – the wedding cake being a classic example – I think all of us would be horrified if our local baker was prosecuted, say Muffins in Peel for example, if they did not want to do it. (*Interjection*) If they were going to be prosecuted then that would be absolutely ... I do not think any of us would want that to be a consequence.

1800 So, I think most of the other Members have raised the key elements. I have tried to think of a phrase to end it with from a religious point of view and I have come up with I Peter, chapter 4, verse 8 which says:

1805 Above all, love each other deeply, because love covers over a multitude of sins.

**Several Members:** Hear, hear.

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

1810 **Mr Karran:** Vainstyr Loayreyder.

1815 I have to say that the situation about backbone, the backbone was 30 years ago watching the horrendous things that were happening to our constituents. Many lost their lives over the unreasonable way things were going. I, as a Member of Home Affairs Department at the time, had to highlight practices that would have been illegal if they were done by somebody living in a council house, but because they were done by the areas as far as the Police were concerned, where they broke financial regulations and all sorts of things in a disgraceful way. So I do not think we should be talking about backbone on the basis of the fact where we are today. What we are talking about today is about justice.

1820 I am somewhat amazed by Members who obviously have not read the Bill because the fact is that what they are talking about is the Equality Act. This Bill is not going to force any baker from

Peel to have to go to court if he does not want to do a wedding cake for a same sex wedding. Let us stop the nonsense; this Bill is about enabling legislation.

1825 Now, before I go into the points, because obviously Mr Bell and the former Member for Peel, Mrs Hannan, were the trailblazers as far as this is concerned and some of us had to take a basic Christian philosophy about not allowing to use the Bible as an offensive weapon when it should be about love and compassion. So as far as this nonsense about this Bill forcing the registrar, forcing this and forcing that, the situation is that comes in the Equality Bill.

1830 My personal viewpoint as far as this Bill is concerned is that it is long overdue, but I am concerned about the legislation that the situation should have been done on a more time basis as far as the Bill is concerned, but it is here. It is the process that I object to of executive power, putting the priority up the list as far as the Bill is concerned over other things that are far more important. And I am proud to be associated with gay rights. I have supported gay rights all my career. It cost me my ministership as a Member of the Home Affairs Department over gay rights  
1835 – over not so much gay rights, but human rights. I do feel that that is an argument but today there is a bigger argument. This Island is known for birching, homophobia and all the other negative connotations that have been made as far as this Island is concerned. (**A Member:** Well said.) We need to stop that nonsense. (**Two Members:** Hear, hear.)

1840 We still have too many people losing their lives. As somebody who dealt with gay rights, and to be perfectly honest with you when I was Member for Social Services, I would not give them funding for a gay switchboard thing because I just thought it was a courting line. When they proved I was wrong, but unfortunately I had been moved on from Social Services, I tried to set them up a funding mechanism from people the likes of myself who were prepared to try and raise money for such a facility, because we were proven wrong on that point.

1845 I would just like to say as far as this Bill is concerned this Bill has nothing to do with the Equality Bill that will come, and that needs to be safeguarded. When we look at the Civil Partnership Bill 2010 I did have a load of drafted amendments but decided not to move them at the 2010 Bill because of the fact that I could see the implications on the issue of heterosexuals being able to have a civil partnership. I believe that this Bill *is* flawed; there should be no need for civil partnerships once we bring this legislation in.  
1850

We need to understand – and maybe I am the last person in this House to lecture on marriage! – but, as I say, I have dealt with enough matrimonial problems of everybody else's without having any of my own. But the situation as far as marriage is concerned, there are two types of marriage, there are marriages about the civil part of marriage and there is the religious part of marriage. And what I would like to say as far as that is concerned, what we need to realise is that marriage was not always entwined with religion. The first thousand years of Christian faith marriage was not entwined with religion. If we look back as far as marriage is concerned the situation, the likes of the Member who is not here at the moment, Mr Singer, as a Jew 150 years ago they were trying to get Jewish marriages recognised. It is not that long ago if you were a Catholic you could not be married unless you had a registrar there because they were not allowed to officiate as far as a legal marriage is concerned. So let us get away from this issue that marriage is about religion because marriage was not about religion when the issue of marriage started. That is a misnomer and it is a nonsense.  
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I have to say that the situation as far as Mr Teare's position on equality as far as legislation must be respected; I actually think it is in the Equality Bill that you are going to have to work out where you draw the line. Do you draw the line at respecting someone's religion as far as same-sex marriage is concerned? Do you draw the line that it is not that long ago that we forced a change in the law so that common-law couples could have an order to prevent a violent partner from being anywhere near them? We have come a long way as far as that is concerned. So I think that the issue that Mr Teare is on about is an issue as far as equality in legislation is concerned. But where do you draw the line on equality legislation?  
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1870

Some of us fought, and some of us were absolutely horrified when first becoming a Member of this House, where I had a woman with a black eye and when I talked to my senior colleagues

1875 about her black eye, terrible ... ‘Well, she has made her bed, she is married, if that comes that is her problem’, that was the argument of many of the elderly Members in this House.

1880 And what I am concerned about is when we talk about religious freedom I could never support the way of putting women back 30, 40, 50 years on a religious belief. I believe that that would be totally unacceptable. So when people talk about religious freedom there has to be a respect for the common decency. We saw in the previous House the issue of female mutilation and how that is part of a religious belief – we would not condone that sort of nonsense, I would hope not.

1885 When I come to Zac, I am amazed at what you can get ... sorry the Hon. Member for Onchan, (*Laughter and interjection*) what you can get off the internet. As a person who was a Catholic, who went to St Mary’s School, I have to say that what he was talking about was not the Marriage (Same Sex Couples) Bill but was the Equality Act (**A Member:** Hear, hear.) and I think we need to stop the nonsense and we stop the pandering to bigotry against this section of society. I may not agree with the Chief Minister, I would not put him where he is, (*Laughter*) but on this issue we are shoulder to shoulder as far as gay rights of people on the Island. Whether he is fit to be the Chief Minister (*Laughter*) I have a different viewpoint as far as that is concerned.

1890 But I have to say, I was somewhat horrified at my friend who was once in the Liberal Party, who once he got elected and we all thought he got elected not on the basis of the Liberal Party. To come out with such situations when he could have gone to Kenyon’s Café and asked some of the children – not at the present time, but in the past – about their genealogy, where is their genealogy? They have had five fathers in their short time on this earth; they have had a mother that is a heroin addict who is in and out of Ard Aalin, who has had to have several adopted mothers in their early lives. This idea that somehow same-sex marriage is going to create something of a monster, he really does need to live in the real world and he really does reflect the fact that he does not realise what the true reality of marriage at the present time, and I support marriage. I believe that we should be positively discriminating in favour of people to be married. When we brought the IVF programme up to better than anywhere in the British Isles, one of the things that my right-wing friends were quite shocked if they were not married they did not get IVF. If they could not commit to each other, then they should not expect the taxpayer ... so I do not need any moral lectures on that point.

1900 We heard about what is going to happen. Well we could not even repeat, and I am sure Mr Bell could not either, it was one of the few times when the Governor had to edit the *Hansard* because I could not repeat some of the things that were said in that appalling debate about what gay people would be doing on Douglas Prom. In my opinion they should be auditioning for getting in the SAS if they could have done the things, especially on a winter’s night (*Laughter*) as far as that is concerned. They deserved a stamina award, just like the outburst they had, along the road from when people were trying to soil me on the subject as far as Howstrake holiday camp, or we saw in Mec Vannin the other week. I could not care about that. I think it is important that we respect people’s rights, as I say. I agree with Members who have had the maturity to respect – I might not agree with you – but I will respect your opinion, even though Vainstyr Loayreyder, I wish you could get a few Ministers to answer a few questions and actually give decent answers that this House should afford.

1915 The situation is I think that Hon. Members need to realise that this is about same-sex marriage; this is not the Equality Bill. Some of us will be looking at maybe amendments to this piece of legislation. I have talked to the legal draftsmen about the issue of the present arrangement we have as far as the gay community is concerned that we should be doing away with that and there should be an automatic right that that civil partnership is recognised as a *civil* marriage.

