



TYNWALD COURT OFFICIAL REPORT

RECORTYS OIKOIL
QUAIYL TINVAAL

PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 12th December 2017

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Present:

The President of Tynwald (Hon. S C Rodan)

In the Council:

The Attorney General (Mr J L M Quinn QC),
Mr D M Anderson, Mr M R Coleman, Mr C G Corkish MBE, Mr D C Cretney,
Mr T M Crookall, Mr R W Henderson and Mrs J P Poole-Wilson
with Mr J D C King, Deputy Clerk of Tynwald.

In the Keys:

The Speaker (Hon. J P Watterson) (Rushen);
The Chief Minister (Hon. R H Quayle) (Middle);
Mr J R Moorhouse and Hon. G D Cregeen (Arbory, Castletown and Malew);
Hon. A L Cannan and Mr T S Baker (Ayre and Michael);
Hon. C C Thomas and Mrs C A Corlett (Douglas Central);
Miss C L Bettison and Mr C R Robertshaw (Douglas East);
Mr D J Ashford and Mr G R Peake (Douglas North);
Hon. W M Malarkey (Douglas South);
Mr M J Perkins and Mrs D H P Caine (Garff);
Hon. R K Harmer and Hon. G G Boot (Glenfaba and Peel);
Mr W C Shimmins (Middle);
Mr R E Callister and Ms J M Edge (Onchan);
Dr A J Allinson (Ramsey);
Hon. L D Skelly (Rushen);
with Mr R I S Phillips, Clerk of Tynwald.

Business transacted

Leave of absence granted.....	431
Papers laid before the Court	431
Questions for Oral Answer	434
1. Chief and Treasury Ministers' discussions in London – Statement.....	434
2. Brexit negotiations with Ireland and Northern Ireland – Statement.....	435
3. Top five objectives for the Year of Our Island – Measurement of achievement.....	437
4. Ramsey Shipyard – Termination of lease; rent outstanding; DfE losses and action taken.....	438
5. Social media and fake news – Education in dangers and identification	440
6. Teacher pay scales – Comparisons with England and Wales	443
7. Building Control Act 1991 – Plans to replace	445
8. Vision 2020 Offshore Energy Hub Strategy – Progress report	447
9. Air quality – Testing and publication of results.....	448
Question 10 to be answered in writing	451
11. Mental health improvement for Island – Collaborative strategies between Mental Health and Public Health	452
12. Viagra – Pharmacy purchase without prescription	454
13. Proceeds of Crime Act 2008 – Compatibility with Human Rights Act 2001.....	455
14. Drug and Alcohol Advisory Service – Investigation into tender bids	456
15. Drug and Alcohol Joint Strategic Needs Assessment – Publication and implication	458
16. Prescription charges – Pre-payment certificates	459
Questions for Written Answer	462
10. Manx Emergency Doctors Service – Referral method and capacity	462
17. Taxpayers on incomes below personal allowance level – Numbers of retired and under 25s	462
18. Taxpayers not required to submit annual returns – Numbers of retired and under 25s	463
19. Value for Money Committee – Meetings and reports over last 12 months.....	464
20. Government external borrowing – Additional since 2016; interest rates;	464
21. Jury exemptions – Number of people.....	465
22. Enterprise Development Scheme – Economic impact	465

23. Enterprise Development Scheme – Arrangement with Spark Impact.....	466
24. Teacher recruitment – Relocation expenses	466
25. Injuries at Noble’s Hospital – Number of in-patient incidents	467
26. Domestic Violence Disclosure Scheme, UK – Plans to mirror in Island	467
27. Vehicle registrations database – Organisations with access	468
28. Power station roof works – Cost of scaffolding; appointment of contractor	468
29. Government processing of personal and sensitive data – Systems; enquiries made; data protection breaches	469
30. Data Protection Act 2002 – Offences by civil servants	469
31. Government data breaches – Powers of Information Commissioner to investigate	470
32. Communications Bill – Introduction into Branches; reason for delay.....	472
Order of the Day	473
3. Government: Single Legal Entity and Programme – Statement by the Minister for Policy and Reform.....	473
4. Castletown Housing Review – Statement by the Minister for Policy and Reform	474
5. Isle of Man Post Office – Statement by the Chairman of the Isle of Man Post Office	479
6. Energy Efficiency – Statement by the Minister for Environment, Food and Agriculture .	482
7. Child Abuse – Statement by the Chairman of the Social Affairs Policy Review Committee	491
8. Feasibility Study – Single Resident Record – Design and build of system; creation of Smart Service Framework – Debate commenced.....	493
<i>The Court adjourned at 1.03 p.m. and resumed at 2.30 p.m.</i>	<i>495</i>
Feasibility Study – Single Resident Record – Debate continued – Motion carried	496
9. Select Committee on the Functioning of Tynwald – Combined vote under Standing Order 3.19(1) – Amended motion carried.....	507
10. Tribunals Act 2006 – Appointments Commission – Mr Simon Jones appointed as member.....	510
11. Freedom of Information Act 2015 – Information Commissioner – Mr Iain McDonald appointed	511
12. Proceeds of Crime Act 2008 – Draft Proceeds of Crime Act (Compliance with International Standards) (Amendment) Order 2017 approved	512
13. Anti-Terrorism and Crime Act 2003 – Draft Anti-Terrorism and Crime Act (Compliance with International Standards) Order 2017 approved.....	513
14. Public Sector Pensions Act 2011 – Police Pension (Amendment) Regulations 2017 approved.....	514
15. Control of Employment Act 2014– Control of Employment (Amendment of Schedule 1) (No.2) Order 2017 approved.....	516
16. Consumer Protection Act 1991 – Consumer Rights (Payment Surcharges) Regulations (Application) Order 2017 approved.....	517
17. Payment Services Act 2015 – Payment Services (Amendment) Regulations 2017 approved.....	517

18-19. Financial Services Act 2008 – Regulated Activities (Amendment) Order 2017 approved; Financial Services (Exemptions) (Miscellaneous Amendments) Regulations 2017 approved	518
20. Terrorism and Other Crime (Financial Restrictions) Act 2014 – Draft Terrorism and Other Crime (Financial Restrictions) Act 2014 (Amendment) (No.2) Order 2017 approved	520
21. Companies Act 1982 and Companies Act 2006 – Recognised Auditor (Fees and Miscellaneous) (Amendment) Regulations 2017 approved	521
22-23. Social Security Act 2000 – Social Security Act 2000 (Amendment) Order 2017 approved; Pension Schemes Act 1995 – Pension Schemes Order 2017 approved	522
24.-25. Social Security Act 2000 – Social Security Administration Act 1992 (Application) (Amendment) (No.3) Order 2017 approved; Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No.2) Order 2017 approved	523
Christmas and New Year wishes from the President	524
<i>The Council withdrew.</i>	524
House of Keys	524
Christmas and New Year wishes from the Speaker	524
<i>The House adjourned at 4.08 p.m.</i>	524

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Tynwald

The Court met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

The Deputy Clerk: Hon. Members, please rise for the President of Tynwald.