1920 The second point that I think is important with this piece of legislation is to put in primary legislation so it has to be changed in this legislation that they have to change primary legislation here so that a *carte blanche* Equality Bill will not supersede and force people to have to do same-sex marriages in churches.

1930 There is one thing that I remember and a dear friend of mine said, and she was very much ...  
In fact I think most of you lot would be classed as liberals compared to her, and unfortunately  
she used the same very argument, Vainstyr Loayreyder, as my friend that you cannot have  
children ... 'marriage is about children'. Unfortunately I did not mean to insult her but when she  
1935 said that I said, 'Well you are past your sell-by date, you can't have children, you can't get  
married.' (*Laughter*) I used to say, 'So you should not be allowed to be married,' not out of any  
vexatious, vicious viewpoint or wanting to be nasty to her, but if we are trying to argue that  
point about having children as far as marriage is concerned, marriage is only for people who can  
have children, then the fact is that anyone who has been sterilised by whatever, anyone who is  
passed the age of being to be able to have children as a woman, should then not be allowed to  
be able to get married. That sort of nonsense is really something that we should not be  
promoting as far as this Island is concerned.

1940 Hon. Members, I will be supporting this Bill. I am very pleased that we have had such a  
sensible debate on this Bill, from what we have seen in the past. So, Hon. Members, I will be  
supporting, but I will be looking at maybe a couple of amendments that need to be considered  
with this Bill. But please do not get mixed up as far as the Equality Bill and the Marriage (Same  
Sex Couples) Bill. The Equality Bill is different and whether we should have some amendments in  
this one that will be fair enough. There is a legitimate complaint as far as parliamentary process  
is concerned whether I would put this Bill as far as it is, but the point is it is here now.

1945 There are points about getting rid of the stigma of the Isle of Man as some sort of right wing,  
fascist backwater against the norms of what modern society believes today, and on that point  
alone I think we should support the Second Reading of this Bill.

1950 **The Speaker:** The Hon. Member for Peel, Mr Harmer.

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

I am just reminded of a passage that is one of my favourites and basically it goes as this:

Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It does not dishonour others, it is not self-seeking,  
it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects,  
always trusts, always hopes, always perseveres. Love never fails.

1955 The reason I why I am saying that is because grace is bigger than the law. In many respects, I  
was reminded after, there was a film about the war, and all of the things that came in that and  
until we actually embrace each other and actually understand each other and accept each other,  
we can never move forward and that is actually why I do support the Bill.

1960 I have worries about the civil registry, forcing people to do things that are against their  
conscience and also what Mr Karran said regarding the Equality Bill.

But we do need to move on, we do need to accept that we do not all have the same opinions,  
the same lifestyle and we need to move forward.

Thank you, Mr Speaker.

1965 **The Speaker:** I call on the mover to reply, Mr Bell.

**Mr Bell:** Thank you, Mr Speaker. That is very kind of you.

**Mr Watterson:** In 50 words or less.

1970 **Mr Bell:** Where do we start?

Mr Speaker, I really need to start I think first of all by echoing the words of one or two other  
Members of thanking this Chamber for the balanced debate we have had this morning. The  
Member for Onchan, who is not in his seat right now, is the only other Member apart from  
1975 myself who was in this Chamber in the early 1990s and the comparison ... Today's debate in fact



bears no comparison at all to the vile levels that that debate sank to before the changes were brought in. So I thank all Members for the balanced way their views have been presented.

1980 It is quite clear though, as we thought from the outset, Mr Speaker, that Members have a very clear view one way or the other which way they would intend to go on that so I do not want really to take too much time up this morning by going through every single point that was raised. I do not think that will be helpful and it certainly will not change Members' minds.

1985 The comments which, naturally, I completely disagree with in many ways from the Member for Onchan, Mr Hall, with his more fundamentalist approach, a religious view of this, to my mind missed one thing, and that one point was raised *very* eloquently by the Member for Peel, and I thank him for that. We had a long description of the threat to society from Mr Hall, the demolition of the family, everything we hold dear, the one word that was missing in his entire presentation was love, and that is that the fundamental basis of what we are trying to do.

1990 This Bill is not designed to overthrow society. It is not designed to destroy the family. It is not designed to threaten children. It is simply a measure to enable two people who happen to be of the same sex, who are in a committed, loving relationship to commit publicly to themselves through the act of marriage. That is all this Bill is asking for. It is not revolutionary; it is not going to destroy society. The day after the Bill comes through you will wonder what all the fuss was about.

1995 But the other thing that you need to bear in mind is that this Bill is already tried and tested. This has been in law in the United Kingdom for I think two years, or most of the United Kingdom apart from Northern Ireland. It is now law in I think over 22 different countries around the world. The US is now rapidly moving to full endorsement of this law. This is not some new untried, untested change which is being brought in; it is one which is being embraced worldwide. So the Isle of Man today is not being asked to step into the unknown. It is simply being asked to do what we should do to our community, and that is to extend equality to those people who wish to express their love to each other – can that be wrong in the world that we live in today? With the violence and the horrors we read every day through the media in the name of religion more than anything else, are we now saying that love does not have a role to play in that? And if we do, then frankly I do not want to be part of this Chamber any longer. We are talking about two people committing to each other.

2005 Now I do recognise, and I said right at the outset of this I fully appreciate that there are differing views, there are strong religious views which are held, I have to say they are not my views, but I do respect those people who do have those strong views. Mr Robertshaw made very similar points really to Mr Hall – that it weakens the institute of marriage, that it undermines the rights of children, rights have primacy over responsibility and it goes on. How can this Bill possibly undermine the institute of marriage by simply extending the right of marriage to two people of the same sex? How is that possibly going to undermine the strength of heterosexual marriage? No matter how this argument is put to me I cannot follow the logic of this. It is not going to alter the law in relation to heterosexual marriage, it is not going to bring in any extra burden on children.

2015 And if one was honest, Mr Speaker, and I think Mr Karran touched on it briefly, is heterosexual marriage the ultimate that everyone should aim for in terms of perfection? When we hear the high rates of divorce, the high rates of child abuse, almost every day now there is something in the news about child abuse, within marriage often enough. Does extending the right for two people of the same sex to get married actually make the situation *worse* than some of the horror stories we are reading within heterosexual relationships now? I think we have got to be honest about this, it does not in any way undermined the statute of marriage. If heterosexuals wish to get married it does not interfere with it in any shape or form at all, it does not diminish it, it strengthens it, because it extends it and embraces everyone. It brings us into a more inclusive society, everyone has that same right to share that love together.

2025 It does not affect children. There are *many* examples already around the world where gay couples have adopted children *very* successfully. There is no indication at all that it damages the

rights of children, it enhances it, especially in this day and age where for example, fostering is being promoted strongly. Gay couples in some areas now can foster children and they do it very successfully, so this is not an argument at all. It is a red herring that is trying to deflect us from what we are trying to do.

Mr Singer makes the point, and I think, again, it is fundamental in this we should be in any community celebrating our differences not accentuating them. It is not something to be ashamed of, it is something we are proud of. We are different, every one of us has different views on life, not everyone will agree with each other. But surely this is what makes life so interesting and a community so strong, to have these differences to provide a rich tapestry of variety for us all.

The Bill, as Mr Singer says, does provide protection for those who disagree. It does provide protection for the church; no church at all is going to be forced to take any action involved in this unless there is a specific new law brought in, for the Church of England in particular, to allow it. Churches have to opt in, church personnel have to opt in once their governing body agrees to it.

Mr Singer also makes a point which has been raised and I have heard it myself, which frankly I find offensive, 'If we give gay people the right to marriage what else will they want, what will be next?' For those people who have not quite come to terms with the idea, the gay community are not a bunch of aliens that have suddenly landed on the Isle of Man from outer space and therefore are demanding extra rights. All gay people are asking for is to be treated as equals, as human beings, with the same feelings as every other member of the community. I hear this argument, 'Oh, this is the thin end of the wedge – what is coming next?' What nonsense!

What I do support though strongly, and I have said this outside of this debate, and that is that we should in fact, as Mr Singer has proposed, bring in an amendment to allow all to extend civil partnerships to heterosexual couples. I strongly believe that. Indeed, when I brought the Civil Partnership Bill through in 2011 I was very keen to bring it in then, but I was persuaded for various reasons that it was not the time to do it. I think absolutely the time is right now and if we are pursuing equality this is exactly the step we should be taking and I will be supporting, and I hope seconding, certainly supporting his amendment when it comes forward and I am sure it will have strong support round this Chamber.

**Mr Singer:** You can second it if you want. *(Laughter)*

**Mr Bell:** I do strongly support it. My argument is we are not looking for special rights for gay people, we are looking for equality. And if equality is to mean anything it has to mean that the heterosexual community has exactly the same rights as the gay community through civil partnership. We also have to recognise, and I know in the UK there is a thought that the UK Government may well in fact do away with the civil partnerships altogether now that the same sex marriages is brought in. But there is still a body of heterosexual and indeed, the homosexual community who do not want marriage; they want civil partnership and so that gives those various bodies the options, and absolutely the right options, to commit to each other but to a different level. I fully support that and I hope other Members will as well.

A number of comments have been made on religious grounds, and I will not go through all of them because we would be here all day. I respect religious views but they are not necessarily mine.

Mr Hall also believes that if this Bill goes through it is going to lead to wider discrimination across civic society. I disagree with that. He says family is at the heart of society: yes, family is at the heart of society. Gay families are at the heart of society. Are we saying that the gay community are not part of society, that they do not have a role to play, that they cannot provide the same love and care and nurture that heterosexual families can? Is that what we are really saying? I do not think so. He also refers to family security relating to children. He focused very much on children: children viewed as commodities. I disagree completely with all that. This has got nothing to do with children being treated as commodities at all.

2080 The other point which has been made, about the registrar, is a valid one. The Bill as drafted  
at the moment ... whilst everybody has the option, I think within the registrar's office, no more  
than that, there needs to be someone who is able to carry out the service. If the General  
Registrar refuses to do it, then there needs to be someone else in there to do it. But we can get  
greater clarification on exactly how this works and I will come back at the clauses stage, or  
2085 before the clauses stage, so we get a good understanding of exactly how that works.

And of course there were many other comments about florists, cake makers, candlestick  
makers and everyone else having the right to ... This Bill does not want to criminalise anyone at  
all. There will be measures – and I will have to check on this – in the Equality Bill that give  
protection, but equally ... It is very easy to get caught up in the negatives of this, but you have to  
2090 also look at what is happening in the UK. We have heard a lot about a cake in Northern Ireland.  
The people who refused to sell, or make, the cake, I understand are not being criminalised; they  
are being sued by the customers, which is a different thing altogether. But since civil  
partnerships and certainly since gay marriage came in in the United Kingdom it has actually led  
to a boom industry. There are regular catering get-togethers for gay wedding planners etc. There  
2095 is a whole new industry opened up there, so do not look at it as a negative – there is an  
opportunity there for people to make money. So there is an upside to these things as well.  
Surprisingly enough, gay people actually have some money to spend, (*Laughter*) although not all  
of us! (*Laughter*)

Mr Speaker, I think most Members have made their points very well. I will not go through all  
2100 the points. Those who have made strong points will stick to those points; they will not be  
persuaded otherwise.

I will just finish by, first of all, thanking Members for being understanding in the way this Bill  
has been treated so far, but I reiterate the point that this is not an attempt to undermine society  
in any shape or form. It is simply covering a very basic need for gay people, two people of the  
2105 same sex, who love each other, who are committed to each other, who have compassion for and  
nurture each other, to commit by way of marriage at the same level as heterosexuals.

Surely in this day and age the Isle of Man is an outward, tolerant, inclusive society. If that is  
to mean anything, we have to give this Bill Second Reading today and see its safe passage  
through to becoming law. It is a landmark day for the Isle of Man. It once and for all will draw a  
2110 line under the dark days that we have had, back in the 1990s, which most of you will not  
remember or have been part of, but I can tell you it was pretty horrific to go through at that  
point. (**A Member:** Hear, hear.) This is the end game, as far as that is concerned.

If you support this Bill today, it will send a very strong message out from the Isle of Man: we  
do care for our minorities, we do care for our people, we do care about loving each other and  
2115 caring for each other. Hon. Members, I would ask you to support this Bill.

Thank you.

**The Speaker:** Hon. Members, the Marriage (Same Sex Couples) Bill having been moved, I put  
the question that the Bill receive the Second Reading. Those in favour, please say aye; against,  
2120 no. The ayes have it.

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

**FOR**

Mrs Beecroft  
Mr Bell  
Mr Boot  
Mr Cregeen  
Mr Harmer  
Mr Joughin  
Mr Karran  
Mr Malarkey  
Mr Peake

**AGAINST**

Mr Hall  
Mr Houghton  
Mr Robertshaw  
Mr Teare

Mr Quayle  
Mr Quirk  
Mr Ronan  
Mr Shimmin  
Mr Singer  
Mr Skelly  
The Speaker  
Mr Thomas  
Mr Watterson

**The Speaker:** Hon. Members, the motion carries with 18 votes for and 4 against.

**Marriage (Same Sex Couples) Bill 2016 –  
Motion to refer to committee lost**

**The Speaker:** We turn now to the Town and Country –

**Mr Hall:** Mr Speaker.

2125

**The Speaker:** Yes, Mr Hall.

**Mr Hall:** I beg to move, as per in my contribution to the debate, that this be moved to a committee of this House, the Marriage (Same Sex Couples) Bill. I do not wish to go over any other further points. I made my case as best I could and I move it to a committee for consideration, to deal with issues that I still feel are very much outstanding.

2130

I beg to move.

**The Speaker:** Mr Houghton.

2135

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

I am quite happy to second this, not for any other reason but all of the points that have been already made by many speakers this morning. The consequential effects of this Bill need to be rationalised, they need to be taken account of, and simply because the review into the consultation period and the time it has taken to deal with all those large and voluminous levels of consultation that have been provided in respect of whether it was in support of or against this Bill have ... it has been impossible for that to have been fully evaluated. As a result of that, Mr Speaker, I do feel ... and it is not to do anything other than make sure that we pass good and proper legislation from this House in order to make sure that a number of concerns by those consultees and other Members of this House have been properly evaluated.

2140

2145

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

**Mr Bell:** Just very briefly, Mr Speaker, I would urge Hon. Members, after the debate we have had: please do not send it to committee at this stage. If this was new legislation, completely untried and untested, then there may be an argument for it, but this legislation is more or less a straight lift from the legislation which has been in existence in the United Kingdom – or, sorry, England, Wales and Scotland – for over two years now. It is workable, we know that the legislation does work, it should give comfort to those people who do have those concerns, and I will meet with those people who have expressed concerns particularly about the Registry, particularly before the clauses stages, to clarify some of those points.

2150

2155

2160 Sending this to a committee now, bearing in mind the tight timetable we have from a legislative point of view to get everything through, will simply be a stalling mechanism in an attempt to derail the Bill. This will not actually add to the quality of the written Bill before us. It is tried and tested, we know that it works and I would urge Hon. Members, please, to vote against this.

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

2165 **Mrs Beecroft:** Thank you, Mr Speaker.

I am actually in full support of the Chief Minister today. I think if Members want to change elements of the Bill, they can do so at the clauses stages with amendments to make it into what they would like to see. That is their option, but I do think that it is just a ruse if they are going to appoint a committee at this stage to look at it, knowing full well that it cannot pass through all the different stages. It is just a deliberate manipulative ploy, in my opinion.

2170 I fully support the Chief Minister, as I said. It is not often that we agree on contentious issues, but I certainly do in this case and he has my 100% support on it.