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

5

Members: Moghrey mie, Mr President.

The President: In the absence of the Lord Bishop, I shall lead us in prayer.

PRAYERS

The President

Leave of absence granted

10 **The President:** Hon. Members, I have given leave of absence to: Hon. Member of Council, Mr Turner; Hon. Member for Ramsey, Mr Hooper; to Mrs Beecroft; for Tuesday evening and tomorrow morning, to the Chief Minister; in the event we are sitting on Thursday, to Mr Crookall; and to Mr Boot for the first part of tomorrow morning.

Papers laid before the Court

15 **The President:** I call on the Clerk to lay Papers.

The Clerk: Ta mee cur roish y Whaiyl ny pabyryn enmyssit ayns ayn nane jeh'n Chlaare Obbyr.

I lay before the Court the papers listed at Item 1 of the Order Paper.

Public Sector Pensions Act 2011

Police Pension (Amendment) Regulations 2017 [[SD No 2017/0346](#)] [[MEMO](#)]

Control of Employment Act 2014

Control of Employment (Amendment of Schedule 1) (No.2) Order 2017 [[SD No 2017/0348](#)] [[MEMO](#)]

Consumer Protection Act 1991

Consumer Rights (Payment Surcharges) Regulations (Application) Order 2017 [[SD No 2017/0329](#)] [[MEMO](#)]

Payment Services Act 2015

Payment Services (Amendment) Regulations 2017 [[SD No 2017/0343](#)] [[MEMO](#)]

Financial Services Act 2008

Regulated Activities (Amendment) Order 2017 [[SD No 2017/0344](#)] [[MEMO](#)]

Financial Services (Exemptions) (Miscellaneous Amendments) Regulations 2017 [[SD No 2017/0345](#)] [[MEMO](#)]

Companies Act 1982 and Companies Act 2006

Recognised Auditor (Fees and Miscellaneous) (Amendment) Regulations 2017 [[SD No 2017/0323](#)] [[MEMO](#)]

Social Security Act 2000

Social Security Act 2000 (Amendment) Order 2017 [[SD No 2017/0277](#)] [[MEMO](#)]

Social Security Administration Act 1992 (Application) (Amendment) (No.3) Order 2017 [[SD No 2017/0330](#)] [[MEMO](#)]

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No.2) Order 2017 [[SD No 2017/0331](#)] [[MEMO](#)]

Pension Schemes Act 1995

Pension Schemes Order 2017 [[SD No 2017/0278](#)] [[MEMO](#)]

Draft Orders

Anti-Terrorism and Crime Act 2003

Anti-Terrorism and Crime Act (Compliance with International Standards) Order 2017 [[SD No 2017/XXXX](#)] [[MEMO](#)]

Terrorism and Other Crime (Financial Restrictions) Act 2014

Terrorism and Other Crime (Financial Restrictions) Act 2014 (Amendment) (No.2) Order 2017 [[SD No 2017/XXXX](#)] [[MEMO](#)]

Proceeds of Crime Act 2008

Proceeds of Crime Act (Compliance with International Standards) (Amendment) Order 2017 [[SD No 2017/XXXX](#)] [[MEMO](#)]

Report

Feasibility Study – Single Resident Record [[GD No 2017/0069](#)] [[MEMO](#)]

The remaining items are not the subject of motions on the Order Paper

Documents subject to no procedure

Church Offices Measure (Isle of Man) 2011

Church Offices Measure (Isle of Man) 2011 (Appointed Day) (No.2) Order 2017 [[SD No 2017/0320](#)]

Church Offices Measure (Isle of Man) 2014

Parochial Fees (Isle of Man) Order 2017 [[SD No 2017/0338](#)]

Church Fees Measure (Isle of Man) 2014

Church Offices Measure (Isle of Man) 2011

Church Legal Fees (Isle of Man) Order 2017 [[SD No 2017/0339](#)]

Care of Churches Ecclesiastical Jurisdiction Measure 1991

Clergy Discipline (Amendment) Rules (Isle of Man) 2017 [[SD No 2017/0335](#)]

Suspension Appeal Rules (Isle of Man) 2017 [[SD No 2017/0336](#)]

Payment of Members' Expenses Act 1989

Payment of Members' Expenses (Specified Bodies) Order 2017 [[SD No 2017/0290](#)]

Police Act 1993

Police Federation (Amendment) Regulations [[SD No 2017/0170](#)]

Council of Ministers Act 1990

Ministerial Titles Order 2017 [[SD No 2017/0349](#)]

Assignment of Ministers Instrument 2017 [[GC No 2017/0010](#)]

Reports

Gambling Supervision Commission Annual Report 2016/2017 [[GD No 2017/0048](#)]

Enterprise Act 2008 Annual Report for 2016/2017 [[GD No 2017/0071](#)]

Manx Cable Company Limited Annual Report and Financial Statements for the year ended 31 March 2017 [[GD No 2017/0072](#)]

E-Ilan Communications Limited Annual Reports and Financial Statements for the year ended 31 March 2017 [[GD No 2017/0073](#)]

Isle of Man Government Unified Scheme 2011 Public Sector Pensions Authority Annual Report and Accounts for year ending 31 March 2017 [[GD No 2017/0074](#)]

Judicial Pension Scheme 1992 Public Sector Pensions Authority Annual Report and Accounts for year ending 31 March 2017 [[GD No 2017/0075](#)]

Judicial Pension Scheme 2004 Public Sector Pensions Authority Annual Report and Accounts for year ending 31 March 2017 [[GD No 2017/0076](#)]

Superannuation (Manual Workers) (No.1) Scheme 1973 Public Sector Pensions Authority Annual Report and Accounts for year ending 31 March 2017 [[GD No 2017/0077](#)]

Police Pensions Regulations 1991 Public Sector Pensions Authority Annual Report and Accounts for year ending 31 March 2017 [[GD No 2017/0078](#)]

Police Pensions Regulations 2010 Public Sector Pensions Authority Annual Report and Accounts for year ending 31 March 2017 [[GD No 2017/0079](#)]

Teachers' Superannuation Order 2011 Public Sector Pensions Authority Annual Report and Accounts for year ending 31 March 2017 [[GD No 2017/0080](#)]

Questions for Oral Answer

CHIEF MINISTER

1. Chief and Treasury Ministers' discussions in London – Statement

The Hon. Member for Onchan (Ms Edge) to ask the Chief Minister:

If he will make a statement on recent discussions in London, which he attended with the Treasury Minister; and what business was conducted?