**The Speaker:** I call on the mover to reply. Mr Hall.

2175

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

2180 Firstly, my moving this to go to a committee has got absolutely nothing to do with delaying or stalling, I can assure the House of that. It is for a very good and genuine reason of my concerns that I have with this Bill as per what I stated in my contribution to the debate. The Hon. Member for South Douglas, Mrs Beecroft, is saying it is manipulation: absolute, utter and total nonsense. She may wish to reflect on that comment. *(Interjection by Mrs Beecroft)*

2185 The other issue, Mr Speaker, that I will say in just summing up, which I am very disappointed in ... the opening remarks by the Chief Minister to this whole debate, referring in his speech, I think I recall, to only the Church of England and making no mention of the Roman Catholic Church is quite offensive and I do not think that ... whether that was a genuine error by not mentioning the Roman Catholic or not, I do not know.

Mr Speaker, I beg to move and I will leave it for Hon. Members to decide whether they wish this to go to a committee.

2190 **The Speaker:** Hon. Members, the motion before the House is that the Marriage (Same Sex Couples) Bill be referred to a committee to consider and report. Those in favour, please say aye; against, no. The noes have it.

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

**FOR**

Mr Hall  
Mr Houghton  
Mr Robertshaw  
Mr Watterson

**AGAINST**

Mrs Beecroft  
Mr Bell  
Mr Boot  
Mr Cregeen  
Mr Harmer  
Mr Joughin  
Mr Karran  
Mr Malarkey  
Mr Peake  
Mr Quayle  
Mr Quirk  
Mr Ronan  
Mr Shimmin  
Mr Singer  
Mr Skelly

Mr Teare  
The Speaker  
Mr Thomas

**The Speaker:** The motion fails to carry: 4 votes for, 18 against.  
Thank you, Hon. Members.

**3.2. Town and Country Planning (Amendment) Bill 2016 –  
For Second Reading –  
Debate commenced**

Mr Ronan to move:

*That the Town and Country Planning (Amendment) Bill 2016 be read a second time.*

2195 **The Speaker:** We move now to Item 3.2, the Town and Country Planning (Amendment) Bill for Second Reading, and I call on the mover, the Hon. Member for Castletown, Mr Ronan.

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

2200 This Town and Country Planning (Amendment) Bill 2016 is intended to facilitate an amendment to the Town and Country Planning Act 1999 in order to put the Planning Committee on a secure statutory footing. Importantly, it is a stand-alone, single-issue Bill. For the sake of clarity, it is separate to any future legislative changes that may arise from the wider reviews into planning being conducted both by the Environment and Infrastructure Committee and the Tynwald Select Committee in response to the Jenkins Petition.

2205 In simple terms, the Bill does four things. Firstly, the Bill establishes that there may be a Planning Committee with statutory powers. Secondly, the Bill sets out the type of applications which can be determined by the Planning Committee as those taken by planning officers. Thirdly, it provides the powers for the Department to prepare and seek Tynwald approval for the secondary legislation to define how the Planning Committee will operate. And finally, it sets out  
2210 a number of transitional provisions to allow a seamless change to the new arrangements.

Members will be aware that in the autumn of 2015 the Department formally consulted on this Bill and two draft pieces of secondary legislation were provided to indicate how we expect the Planning Committee to work.

2215 I would now like to briefly remind Members of the background to this Bill. Following concerns raised in Tynwald, the Minister for Infrastructure advised, in the May 2014 sitting of Tynwald, that DOI, now DEFA, should seek to amend the 1999 Act to bring legal certainty to the position of the Planning Committee and bring it to the Branches as soon as possible. The Bill, therefore, is the culmination of many hours' work by the Department and the Attorney General's Chambers, and as such I would like to thank the officers involved for their assistance in getting the Bill in the  
2220 position where it is before us all today.

Finally, and for the avoidance of doubt, I would like to reassure Members that we have explicit legal advice which confirms that the existing process for the appointment of the Planning Committee and all the decisions made by it are legally sound. The Bill is simply putting the situation beyond any doubt.

2225 I look forward to hearing your views and hope that you will be able to support the Bill, Hon. Members.

Mr Speaker, I move that the Town and Country Planning (Amendment) Bill now receives its Second Reading.

2230 **The Speaker:** Mr Robertshaw.

**Mr Robertshaw:** I beg to second, Mr Speaker.

2235 **The Speaker:** Mr Robertshaw to second.  
Hon. Member for Onchan, Mr Quirk.

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

2240 Just running through the Bill itself, I have some concerns regarding ... well, not a great deal of concerns regarding the Bill that is before us here today, but I am interested in the views of the Minister and other Members who form the Planning Committee and who have been Chairs as we have been going along in this particular session.

2245 One issue is that the Planning Committee itself ... I know you are putting it on a proper legal footing. One of the concerns I did have some years ago was the appointment of the Planning Committee and making them come in *en bloc*, which from my reading of it is that if a member of the Planning Committee was either retired or ceased to exist anymore, then a member was filled in, but that was the only variation over the five-year cycle. I would have loved to have seen something where you appoint the Committee in different stages, where that would be a couple of members in one particular year, then a couple of members following on from that. So you would have continuity but you would also have fresh faces that come in.

2250 My other concern here – and I do warn the Minister for the Department that I am potentially looking at some amendments when I get the advice of the legal draftsman; now they are happy, I will be able to get to see them – is regarding the declaration of Members' interests. I believe this is something that should have been done and should have been encompassed in the Bill.

2255 The public and Members should have a right to see what the Planning Committee ... and I have no difficulty with the current Committee, but I may do in the future. I would need to do like Hon. Members in this House: we have a declaration of our Members' interests in the Library and it is open to the public. The same with MLCs and other organisations. There are some other organisations within Government that still have not had their declarations of interest but which are decision-makers, and I may bring something in in the future on that.

2260 The other issue I have regarding the appointment here of that – and I would ask the Minister; I am quite happy to have written notification on this – is the meaning of 'authorised decision maker'. It does include in here:

The Chief Executive of the Department may, in writing ...

2265 It just says 'may'. I thought it would be better with 'shall', so at least we would know who that decision-maker is when that decision is held ... a decision-maker is given to either... a political Member. It could be a political Member of the new DEFA Department – that is Mr Harmer and you, the Member for North Douglas. I would have hoped that you would have had ... If something is delegated to you, one would have it ... [*Inaudible*] 'shall' should be in existence. You should be able to see who the decision-maker was and when that decision-maker came to that decision and, whether he had reviewed that decision or not, how that decision as  
2270 actually made. So I am slightly unhappy about that – probably getting it off my chest at the same time.

2275 The other issue I am a little bit concerned about is formerly, in my time ... I would like a reassurance, because I went to a planning meeting recently ... and I will not mention the planning application, so I will not compromise myself or any other individuals, Mr Speaker, but I was quite taken aback – only probably about the third or fourth time since I have not been Planning Chairman – to look at the public session of the Planning Committee. I think it is actually disgraceful now that we do not put the notices out there we were promised some time ago. The major things are ... people are ... If the notices are not put up, things slip by. You can go to – and

2280 I hope the media will pick it up – the planning officers, the administrative officers anyway, and have it electronically sent to you. I do not know how many people are doing that now.

The other issue I have – and it is to do with the Planning Committee, when they meet – is that the public should be able to have access to the minutes and notes that are taken of a public open session.

2285 I would also put on record that, in my observations, the three-minute talk from one organisation at a planning meeting is of concern. I think sometimes it is rushed when valid points can be made. But I do find it quite onerous, and I have not got to the bottom of it yet, where electronically you have to notify the Committee days before you are going to speak at a meeting, but it has become the practice now that documents are sent in, in advance, for the Committee to digest before a decision or an influence can be taken. My concern here is that if  
2290 somebody sends in pages of documents to the Committee and it is definitely not a three-minute speech, I wonder how do the officers monitor that and how do they look at that, and if that then is sent to the Planning Committee, how that can influence maybe the Planning Committee members, who have additional information. But most importantly, the other party to the planning application never gets to see it – well, eventually they will get to see it because it has to  
2295 be put on the file. My concern is that until people actually start using this and demanding what information is in the file and have to go and look at it and to search for it... I am not saying it is overly influenced, but the Planning Committee could be influenced on that.

My major one, and where I might find real difficulty – to get something in; it is my pet hate of planning, because I do not envy the Committee or the Chairman – is that there should be a  
2300 mechanism within either this or something else that comes forward, or I may put a Private Member's Bill down, for stop notices. I am absolutely fed up of the number of non-applications or developments that are built. Some of them are absolutely massive. I went to look at one at –

**The Speaker:** Hon. Member, can I ask how much longer do you intend to be? We can adjourn  
2305 at this point, if you have more to say, until 2.30.

**Mr Quirk:** Sorry, Mr Speaker. I had not had any indication that anyone else was going to speak, so ... If they were, I ... [*Inaudible*]

2310 **The Speaker:** That is a matter for the Chair, who is going to speak. I am simply asking you how much longer you will be, because I want to give you the full opportunity to speak without encroaching into Members' adjournment. If you want to say more, we will adjourn.

**Mr Quirk:** Fine.

2315

**The Speaker:** Right, in that case we will adjourn until 2.30.

**Mr Watterson:** Mr Speaker, just a point of order. It might be convenient to the House if we did complete these Items before adjourning. I think that should be tested, so could I move that,  
2320 given that Item 5 will not be moved and Item 4 would indicate that it is not a controversial matter –

**The Speaker:** No, Hon. Member, I have two other Members, as it happens, who wish to speak in the debate. We shall adjourn to 2.30.

*The House adjourned at 1.04 p.m.  
and resumed its sitting at 2.30 p.m.*



**Town and Country Planning (Amendment) Bill 2016 –  
Debate continued –  
Second Reading approved**

2325 **The Speaker:** Please be seated, Hon. Members.

Now, as we resume, the Member speaking was the Hon. Member for Onchan, Mr Quirk. I invite him to resume.

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

2330 Just a couple of other points and then I can pass over the baton as they say.

Members, I was just looking at this. Also, I have some criticisms regarding the use of certificates of lawfulness. I wish to put this on the record that there is a mechanism under the Planning Act for certificates of lawfulness. What I find is quite strange, though, is when a certificate of lawfulness is determined by an officer, or individuals, or even the Committee – I do not know whether that can be the case – nothing can be taken from that, or given ... It is either granted or it is not, it is not two or three things. I would require some clarification on that for the future, because if there is ambiguity in there, the certificate of lawfulness should bottom issues out.

My concern is sometimes retrospective applications, where the Department gives a leniency to a person who has done a particular alteration without permission, which can affect another party, sometimes it takes ... I believe the longest one on the go at the minute is nearly three-and-a-half years, to have determination on it. Is that right in this day and age? No, it is not. As far as I am ... it is not right for the person who has agreed, and it is not right for the person who is trying to put the application in, but I think sometimes the Department is too lenient to let them give them months and years to make an application in.

2345 It should be like in other jurisdictions, and I hate that, where a stop notice will apply. So, therefore, the development which has not got current planning permission is stopped with immediate effect, and then the person has to rectify that by putting an application in so it can be tested.

2350 Members, the issue here today really is, at the end of the day, there is always, in planning, a winner and a loser. But sometimes in the Isle of Man there is also a winner, a loser and a void that happens for a few years' time. I would not want to be a planning officer ... (**Mr Watterson:** Hear, hear.) if I wanted to be. But, can I say that the officers do great jobs. They may be not always right, but at the end of the day, their decisions have to be made. My concern is here that there are some issues that we should have tightened up in some other legislation – maybe it is the fault of the Members here. We should have had a debate in another place regarding planning, but we have had several in the past and I have not seen that we have moved forward a great deal.

2360 My final thing, Mr Speaker, if I could say is there is still confusion out there to those individuals who either want to go to DOI – is planning in DOI, or is it in DEFA, or is it in the Cabinet Office, God bless them, upstairs there? They seem to get three pitches for the same issue.

So, I will leave it at that, but I will be desperately seeking some support from the Attorney General's office.

2365

**The Speaker:** Hon. Member for Douglas West, Mr Thomas.

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

2370 Not sure that there are always actually winners and losers in planning. I think, in actual fact, pretty much everybody gets planning approval and that has always been the case. I do not think that is one of the trends. I think issues about political chair or issues about charging for appeals, they do not seem to have had any impact on the number of approvals that people get. It is just

about doing things right. That is what matters and that is the context in which my remarks should be seen.

2375 Firstly, I wanted to thank the Department for having brought forward what was described not quite like the Minister said it, but what was described as a 'one clause amendment to the primary Act'. That was the description offered by the Minister for Infrastructure in May 2014. In June 2014, I think the expectation was that by October/November time 2014 – this was what  
2380 – that we would actually have this in place by October/November, not last year, but the year before.

So I wanted to congratulate the Department, at least, for eventually having got something here. It is a shame it was not quicker. If it had been quicker, we could have been really focusing on the Strategic Plan and the Eastern Area Plan, (**Mr Quirk:** Hear, hear.) and making more  
2385 development permitted, and so on and so on.

However, I just wanted to say that it was slightly, in that context, regrettable that there was actually only a five-week consultation period, and that some of the issues raised in the consultation do not, at first sight, appear to have been dealt with in this version.

So, for instance, Douglas Council in its submission raised the issue about local authority involvement in planning, which is closed off, the way that the order is drafted at the minute. And also, I think the focus all the way throughout has been on the fact that this is, if not a single-clause Bill as was originally intended, is now a single-issue Bill. But it is not actually a single-issue Bill, as I will now explain. There is a lot more in it already and what we are seeing is that other people, for instance the Member for Onchan, are trying to introduce other things that might be  
2390 in it, and I have come to my own conclusion which, if you do not mind, Hon. Members, I will explain to you in as brief time as I can.  
2395

So, the first point is that what we have got here, in actual fact, is 'mission creep', and we have ended up with quite an inelegant Bill presented to us which, I for one, would be trying to amend as I have been doing for 18 months, in actual fact, during the clauses stage, if we decide to get to that stage. So, it is not just the single issue of giving a legal basis to the Planning Committee any more. What we have got inside this Bill are other things.  
2400

So, for instance, the officers and the drafters have taken the opportunity to try and clean up the way that things are delegated, which is something I raised actually, more generally, by trying to introduce an amendment myself to the Interpretation Act. So, now, we have the situation whereby this is how delegation will happen with respect to planning decisions, but this does not interfere with how it happens under section 21 of the Isle of Man Interpretation Act 1976, and it does not interfere with what happens under section 3 of the Government Departments Act 1987, and to me, that is a little bit inelegant.  
2405

I am looking at Jersey's version here, and it really is one clause, and, as far as I remember, the drafting instructions back on 12th June 2014 actually recommended the Jersey solution or if not, the one clause appointments commission, appointments solution to our legal drafters. In Jersey, it is just one clause: clause 9A of the 1999 States Law refers to the Government Delegation Act 2005 by clause, and it refers to the articles in the legislation that the Planning Committee can sort out. It actually sets up the Planning Committee and establishes a couple of principles about notices in newspaper, and, also, about how the public has got to be involved. To me that is very simple, and what we have got here is quite an inelegant solution.  
2410  
2415

Also, we have got comments in here about how the Chair is appointed, how Members are appointed, how notice is given. For the moment, I just rest my case. What we have got is mission creep and an inelegant solution because it is trying to deal in an *ad hoc* way with lots of different problems. So, my first point is, mission creep, inelegance.  
2420

The second point is that, now, it has become premature to have this Bill. The Minister very kindly referred to two reasons why it is premature but there are actually a few more. The two reasons to which the Minister referred are the fact that the Environment and Infrastructure Committee has actually agreed, and is working to terms of reference which are about planning

2425 policy and planning law, and implicitly, and even explicitly, in fact, the Minister said when describing that review that is going on in the Environment and Infrastructure Committee sub-committee, he actually said that they may comment on organisational change aspects that might be a result, and this has got organisational change in it.