20 **The President:** We turn to our Order Paper, Questions for Oral Answer, and I call on the Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr President.

Can I ask the Chief Minister if he will make a statement on recent discussions in London,
25 which he attended with the Treasury Minister; and what business was conducted?

The President: I call on the Chief Minister, Hon. Member for Middle, Mr Quayle.

The Chief Minister (Mr Quayle): Thank you, Mr President.

30 The meetings which the Treasury Minister and I held in London recently were part of ongoing planned and targeted engagement in the United Kingdom. As outlined in the Government news release issued immediately after our return, areas of discussion centred on the recent media focus on the Island following the Paradise Papers and related tax transparency matters, including the publication by the European Union of their list of non-co-operative jurisdictions for
35 tax purposes.

Discussions also continue on the UK's withdrawal from the European Union.

The President: Supplementary, Ms Edge.

40 **Ms Edge:** Thank you, Mr President.

Can I just ask the Chief Minister if he could confirm when the next report is due out from the Brussels office with regard to all of the negotiations?

The President: Chief Minister.

45

The Chief Minister: Thank you, Mr President.

I have not got the exact date, but I do commit to giving a talk as well to all Members of Tynwald in the New Year, along with the latest, fifth report.

Thank you.

50

**2. Brexit negotiations with Ireland and Northern Ireland –
Statement**

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Chief Minister:

If he will make a statement about Brexit negotiations with representatives of the Governments of Ireland and Northern Ireland?

The President: Question 2, Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

I would like to ask the Chief Minister if he will make a statement about Brexit negotiations
55 with representatives of the Governments of Ireland and Northern Ireland?

The President: Chief Minister to reply.

The Chief Minister (Mr Quayle): Thank you, Mr President.

60 I would like to thank the Hon. Member for his Question and for his interest in the Brexit
process, which I have said on many occasions has the potential to impact on the Isle of Man and
which is now entering a new phase.

As Hon. Members are very much aware, the Isle of Man is not part of the formal Brexit
negotiations which are being conducted between the UK government and the European
65 Commission, as mandated by the European Council – that is to say, the other 27 EU member
states. As we also know neither Ireland nor Northern Ireland are directly involved in these
formal negotiations, although clearly the Irish government is closely involved in the EU side and
the politicians from Northern Ireland are having their say on the UK side.

However, the Island has a good degree of informal contact with the Irish government and
70 senior politicians in Northern Ireland through the British Irish Council, where discussions have
been held on Brexit. We have made clear during the course of those discussions how the Isle of
Man's current relationship with the EU will fall away when the UK leaves the EU, and also what
the potential impact of Brexit may be for the Isle of Man. In addition to our engagement with
the UK government, both at political level and across a number of policy areas, we are inputting
75 into the UK government side of the negotiations, and this will be especially important as they
enter the next phase. We have, for example, been clear that we strongly support the
continuation of the Common Travel Area. But what our relationship with the EU will look like
depends first and foremost on what the UK can achieve in terms of its own relationship with the
EU.

80 Hon. Members will be aware that in the past few days the European Commission and the UK
government have issued a joint report which sets out the progress which has been made on the
key areas identified in the first phase of talks, namely: citizens' rights, Northern Ireland, and the
financial settlement. On the basis of the progress made so far, the European Commission has
recommended to the European Council that talks have made sufficient progress to allow for the
85 discussions to move on to the next phase. We will continue to engage with the UK negotiators
over the coming months as these talks progress and I will continue to keep Hon. Members
updated.

The President: Supplementary, Mr Speaker.

90

The Speaker: Thank you, Mr President.

Has the Chief Minister discussed with colleagues anywhere about the potential to mirror a
potential Northern Ireland model which might be considered 'Brexit-lite' or at least some

continued involvement in the Customs Union, and whether that has been part of his discussions at all?

The President: Chief Minister to reply.

The Chief Minister: Thank you, Mr President, and I do thank the Speaker for a valid point.

I know there is talk about this and it is very topical at the moment, but it is difficult to see how this might present an opportunity to the Isle of Man. It could mean that trade in goods between the Isle of Man and Northern Ireland could be subject to tariffs, although it is very unlikely. Nor is it a position which the Isle of Man would seek to emulate, as the majority of our trade in goods is with the UK and so we would wish to remain in the Customs Union with the UK, really.

So you could see opportunities, Mr President, but I think, based on the fact that we do 80% plus trade with the UK, that is the way we have to go.

The President: Supplementary, Ms Edge.

Ms Edge: Thank you, Mr President.

Just wondering if the Chief Minister who has just mentioned the Common Travel Area with regard to Manxmen and their passports, and where it does not give them the right to work in the EU: have any discussions taken place around that?

The President: Chief Minister to reply.

The Chief Minister: Thank you, Mr President.

Yes, we have had discussions on the relationship for Manx people, as they say, and the freedom of rights of the movement of people – that has been one of our concerns when we have been away having discussions on Brexit. But it is not just the freedom of movement of *people* it is the freedom of movement of goods, whether that be agriculture, fishery, manufacturing parts, etc.

So all these things are being taken into account and we have put our concerns over and we have regular meetings to discuss that. And that will be part of my update in the New Year, Mr President.

The President: Hon. Member for Douglas East, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr President.

In light of the O'Brien Report on the circumstances that the Republic of Ireland find themselves in as the UK removes itself from the EU, does he share recognition with me that 85% of Republic of Ireland trade occurs with the UK? So it is not so much about Northern Ireland and its relationship with Southern Ireland, but actually is more about Ireland's relationship with its profoundly biggest trading partner?

Thank you.

The President: Chief Minister.

The Chief Minister: Thank you, Mr President.

The Hon. Member does raise a very interesting and valid point, but at this moment in time the UK has made it absolutely clear that they have no intention of retaining Customs Union with the European Union. Therefore whilst all these various talks go on – which is highly speculative at the moment ...

145 As I say, I am more than happy to give Tynwald Members an update in the New Year. If the UK's stated position, Mr President, is that they do not want to keep Customs Union with the European Union, then some of the ideas that are being floated at the moment cannot happen, because you cannot remain in EU Customs and then want to negotiate WTO negotiations with the rest of the world.

POLICY AND REFORM

3. Top five objectives for the Year of Our Island – Measurement of achievement

The Hon. Member for Middle (Mr Shimmins) to ask the Minister for Policy and Reform:

What the top five objectives are for the year for the Island; and how achievement of these will be measured?

150 **The President:** Question 3, Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

I would like to ask the Minister for Policy and Reform what the top five objectives are for the Year of Our Island; and how we will measure achievement of these?

155

The President: I call on the Minister for Policy and Reform, Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

160 We all know that the Isle of Man is a special place for people to live and work and a special place for nature. The aim of the special year is to bring together existing and new events and activities to help more people remember or understand what makes our Island so special and encourage even more people to explore more, do more, get involved more and share more.

Turning to the specific Question, the objectives and measures for the special year are multiple, but the top five, in no particular order, with accompanying measures or indicators, are:
165 to increase the number of positive stories and increase advocacy of the Isle of Man as a special place to live and work, which would also be a good place to visit – this will be measured through social and traditional media coverage and the visitor survey; secondly, to increase activity and improve the health and wellbeing of people here, through increased use of our natural and built environment, increased involvement in community events and increased engagement with arts,
170 culture and heritage – this will be measured through the health and wellbeing and the social attitude surveys; thirdly, to increase participation in local events, leading to improved viability for events which will provide confidence of the hosting of other or repeat events, creating more to do on the Island – *even* more to do – and further enhancing our quality of life – event participation and local spend will be measured; fourthly, to increase the number of people
175 perceiving the Island as a good place to live and work, resulting in a growth in the economically active population and investment by people in themselves, their homes, their families and their Island – the economically active population is a macro-indicator for the Programme for Government, local expenditure is also captured in various measures, including data collected by Customs and Excise; and finally, to increase the level of volunteering, which can reduce isolation
180 and loneliness, build confidence and develop skills with people whilst contributing to the quality of life and the built and natural environment here – this will be measured by the number of people saying they volunteer through the social attitudes survey.

Our special year begins with a Dark Skies event on 19th January, encouraging everyone to step outside and appreciate the visibility of the night sky wherever they are. I appreciate the Question from the Hon. Member, which has allowed me to confirm this morning that the project is now not only up but also running, and public and partner engagement is being extended and amplified through this month in January. It is going to be a cracking good year – even more cracking than this Answer! *(Laughter)*

The President: Mr Shimmins. *(Interjections)*

Mr Shimmins: Thank you, Mr President, and I thank the Minister for that cracking Answer, clearly!

It is a really ambitious project and I, for one, am very excited about the year ahead and I commend the Minister for a wide-ranging set of objectives and also some clear measures. How will he update this Hon. Court and the rest of the Island on a regular basis as to our progress with the special year?

The President: Minister to reply.

The Minister: Thank you very much, Mr President.

This Government is all about doing, not about talking, not about reporting on what we have done, so the way that this Court and the way that our Island will know that this year is a success is because we will be achieving those objectives as laid down.

However, we do have quarterly reporting inside our Programme for Government and all those measures that I indicated are already reported on inside the Programme for Government.

ENTERPRISE

4. Ramsey Shipyard – Termination of lease; rent outstanding; DfE losses and action taken

The Hon. Member for Ayre and Michael (Mr Baker) to ask the Minister for Enterprise:

Why the Department recently terminated the Ramsey Shipyard lease; how much rent is outstanding; what other losses the Department incurred; and what action is being taken?

The President: Question 4, the Hon. Member for Ayre and Michael, Mr Baker.

Mr Baker: Thank you, Mr President.

I would like to ask the Minister for Enterprise why the Department recently terminated the Ramsey Shipyard lease; how much rent is outstanding; what other losses the Department incurred; and what action is being taken?

The President: I call on the Minister for Enterprise, Mr Skelly.

The Minister for Enterprise (Mr Skelly): Gura mie eu, Eaghtyrane.

Our Department terminated the Ramsey Shipyard lease following legal action. The Department commenced proceedings in the High Court to seek possession of the premises, together with judgment and execution for substantial arrears of rent and mesne profits, together with cost.

After a contested hearing at the High Court, the Department, by a judgment made on 7th March, 2016, obtain a possession order against DSC, the former lessee of Ramsey Shipyard, together with a judgment and execution to recover outstanding rent and profits owed. The possession order was not enforced until 7th September 2016. Judgment and execution was also
225 granted against DSC in respect of arrears of rent and profits from 1st August 2013 to 5th February 2016, in the sum of £41,574. DSC were also ordered to pay profits from 5th February 2016, at a rate of £1,579 per month until delivery up to the possession.

DSC obtained an extension to vacate the premises until 7th October and eventually vacated the premises in November 2016.

230 The total amount owing by DSC, including rent, rates and interest due now stands at £52,632, together with the Department's reasonable legal costs.

In relation to the enforcement of the judgment and execution, the Department took legal advice as to how to proceed, together with the assistance from the Coroner. The Department has sought to enforce the judgment against the assets of the former lessee. To date, such
235 enforcement has been unsuccessful as the former lessee does not have any assets that the judgment can be enforced against.

However, the judgment is enforceable up to six years, so if our officers suspect at any time that the former lessee has acquired assets, the Department will seek to enforce the order against those assets.

240 Eaghtyrane, for Hon. Members' further information, the Department of Infrastructure now manages the Department's industrial properties and I understand that the DoI has a plan to use part of the premises for its own use and to make the remainder available to a private tenant, which is an existing Ramsey-based business.

Gura mie eu.

245 **The President:** Supplementary, Mr Baker.

Mr Baker: Thank you, Mr President.

I would like to thank the Minister for his Answer there and I would just ask him if he could
250 clarify a couple of particular points. The first thing is he refers to an outstanding period from August 2013 to November 2016, which is three and a quarter years of unpaid rent. Can he confirm how long the occupier actually paid rent for, if at all, whilst he was in residence?

Secondly, he says that the former lessee does not have any assets; can he clarify whether that is the company or the individual behind the company, because I think if it is the latter there
255 may well be assets? And can he confirm that the Department will do everything in its power to actually recover public funds which have been lost in this manner?

The President: Mr Skelly.