2430 Very specifically, there is a clause here which says that the planning decisions will either be made by the Planning Committee or officers of DEFA. But Douglas Council submitted that they wanted local authorities some way involved in decisions. Conceivably, as we have got other Departments involved in planning decisions, it might be that we should have this law being more enabling to say any other body, in the future, can be involved in planning decisions. Conceivably, we could decide, in line with the scope of government, that we set out planning with political  
2435 decisions being made by politicians, and actual planning decisions being made independently of politicians to avoid the conflict.

So, to me, this law is flawed in the sense that it is not protecting us against what might happen in the very foreseeable future. So, therefore, if the Department insists on having this go through before July, when the review – that first review – is finished, it seems to me I will have  
2440 to move amendments to futureproof it for them; but as it is premature, I would actually encourage people to think about why we are actually moving legislation at this stage.

Second point is that we have actually got a Tynwald Select Committee looking at all the legal aspects of delegations and how decisions are made. It seems verging towards disrespectful to be sorting out the answers before the Tynwald Committee has reported on what the results of the  
2445 Tynwald Committee will be.

And finally, we actually have, in this House, agreed for a localism Bill to be introduced, which might have impact on what we are deciding with this legislation and the local authorities are quite concerned about how planning works and how decisions are made. For instance, the Municipal Association has actually asked to have a consideration of planning issues at the end of  
2450 this month. So, the case I am making, is that rather than having this Bill, which is tending to now be piecemeal, why not wait until a beautiful Bill can be put together by the next House to actually deal with all these issues that come out the reviews that are going on at the minute?

The Minister did not say it quite as strongly as I would have said it. Basically, all decisions made under planning law at the minute are legally valid, that is what we have said before, until  
2455 they are successfully challenged in court. Our Committee is investigating to what extent the amount of challenges are being made, and we are also investigating the success of those challenges. We will report back to Tynwald about it.

But at the minute everybody accepts the existence of a Planning Committee, decisions are still being made and so, therefore, it seems to be premature to actually solve a problem which  
2460 would have been better to have been solved 18 months or two years ago, but now as we have got these reviews why not wait a little bit longer?

So, the staff in Planning are under pressure. They are trying to do a good job on the Strategic Plan, on the Eastern Area Plan, on permitting development, on sorting out systems. I think we should let them focus on that. To me, this could end up being a distraction and a detraction, and  
2465 I think we would be better off waiting for an all-in-one rather than a piecemeal settlement for planning.

I so move, Mr Speaker.

**Mr Speaker:** I call on Mr Karran, Hon. Member.

2470

**Mr Karran:** Vainstyr Loayreyder, I have to say that I seem to be more shocked today with the way things are going than normal, as I say, with Questions not being answered and the likes of, in this case ... Has anybody *read* this Bill? (**A Member:** Yes.) I think the Hon. Member that has just resumed his seat has been very generous towards the Government of the Isle of Man!

2475 This Bill is potentially going to be the thing that is going to even augment that they think the whole planning process is dodgy to start off with.

2480 You look at the situation, you look at clause 39B: 'an authorised decision maker'. Given the depletion as far as the number in the planning department, and the fact that we no longer have a conservation officer, how do you delegate the sensible applications to officers, who may or may not be qualified? What would be the best interest as far as the applicants, the objectors or the interested parties?

2485 This Bill gives the Chief Executive of the Department wide, unspecified powers to delegate to officers, who have no democratic mandate, and who could be influenced by departmental policies of the day, to increase or reduce the amount of approvals, the potential arbitrary matters. No reference is made to the criteria that the Chief Executive may adopt as far as the selection of the applications for the arbitrary form of determination that he or she might appoint or direct staff to do the job. At no point is there any transparency, at no point ... there is no democratic involvement. These are not words from me; these are words from people from the profession!

2490 People from the profession who are not Liberal Vannin: these are people who have read the Bill and say what are we going to end up doing? We are going to end up being hostage to fortune.

2495 Under 39 (3), the reconstruction of the Planning Committee is an acceptable move, but once again the delegated functions are again wide and unspecific in the Bill, another step away from democratic accountability.

If the Planning Committee is to continue, its membership should have a remit that must be drawn up tightly and the determination as far as delegation to the Planning Committee, and what would be subject to appeal. Members need to be *fully* accountable. The changes in this role as far as the executive function are amazing.

2500 It is not as if this House ... and I know people say 'Oh, you're always dragging up the past', but if it stopped repeating the past, I might not have to drag it up. We had the Braddan Plan, and considering I had people who had interests in it, who were complaining to me about how I was too much on the side of the establishment, and to be perfectly honest with you, the things that happened after that I felt very conflicted, and that is why I tried to get off the Braddan Plan Select Committee. But the thing is that this Bill is a green light that anything goes.

2505 I understand better than anybody that we need economic growth, as far that is concerned. I understand that if we want to provide services for our people we have got to pay for them. But this Dutch auction of going in ever-decreasing circumstances of the way we are going down here, it actually works against ... and it works against the Island and it pushes us back, if we have this situation. It pushes it back to when I was a child, where it was a matter of opportunity was on the basis of who you knew, and justice was on the basis of your postcode.

2510 If we support this Bill, I believe that you are going to ... rightfully so. I know the press will always err on being conservative with the Government, but you will actually further damage the credibility of the whole planning position and confidence in the Island.

2515 We saw the situation where we had the likes of the Kirk Michael Plan, and the policies of civil servants pushing things which did not stack up in planning terms. We had the situation, as I say, with the Braddan Plan, where there were arguments about civil servants abusing their position, and it was very difficult to make logical sense of where different areas got approval.

2520 You look at the likes of this latest thing, which is another one of these which seems to be lunacy situation, where we have had a 40-page document in favour of building a new garage on the outskirts of Douglas by a planning officer. *How can you* delegate what we should be putting in to the Planning Committee to these people? That is what I would like to know.

2525 I am with your leader, Mr Bell, as far as economic development is concerned, but I actually believe you are actually working against the thing ... and I think sometimes, especially the newer Members just want to go and read a few *Hansards*!

So if you want to further destroy confidence with this unspecific way that we deal with planning, then vote for this Bill.

2530 There are other issues. I really do think that Members need to look at it ... and I am not looking from the fact that I have been a victim of the problems of planning, and the victim of access and all sorts of things. I am looking at this from my constituents. My constituents say that they think there is no continuity, there is no stability as far as logical thought processes with the Planning Committee. They talk against their own policies. We have it in our constituency!

2535 I have a woman who wanted to put a second storey on her house, which she was not allowed to, under the Planning situation, yet we have a multi-national company which can put a structure up higher than my constituent –

**The Speaker:** Hon. Member, could you come a little closer to the terms of the legislation.

2540 **Several Members:** Hear, hear.

**Mr Karran:** Well, it might be what people do not want to hear, (*Interjections*) but if you are going to end up delegating these functions to civil servants, expect to get this sort of stick – not from me; from people outside here –

2545 **Mr Watterson:** But you as well.

**Mr Karran:** – because you are all responsible for primary legislation.

2550 There are things that I would like to see as far as other things that I would like to have used this Bill for, and that is that there should be the issue of conservation. There needs to be a legal responsibility to employ a conservation officer.

2555 I believe that in this Bill too that I would have liked to have seen a number of other issues that I feel should be addressed as far as is this Bill is concerned, because I might not agree very often with my colleague from Onchan, Mr Quirk, but I have to say issues about declaration of interests – you are delegating this to a situation. You are delegating this: you put a cow in the field, it is £3,000 or £4,000 an acre; you put a house in the field, it is £350,000 an acre. You put a factory in the field, you are talking about more likely £500,000 an acre.

And you are prepared to throw out the good governance, as far as the planning situation is concerned. You are opening up the planning situation.