260 **The Minister:** Gura mie eu, Eaghtyrane.

I do not have the exact details of when the rent and payments were up to date, but clearly from the original Answer, it has been a very long period of those rent arrears, which is exactly why the Department pursued the route it did take. Clearly, that took a considerable amount of time following the pace of legal responsibility.

265 I do not know with regard to the owner's assets. This is actually going after the lessee which is actually a company, and clearly we have legal obligations that we do have to follow in respect of that, but I will assure this Court that we are taking every action we possibly can to recover the public funds and to obviously ensure that we have a good, secure and prosperous operation going forward, which of course is what I stated at the very end of my original Answer.

270 **The President:** Further supplementary, Mr Baker.

Mr Baker: Thank you, Mr President.

275 Does the Minister find it acceptable that we are in this situation where a tenant has, quite
frankly, taken advantage of the Department's position and has not paid rent at all for at least
three and a quarter years? He has had six months after the possession order during which time
assets of the business may have not been as protected as they should have been, and it would
appear that they are sheltering behind a company when they as an individual have substantial
assets.

280

The President: Minister to reply.

The Minister: Gura mie eu.

285 No, I do not think it is acceptable, which is exactly why we have followed the route that we
have taken.

However, I think what the Hon. Member is alluding to there is with regard to the power and
breadth of the legal ability to recover personal assets, which is an entirely different matter
altogether. So we have followed the process. We began this back in 2011 and we can only move
at the pace and as the law permits.

290

Clearly, we are lawmakers and if there are opportunities to consider changes in the law, this
is the place to actually leap forward. But that is another matter not related to the lease and
lessor that we have actually been involved with in this particular case.

The President: Supplementary, Mr Robertshaw.

295

Mr Robertshaw: Thank you, Mr President.

Regardless of the rights and wrongs of this, does the Minister accept and agree with me that
it is always a matter of great caution that we start bringing individual issues related to
individuals onto the floor of Tynwald in this way?

300

The President: Minister.

The Minister: Gura mie eu.

305 Yes, of course. We are talking about an individual case here and this is clearly an asset not
just for Ramsey and the north, but I would say the Isle of Man with regard to our marine
economy.

But I would also accept the point made there by my hon. colleague, Mr Robertshaw, with
regard to personal individuals being based on the floor here.

EDUCATION, SPORT AND CULTURE

5. Social media and fake news – Education in dangers and identification

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Education, Sport and Culture:

*How young people are being educated in the dangers of social media, and in the identification
of fake news?*

*The following information was circulated before the sitting on behalf of the Minister in response
to Question 5:*

‘Many of you will be aware that schools are no longer the prime sources of knowledge that they were in previous generations and technological advances mean that young people have many more and varied opportunities for learning. This, along with changing patterns of employment, the need for strong social cohesion and the lessons from neuroscience has led the Isle of Man, for many years, to prioritise the development of a broad range of qualities and skills, along with high academic standards. Schools refer to these skills as ‘the 6Rs’ (Readiness for Learning, Relationships, Resilience, Resourcefulness, Remembering Skills, Reflectiveness) and they represent lifelong learning skills, requirements for employment and many of the traits needed to be successful in adult life.

Subsumed within this (‘Essentials for Learning’) framework, is the expectation that schools will, among other things, cultivate

- the ability to question and show curiosity to extend thinking;
- the ability to generate new ideas, be imaginative and explore possibilities;
- the ability to be intuitive and explore ideas, based on what is felt to be true;
- flexibility, exploring issues from different perspectives;
- the capability to apply reason.

In arming young people with these capacities, the Department believes that they will be as well-prepared as they can be to demonstrate the judgment, critical thinking and analysis they need to identify and not be deceived by misinformation and ‘fake news’.

While such critical thinking is encouraged across the curriculum, specific instances of ‘fake news’ can also be addressed within lessons such as English and Media Studies. Sources of evidence and historical bias are considered within History while geo-political perspectives are included in Social Science subjects such as Politics and Economics. Students can also develop understanding of the implications of technology in society, including social, economic and ethical uses, through the ICT curriculum.

Most secondary schools use tutor time or PHSE (Personal, Health, Social Education) to discuss news, whether real or fake, in a structured way, supporting pupils in separating fact from fiction.

e-Safety is part of the ICT curriculum and covers topics such as security of personal data, digital footprint, passwords, privacy settings, reporting concerns etc. DESC/GTS also offer advice and support for schools and parents on how to protect personal data, stay safe online and deliver information sharing sessions for parents.

It is also important to stress that e-safety in the ICT curriculum and what is taught in the PHSE and other subjects is subject to annual revision in all our schools and at UCM. We also have dedicated staff with specialist knowledge who, work closely with all our schools and the college in this area.

Programmes such as ‘Philosophy for Children’ are widespread in Manx schools and seek to develop critical thinking, such as asking specific questions, *examining the truth of what is said etc.*

Are the 6Rs taught in all schools?

Yes – the Isle of Man’s curriculum for schools requires that, whatever content is delivered, it is delivered in a way that develops these personal competencies. Schools may describe these in different ways (‘Secrets for Success’, ‘Learning Muscles’ etc) and use a range of child-appropriate language but, fundamentally, the focus is the same. Our schools, are at the forefront of developing such an approach.

Are the 6Rs taught in addition to the traditional curriculum?

The 6Rs curriculum does not replace the traditional curriculum – rather it exists alongside it. A lesson may focus on a particular curricular skill and also on a way of approaching that skill that develops the learning competency.

What are the specifics that are taught in schools about eSafety?

From ICT Curriculum –

- 360 • understand how changes in technology affect safety, including new ways to protect their online privacy and identity, and how to identify and report a range of concerns.

Part of PSHE students will learn about digital citizenship –

- 365 • learn effective techniques for evaluating the quality and credibility of websites.
 • think critically about the intentions of commercial websites and advertising.
 • apply different search strategies to increase the accuracy and relevance of online search results.

What do eSafety sessions with parents address?

370 Understanding the risks of social media is done in partnership with schools, parents. There are regular opportunities for families to learn more about how to manage the risks of using social media. The sessions focus on:

- Information(data)
 • Positive Relationships
 • Harmful Content.’

375

The President: Question 5, Hon. Member for Rushen, Mr Speaker.

The Speaker: Thank you, Mr President.

380 To ask the Minister for Education, Sport and Culture how young people are being educated in the dangers of social media, and in the identification of fake news?

The President: I call on the Minister, Mr Cregeen, to reply.