2560 If you support this Bill, it will not be a quick fix; it will create even more resentment, that no matter how much the media sits on it, more resentment of the working people – and not just working people; but people on this Island, as far as their animosity as far as the planning process is concerned ...

2565 I think the hon. mover needs to clarify. The delegated functions, as far as these clauses of 39B and 39C. This idea of making it up as you go along will actually come back to haunt the next administration. It will actually be counter-productive to what the Hon. Member for Ramsey wants, as far as economic growth is concerned.

2570 Hon. Members, forget the personalities, read the Bill and then think about it. I hope Hon. Members will not support this Bill, even though there are a number of things that I would like to see in this Bill, which I might try and put in this Bill, because there could be some good brought about.

But we have a Planning Committee there. No-one in a small community like the Isle of Man should have the power to say whether your land is a £3,000-an-acre piece of land or a £450,000 piece of land for ... And that is what you are doing. Read the Bill!

2575 **The Speaker:** I should remind Members, of course, not to speak about particular planning applications or appeals in their own constituencies, for example, which have yet to be determined – a risky thing to do.  
Hon. for Malew and Santon.

2580 **Mr Cregeen:** Thank you, Mr Speaker.

If I could also go to section 39B, from my recollection, the Minister can delegate his authority to the Chief Executive, who then can further delegate his responsibilities. I think that is where it needs to be made clear in this Bill that it is actually the Minister who is delegating to his Chief Executive, who then can delegate (**Mr Watterson:** Not necessarily.) but finally ... Well, I think that needs to be clear in this Bill, about whether the Minister *is* going to be able to delegate his responsibility. It is not made clear here, and I hope the Minister can clarify that.

I hate to bring Members back a number of years, but Mr Speaker, you will remember, when you were on the Committee into the planning on the Poacher's Pocket, the number of errors that happened on that application ... My concerns are, and I seek clarification from the Minister, that on the recommendations that came out of that report, the delegated powers of the Director of Planning and Building Control be restricted so that he may not use his powers to approve conditions over which there have been serious objections. I think that was one of the main points out of that Select Committee, that the Director of Planning and Building Control, because it said that he could act under the delegating of the Planning Committee, he decided to approve conditions which should have actually gone back to the Committee.

2590 So I am looking for clarification from the Minister that the recommendations from the Committee which you chaired, Mr Speaker, will continue through this Bill.

2595 For the Member for Onchan, yes, he is not the only person to have read through this Bill. I am sure most Members have read through it. Yes, sometimes you need a more legalistic opinion from somebody to see where it is going, but I think the majority of Members do read through it, and do take note.

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

2605 **Mr Cregeen:** No, Mr Ronan.

**The Speaker:** I beg your pardon! (*Laughter*) Mr Ronan.

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

2610 I thank obviously all the Members for their remarks and contributions on this important Bill. Before I respond in full, may I remind you all of the express intent to keep this Bill focused on simply providing explicit statutory powers to enable the Planning Committee to be constituted and to take appropriate decisions. I think probably what happened in the supplementary questions to myself is that we are broadening the Bill out further than needs to be.

2615 You have got to remember, most importantly, a lot of the issues being raised ... we have two bodies of work going on at the minute: one via the Environment and Infrastructure Planning Subcommittee, which is looking at planning at the moment, which you are all aware about; and also the Jenkins Committee, which Mr Thomas is chairing as well.

2620 There is a lot of work going on with planning at the minute – all good, I would say. This is a fresh look at planning. This is something that the Chief Minister has wanted. It is something which we are absolutely doing.

2625 So I just want to be clear, really, before I go into the specifics of each Member who has talked today, as well, is that we also have bodies of two orders, which have come with your papers. These are draft orders which will complement the Bill are going forward, where there is going to be ample opportunity to implement and to put in your concerns in that.

So it is not this Bill, which is a single issue Bill, may I say to Mr Thomas as well – which is based on the advice of the Attorney General's. I can remember a year ago when the concerns were raised about the statutory legality of the Planning Committee, where voices who seem to be wavering the other way now were wanting exactly what we are doing now.

2630 So I am a little confused by a lot of this (**Mr Thomas:** Hear, hear.) and I think we just need to understand what this Bill actually is, before we start confusing things.

Mr Quirk, again, I thank you for your comments, but again, really, I think as I just said, you have ample opportunity to feed in your concerns via the two bodies of work that are going on at the minute, and also through these orders. I would strongly suggest that you do.

2635 Also, you talked about one issue which I know has caused you quite some concern over the years, which is on stop notices. We already have powers in the Town and Country Planning Act 1999 to issue stop notices. I think what we have to say to you, sir, now is that common justice says we should need evidence, not just allegation before such actions, and I think this is clear. Again, you should be feeding this in to the bodies of work that are going on right now.

2640 You also mention voids – things need tightening up. This is exactly what this is doing. This is exactly what this place and another place requested off the then Minister for Infrastructure and myself now, to bring this Bill forward. We have gone through the process of the Attorney General's and this is where we are now. This is a very simple Bill, which will be added onto later through the orders and again these bodies of work that are going on through these two  
2645 committees.

Mr Thomas – I always find ... You try to say you make things simple, but what you are saying is make this perfect, utopianist Bill. (Interjection) If we are going to do a Bill as you suggest, I suggest that will be two or three years down the line. Here we are, trying to clarify this simple situation on the basis of the Planning Committee, which is exactly what we are doing.

2650 I think you say, 'mission creep' and you talk about Jersey. It is like the grass is always greener on the other side. I have heard you mention many times about Jersey and Guernsey – the Channel Islands. They have not got a perfect system either. WE have got to get a planning system which is right for the Isle of Man and right for the Isle of Man's economy.

I remember coming back from a trip recently, and I bumped into two lads from Jersey. I stupidly told them what I did, and I got a right mouthful, basically, how awful Jersey was and how awful the Jersey planning situation was. So it is not perfect there, either – far from it.

You say about doing the right thing. I genuinely believe we are doing the right thing. We are following the instructions from this House. There were concerns raised, certainly from a local resident. We took Attorney General's advice, and we are where we are today.

2660 I think we are absolutely doing the right thing. As yourself, sir, you are very much part of this process, through the Jenkins Committee review. You have got a great, ideal opportunity to input your thoughts and visions into the planning system going forward, and Tynwald Court will debate it in due process.

2665 As I come back to it – sorry to repeat myself, Mr Speaker – this is a very simple Bill, this work we are looking for. We are trying to complicate things where we should not really.

Mr Cregeen, again all the delegations are publicised on the website. I think the secondary legislation which you have got – the two draft orders, which are going to be finalised, set out the details of how this will operate going forward.

2670 Certainly something on the Poacher's Pocket – which I know is something which is close to you, and something which I know you have worked very hard on over the years – the recommendations will be kept in place as written.

So Hon. Members, I would please ask that we do not try and swamp ourselves in what I call 'Rubik's Cube politics', where we are trying hard to understand what is a very simple Bill in front of us here.

2675 Finally I would just like to close, Mr Speaker, by reminding you of the need for a simple and explicit powers on this important matter, and I beg to move that the Second Reading of this Bill now be taken.

**The Speaker:** Hon. Members, I put the question that the Town and Country Planning (Amendment) Bill be read for a second time. Those in favour, please say aye; against, no. The  
2680 noes have it.

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

**FOR**

Mr Bell  
Mr Boot  
Mr Cregeen  
Mr Harmer  
Mr Joughin  
Mr Malarkey  
Mr Peake  
Mr Quayle  
Mr Robertshaw  
Mr Ronan  
Mr Shimmin  
Mr Singer  
Mr Skelly  
Mr Teare  
The Speaker  
Mr Watterson

**AGAINST**

Mrs Beecroft  
Mr Hall  
Mr Houghton  
Mr Karran  
Mr Quirk  
Mr Thomas

**The Speaker:** With 16 votes for, 6 votes against, the motion therefore carries.

#### **4. BILLS FOR THIRD READING**

##### **4.1. Road Races Bill 2015 – Third Reading approved**

Mr Houghton to move:

*That the Road Races Bill 2015 be read a third time.*

2685 **The Speaker:** Item 4, Bills for Third Reading. The Road Races Bill – I call on the mover, Mr Houghton.