The Minister for Education, Sport and Culture (Mr Cregeen): Thank you, Mr President.

385 Specific instances of fake news are addressed within lessons such as English and Media Studies, while sources of evidence and historical bias are contained within History and Social Science subjects such as Politics and Economics. Students also develop an understanding of the implications of technology in our society including social, economic, ethical uses through ICT curriculum.

390 The Isle of Man has also for many years sought to prioritise the development of a broad range of qualities and skills along the high academic standards in its schools. Schools refer to these skills as the ‘6Rs’ – readiness for learning, relationships, resilience, resourcefulness, remembering skills and reflectiveness. They represent lifelong learning skills, requirements for employment and many of the traits needed to be successful in adult life. This would include
395 examining the dangers of social media and how we identify fake news through reasoned exploration of ideas based upon evidence.

 In providing young people with these capabilities, the Department believes that our young people will be well prepared to demonstrate the judgement, critical thinking and analysis needed to identify, and not be deceived by, misinformation and fake news. This process is
400 continually updated in response to changing social media.

The President: Supplementary, Mr Speaker.

405 **The Speaker:** Firstly, can I thank the Minister sincerely for the supplementary information which he circulated, which was really helpful.

 Would the Minister accept that bias is not restricted to history, but still alive and well in the present day? And is the Minister also aware of the project being undertaken by the BBC on this and whether that is something that we can tap into?

410 **The President:** Mr Cregeen.

The Minister: Thank you, Mr President.

Yes, we are aware that it is not just historical that we see bias in fake news and I have asked officers to review ... There is a BBC app out there looking at fake news and it is something the BBC is looking at, so I have requested officers to see if we can get any of that resource from the BBC.

The President: Supplementary, Mr Cretney.

Mr Cretney: Yes thank you, Mr President.

Could I ask the Minister, is he aware that young people can be bullied online via various social media outlets and, as such, does the Department in any way offer support for young people who are in that situation?

The President: Minister.

The Minister: Thank you, Mr President.

Yes, the Department is aware that bullying goes on through social media. There are avenues that the Department takes to address this and I am sure for some people it may not be everything they need, but we are trying to adapt whenever we can.

The President: Supplementary, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

Whilst the Minister is undertaking this, will he agree to take on board more seriousness in the light of what has been said in the national press today with regard to ex-Facebook executives and directors who are warning about the psychological damage that the continual use of social media can cause, and a dependency on it?

The President: Minister to reply.

The Minister: Yes, Mr President.

I think some of it, as I have referred to before, is actually *antisocial* medial and it is very concerning at the way that this social media, as it is being called, is actually very detrimental to our young people as well as to adults.

6. Teacher pay scales – Comparisons with England and Wales

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Education, Sport and Culture:

Whether Isle of Man teacher pay scales are consistent with the scales in England and Wales, including the minimum and maximum of the main pay range; and when the revised Isle of Man pay scales will be introduced?

The President: Question 6, Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr President.

Can I ask the Minister for Education, Sport and Culture whether the Isle of Man teacher pay scales are consistent with the scales in England and Wales, including the minimum and maximum of the pay range; and when the revised Isle of Man pay scales will be introduced?

The President: I call on the Minister to reply, Mr Cregeen.

The Minister for Education, Sport and Culture (Mr Cregeen): Thank you, Mr President.

455 For many years the Isle of Man has been aligned with the School Teachers' Review Body, the STRB. In 2015 the STRB recommended a 1% increase to teachers' pay ranges, with the exception to the maximum point on the main pay scale, point M6. It was recommended that this be increased by 2%. However, they indicated that the additional 1% was discretionary and should only be applied where performance merited it.

460 The consensus view of the Island's joint unions was to avoid distortion to pay differentials; a 1% award would be applied across the board for teachers in the Isle of Man. This resulted in a differential between the Island's point M6 and that in place in England and Wales for teachers whose performance had merited the additional percentage rise.

465 In September 2017, my Department agreed to implement the STRB recommendation of a 2% increase to the minimum and maximum of the main pay range, and a 1% increase to the minimum and maximum of all other pay ranges in the national framework, including head teacher groups, and also allowances across all pay ranges. This will be actioned for the October payroll, with September arrears being paid in November.

470 At a joint unions meeting in November 2017 it came to light that over the last two years most schools and academies in the UK had applied the 2% increase across each point on the main teaching scale and not just to M1 and M6 as literally stated in the STRB. It was therefore agreed to apply the 2% increase to each point on the main teaching pay scale from September 2017. This will be implemented in December's payroll with the arrears being paid in December.

475 As Hon. Members will be aware there is significant competition in trying to attract teachers to the Island. We must ensure as far as possible that our pay rates do not appear to be less advantageous than those available in England and Wales, excluding the London area. It is for that reason that with effect from September 2017 my Department has agreed to increase the M6 point to mirror the main scale point published in the School Teachers' Pay and Conditions Document for England and Wales. It is expected that this increase to the M6 will be implemented in the December payroll; however, given the early payment of Christmas payroll arrears it will not be processed until January.

The President: Supplementary, Mr Robertshaw.

485 **Mr Robertshaw:** Thank you, Mr President.

Just for clarity, if I have understood his answer correctly, how long have UK school establishments been ignoring the STRB in the UK? Is it just this last year or did it happen previous to that?

490 **The President:** Minister to reply.

The Minister: There was a meeting with the joint unions on the Island and it was agreed just that the 1% would not be applied at that time, and what has happened over the last two years is that schools and academies had decided to implement the discretionary part of that. So what
495 the Department has done now is we have caught up with that so the pay scales are the same.

The President: Supplementary, Ms Edge.

Ms Edge: Thank you, Mr President.

500 Can the Minister confirm whether there will be any backdated pay or arrears of pay for the people that should have been on it in 2015?

The President: Minister.

The Minister: Thank you, Mr President.

505 As this was discretionary, what I have said in my Answer is that it would be backdated to September of this year.

ENVIRONMENT, FOOD AND AGRICULTURE

7. Building Control Act 1991 – Plans to replace

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Environment, Food and Agriculture:

What plans his Department has to replace the Building Control Act 1991?

The President: Question 7. Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President.

510 I wish to ask the Minister for Environment, Food and Agriculture: what plans has his Department to replace the Building Control Act 1991?

The President: I call on the Minister, Mr Boot, to reply.

515 **The Minister for Environment, Food and Agriculture (Mr Boot):** Thank you, Mr President.

There are no plans to replace the Building Control Act 1991. There are plans to amend and update the Building Regulations 2014 and the associated Approved Documents Order and I intend to make an announcement in Tynwald later today on this subject.

520 The areas for consideration include increased air tightness for buildings, the potential for energy performance certificates, provision of electric charging points, decks for high-speed cabling and certification of fire alarm installation. The proposals are to meet our commitments in the Programme for Government for making homes and businesses more energy efficient.

The President: Supplementary, Mr Ashford.

525

Mr Ashford: Thank you, Mr President.

Can I start by welcoming the fact that the Regulations are going to be updated, but would the Minister accept that this Act is now 26 years old, rapidly about to turn 27 years old?

530 In relation to section 24 of that Act, which deals with neglected, dilapidated and ruinous properties, could the Minister confirm if that is going to be looked at? At the moment, while there is a very firm definition of 'ruinous', there is not any real definition of 'dilapidated' or 'neglected' and this is causing serious problems for enforcement against those types of properties. Will the Minister be looking at that?

535 **The President:** Minister to reply.

The Minister: Thank you, Mr President.

540 I am not familiar with section 24 and I am very happy to take that back to the Department and examine the same, but I am also aware that there are problems with ruinous buildings, although I do recall that some legislation enabled local authorities to take action against such buildings.

The President: Mr Ashford.

545 **Mr Ashford:** Thank you, Mr President.

The legislation is section 24 of that Act. While the Minister is going to take it back, would he also look particularly at that and the way that the section notice procedure works? Under the Act at the moment, once it is in the court process or in the process of going to court, then the notice cannot be amended, so should something else happen to a property a new notice has to be issued and the process has to be started all over again. So will the Minister look at that at the same time?

The President: Mr Boot.

555 **The Minister:** I am very happy to commit to do so.

The President: Hon. Member for Garff, Mrs Caine.

560 **Mrs Caine:** Thank you, Mr President.

Can I ask the Minister if he will consider or is the Department considering increasing the standard of energy efficiency required for new buildings and forcing up the standards on the Island?

565 **The President:** Minister.

The Minister: Thank you, Mr President.

Our standards are already well in excess of those in the UK, but yes, we are looking at the standards and consultation will take place to see whether there is an appetite to further increase the standards that we apply.

570 **The President:** Further supplementary, Mrs Caine.

575 **Mrs Caine:** I thank the Minister for that answer. I am also minded, with the recent publicity of the opening of the inquiry into the Grenfell fire tragedy, to ask the Minister does the Department keep monitoring what comes out of that inquiry and does he anticipate any changes to the Building Control Regulations as a result of the inquiry into the Grenfell fire?

The President: Minister.

580 **The Minister:** Thank you, Mr President.

Once again I have to say that we are in advance of the UK with our building regulations and we already mandate sprinklers and fire alarms in flats. It is safe to say that we do not have any high-rise buildings of a similar nature to Grenfell Tower; but yes, we will be monitoring the outcome of the inquiry and if there are recommendations that are relevant to our buildings in the Isle of Man, these will be taken on board.

585

**8. Vision 2020 Offshore Energy Hub Strategy –
Progress report**

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Environment, Food and Agriculture:

What progress has been made with the Vision 2020 Offshore Energy Hub Strategy?

The President: Question 8, Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you Mr President.

I beg to ask the Minister for Environment, Food and Agriculture, what progress has been
590 made with the Vision 2020 Offshore Energy Hub Strategy?

The President: I call on the Minister to reply, Mr Boot.

The Minister for Environment, Food and Agriculture (Mr Boot): Thank you, Mr President.

595 I would like to thank the Hon. Member for Douglas North for this opportunity to provide the House with an update on progress of the offshore energy strategy, which included the hub concept.

In 2014, Tynwald approved the recommendation in the Council of Ministers' Strategy for Offshore Energy Production to support the development of offshore wind, marine renewables and hydrocarbon energy sources in the Isle of Man's territorial sea. My Department has worked
600 very closely with the Department of Infrastructure and the former Department of Economic Development to facilitate this strategy.

Regarding offshore wind, Dong Energy was granted an agreement for lease by DOI in November 2015. They have completed geophysical studies, socio-economic studies, and collected two years of marine mammal and seaboard environmental studies. Dong Energy
605 continue to believe the Isle of Man project is an attractive opportunity for offshore wind development but need to secure a route to market for the project, which is most likely to be through the UK Contracts for Difference auction regime which does not currently exist for Isle of Man projects. Should the offshore wind project be constructed, there may also be an
610 opportunity for greater interconnection between the Isle of Man, the UK and Ireland through a hub arrangement.

Moving to marine renewables: Manx Tidal Energy Ltd was granted a survey licence by DOI in October 2015 under a seven-year agreement. Although we are disappointed that they have yet to commence any survey work, we continue to explore possible future opportunities. Only last
615 month I met a company which visited the Island to display their impressive prototype tidal device and we are exploring opportunities to commercialise their tidal device.

Moving to hydrocarbons, a recent licensing round has just closed as part of an initiative to select suitably qualified applicants interested in potential hydrocarbon exploration in the Island's waters and we will support the Department of Infrastructure in their interpretation of those
620 submissions.

So, Hon. Members, in closing, progress has been made on offshore energy strategy and we will continue to encourage the private sector to make the significant investments necessary to deliver the economic development opportunities.

625 **The President:** Supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

While there are a lot of future opportunities out there and, as the Minister rightly says, studies have started and surveys are undertaken, can I ask the Minister what actual realised benefits are likely to be seen by 2020?

As the Minister rightly said, this started out in 2014 as basically a six-year plan leading up to 2020. It is now a two-year plan and what realised benefits will be seen by 2020?

The President: Minister.

The Minister: Thank you, Mr President.

I think the reality of the situation is that these projects are very slow burn (*Laughter*) and when it comes to renewables – for want of a better expression – they take time to come to fruition.

As I said in my Answer, Dong Energy have to have some interconnectability and a market for their energy. The wind array that they are proposing is far in excess of anything that we would use or need on a local Island basis, so interconnection is the name of the game.

Last year I was in Liverpool at a conference discussing the same with the National Grid, and we are looking at half a billion or a billion pounds' worth of interconnection and there has to be a good market to justify that sort of expenditure.

The President: Supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

Can I ask the Minister, when the strategy was launched in 2014 and in the debate at the time it clearly was felt that six years was enough to deliver some things. But now, after what the Minister has said, can I ask him is Vision 2020 rapidly becoming Vision 2030?