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

2690 In moving the Third Reading of this Bill, I will reflect on the main themes and, if I may, address some points raised in last week's debate. I would also like to take this opportunity to thank the many Hon. Members who contributed to the debate so effectively. In particular, I would like to thank Mr Singer, who successfully tabled an amendment to the Bill, reducing the scope for road racing on Sunday.

2695 This comprehensive Bill seeks to replace the Road Races 1982, which has served us well for many years, with a new and updated Act.

2700 First and foremost, the Bill creates clarity around roles and responsibilities. Ambiguity between the roles of the organiser, the Department of Infrastructure and the Police has been removed. It is now clearly the responsibility of the race organisers to organise, plan and implement a safe sporting and spectator event. Recent tragedies in a nearby jurisdiction have reinforced the importance of this approach.

2705 Motor racing is, by its very nature, dangerous; road racing even more so. We accept to a degree that competitors in these events risk their lives. Although it is true, it sits less comfortably that spectators also accept risks when they attend these events. This should not stop us trying to make events safer, and I believe that this legislation will do that by giving the Clerk of the Course and marshals the powers they need to implement a safe sporting and spectator event.

When considering how an event can be managed effectively and safely, note needs to be taken of the activities that add little value but add considerably to the administrative burden of



2710 the organisers and the Government. This Bill will reduce considerably the amount of unproductive administration, and in doing so, I believe that there will be a net improvement in safety.

2715 The Coroner reporting on the unnecessary deaths at the 26th Milestone inquest was critical on many fronts. The lack of overall co-ordination and management, the failures of process and the complexity of consent for prohibited areas. Mr Moyle in his summing up noted, as a matter of urgency, section 2 of the 1982 Act should be re-examined to see if a more simplified system can be brought into force. It has taken time but I believe that this Bill simplifies the system and balances the needs of event organisers with the rights of landowners and occupiers.

2720 Through its application, the Bill introduces a risk-centred approach to racing events on closed public highways. Road racing with significant risks will be authorised through the new road races legislation. Low-risk racing events entertainment will be authorised through the Highways Act.

Through this Bill as amended, racing will be allowed to take place on a Sunday. This is now commonplace and creates the opportunity for races to be organised at the weekend, when more people will be able to enjoy them.

2725 In clarification to Mr Malarkey's question during the clauses stage of this Bill, the practice of rescheduling races to the middle Sunday because of bad weather can continue, but racing can only take place between 1.30 p.m. and 5.30 p.m. This will indeed limit the current practice.

2730 The Isle of Man has a celebrated history of road racing, and it is an important part of our unique cultural identity. All in all, this Bill makes a material improvement to our road racing law, and in doing so promotes the public interest by protecting the future of road racing on the Isle of Man. As such, Mr Speaker, I commend this Bill to the House for its Third Reading.

I beg to move.

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

2735 **The Speaker:** Hon. Members, I put the question then that the Road Races Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

#### 4.2. Police (Amendment) Bill 2016 – Third Reading approved

Mr Watterson to move:

*That the Police (Amendment) Bill 2016 be read a third time.*

**The Speaker:** The Police (Amendment) Bill, I call on the mover, Mr Watterson.

2740 **Mr Watterson:** Mr Speaker, the Bill was introduced into this House in October 2015, received its Second Reading in November. The Bill is designed to do three things: to provide for the contracting out of certain police functions which must first be set out in an order and then approved by Tynwald; to clarify that the Department may re-appoint an incumbent Chief Constable for a further fixed term, without first having to undertake a fresh recruitment-type exercise; and to enable the Chief Constable to self-refer matters for an investigation where they have not been the subject of a complaint.

2745 I would like to thank Mr Houghton for his active engagement and his amendment, as well as my seconder, Mr Thomas and Mr Joughin for their support.

Mr Speaker, I beg to move that the Police (Amendment) Bill be read a third time.

2750 **The Speaker:** Mr Houghton.

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

I am very happy to second this and I am sorry to jump in on the Minister's other seconders from his Department, but also to thank him and his Department for assisting me with my enquiries. I am most grateful.

2755

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

## 5. CONSIDERATION OF CLAUSES

### 5.1. Concessionary Travel Schemes Bill 2015 – Consideration of clauses deferred

Mr Gawne to move.

**The Speaker:** Item 5, Mr Gawne having leave of absence, this Bill will not be moved.

## 6. MOTION TO SUSPEND STANDING ORDERS

### Representation of the People (Amendment) (No 2) Bill 2015 – Standing Order 4.13(2) suspended to permit Council amendment to be taken at this sitting

The Hon. Member for Douglas South to move:

*That Standing Orders, and in particular Standing Order 4.13(2), be suspended to permit Council amendment of the Representation of the People (Amendment) (No 2) Bill 2015 to be taken at this sitting.*

2760

**The Speaker:** Item 6, motion to suspend Standing Orders. I call the Hon. Member for Douglas South, Mr Malarkey.

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

2765

Before I move the suspension of Standing Orders, it would be helpful to the House to explain why. I thank the House for my small Bill of changing 'West' back to 'South' sailing through this House extremely quickly and through Council.

2770

We recall on 8th December in this House, the Hon. Mr Watterson tried to put a clause on to the Bill, and this House agreed to change the long title of the Bill, but did not agree with the clause. We then ended up with the Bill going in to Council where the title did not actually relate to what was in the Bill.

Council have kindly reverted that back to its original title, but of course, because it is an amendment by Council, it has to come back here for approval.

2775

Under normal circumstances, this would be three-week wait. I am asking, as only two weeks have gone past, for the motion to suspend Standing Orders in order that we can do that final amendment approval today, so that we can progress with any paperwork that needs to be done for the up and coming election.

So with that, I would like to move that Standing Orders, and in particular Standing Order 4.13(2), be suspended to permit Council amendment of the Representation of the People (Amendment) (No 2) Bill 2015 to be taken at this sitting.

2780 **The Speaker:** Mr Watterson.

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

I am delighted to second the suspension of Standing Orders.

2785 I am sure that Hon. Members will understand that the amendment to the long title that I did was done with the best of intentions, thinking this was something that would have got the will of the House. Whilst the House was willing to support up to a point, it was felt that by the time we had got down to the clause in detail, it was not something that the majority of the House would support.

2790 Needless to say, I am disappointed about that. However, the House has had its settled will and I do not see that that is a good reason to hold up this Bill.

Whilst it might seem somewhat nit-picking to have to go back and change the long title, this is something that is the subject of clear advice, and it would be strange for the House to keep a Bill with a long title in it that did not match the objectives of the Bill as drafted.

2795 So I am delighted to support not only the suspension of Standing Orders, because this is a short and simple Bill, but also the amendment as put in front of everybody today.

Thank you, Mr Speaker.

**The Speaker:** Hon. Members, I put the motion that Standing Orders be suspended as set out in Item 6. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

#### COUNCIL AMENDMENT

##### 6.1. Representation of the People (Amendment) (No 2) Bill 2015 – Council amendment approved

Mr Malarkey to move.

2800 **The Speaker:** Mr Malarkey.

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

I propose that the Council amendment to the Representation of the People (Amendment) (No 2) Bill 2015 be approved.

2805

**The Speaker:** Mr Watterson.

**Mr Watterson:** I am delighted to second that for the reasons set out, Mr Speaker.

2810 **The Speaker:** Hon. Members, I put the motion that the Council's amendment to the Representation of the People (Amendment) (No 2) Bill 2015 be agreed to. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

2815 Thank you very much, Hon. Members. That concludes the business of the House. The House will now stand adjourned till the next sitting, which will take place at 10.30 a.m. on 16th February next week in Tynwald Court.

*The House adjourned at 3.15 p.m.*