The President: Minister.

The Minister: I agree that the target of 2020 was probably optimistic, in retrospect.

I cannot alter the realities that surround these projects and as I referred to the UK Contracts for Difference auction regime, which would give a route to market for Dong Energy or Offshore Wind, that does not currently cover the Isle of Man, and that is something we need to explore and work on for the future.

9. Air quality – Testing and publication of results

The Hon. Member for Douglas North (Mr Peake) to ask the Minister for Environment, Food and Agriculture:

When his Department will undertake tests on air quality and publish the results in relation to air pollution?

The President: Question 9. Hon. Member for Douglas North, Mr Peake.

Mr Peake: Thank you, Mr President.

I would like to ask the Minister for Environment, Food and Agriculture: when will his Department undertake tests on air quality and publish the results in relation to air pollution?

The President: I call on the Minister to reply. Mr Boot.

The Minister for Environment, Food and Agriculture (Mr Boot): Thank you, Mr President.

There are currently no requirements in Manx legislation to undertake air quality tests, and as
670 such it is not proposed to carry out such testing in the near future.

Previous testing has identified that there are some minor air quality issues, so that, for
example, during rush hour Quarterbridge has material levels of vehicle emissions on relatively
still days.

The issues identified are traffic related and as the Government has introduced a mitigation
675 strategy to proactively drive down harmful emissions, this matter is being addressed in the
longer term.

While this is clearly not the same as dedicated air quality monitoring, the preventative aspect
of the strategy in combination with the actions to be delivered as part of it should ensure that
air quality improves over time, which I hope Members will accept is more important.

680

The President: Supplementary, Mr Peake.

Mr Peake: Thank you, Mr President.

It does state in the Public Health Act 1990, sections 88(1) and (2), that the Department shall
685 make regulations, so we really would like to know, would the Minister undertake to this Court to
ensure that such regulations are in place – if he could answer that, please?

The President: Minister.

690 **The Minister:** The legislative situation is anomalous in that the relevant Act, the Public Health
Act 1990, specifies that regulations *should* be made to designate substances to be measured but
these regulations have never been introduced. The associated requirement to prepare a
statement for Tynwald every three years is dependent upon the designation, so horse and cart
come to mind: at the moment, the substances are not designated, so reports are not prepared.

695 I would reassure Members that air quality in the Isle of Man is somewhat superior to ... If we
take a good day in London, a *really* good day in London, that would not even be equivalent to a
bad day in the Isle of Man. We live in a very clean atmosphere.

The Speaker: Hear, hear.

700

The President: Supplementary, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

705 Is the Minister aware that Sustrans has developed a model which measures air quality
benefits from both reducing motor emissions due to shifting to walking or cycling and the
changes in personal exposure to air pollution as a result of traffic fumes?

Would he be happy for his Department to apply this model to our Island to quantify the
benefits that we can obtain?

710 **The President:** Minister to reply.

The Minister: Thank you, Mr President.

715 I am not aware of that, and if the Member would like to talk to me outside of the Court I
would be happy to take that on board and see whether we can deal with it – and it may be a
useful resource.

In terms of air pollution, there are very few issues on the Isle of Man and we have to be
aware that there are resource issues and there are other important issues that may be more
resource hungry than actually monitoring something that we believe is insignificant.

720 **The President:** Hon. Member of Council, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

725 Would the Shirveishagh acknowledge that, given that we have recently received our Biosphere status for the Island and that we are celebrating our Island as a special place to live and work next year, (**The Speaker:** Hear, hear.) and in support of my colleague in North Douglas, would he not acknowledge the importance, or the greater importance in that light, of actually monitoring air quality?

730 And would he agree with me that regulation may well need to be looked at in special reference to vehicle emissions, where we have the habit of motorists parking up and waiting and leaving their engines on, which could be in excess of half an hour to an hour in some instances just in idle, and would he not agree that that will have quite an impact on our air quality?

The President: Minister to reply.

735 **The Minister:** Thank you, Mr President.

The situation with regard to the Biosphere is not affected by the current vehicles emissions: we have got Biosphere status based on what we have at the moment. That does not mean we should rest on our laurels, and we should make improvements on a continuing basis, but we have a five-year action plan associated with the strategy, which specifically includes ...
740 *[Inaudible]* emissions from vehicles. As we all know, electric vehicles may become more common and we will certainly be encouraging with more charging points over the next few years, and in fact events will probably overtake us inasmuch as several countries have now said that by certain dates they are not going to be manufacturing any further vehicles that use diesel or petrol.

745 **The President:** Supplementary, Mr Peake.

Mr Peake: Thank you, Mr President.

750 I thank the Minister for his reference to comparing the Isle of Man with London, but the fact is that in 2008 the tests did actually prove that we were higher than the EU recommendations.

These tests are very inexpensive. They are just £15 for a diversion tube which actually tests nitrogen-dioxide, which is the main cause from diesel cars. The opportunity you have with your Department is to give the public clear direction that our air quality is poor in certain areas. You have the opportunity to give us some clear direction around that so that people could then
755 make some informed decisions about the cars they buy in the future and how they can actually help improve the air quality we have here in the Isle of Man.

As my hon. friend the Minister for Policy and Reform said earlier, this Government is a Government of action, so I await the action from your Department. (*Interjections by Mr Robertshaw and Mr Malarkey and laughter*)

760 **The Minister:** Thank you, Mr President.
Action – that’s what we’re about!

Mr Cretney: Go on, Action Man!
765

The Minister: The reality is, of course, that in 2008 there were some minor pollution issues identified.

Referring to Mr Henderson’s question about people leaving their cars running and matters like that, that is a matter of education, really, trying to cajole people.

770 But the reality is that there are minor issues with pollution. I referred earlier to resources: what do we direct our resources at? We have a lot of problematic issues on the Isle of Man and I

am quite happy to take on board the question of some monitoring but I am not going to commit to spend a lot of money on emissions monitoring on the Island when I am informed by my officers that it is not a real problem.

775

The President: Supplementary, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

780

Would the Minister agree that perhaps it is difficult to be sure that it is not a real problem unless we are actually measuring the scale of the issue; and that also, turning to the question raised by my hon. friend from Council, Mr Henderson, about vehicles left running, many parents are concerned about air pollution outside schools, particularly when many children are picked up in vehicles which are left running in the winter to keep the occupants of those vehicles warm?

785

Mr Cretney: Walk to school.

The President: Mr Boot.

790

The Minister: I am not really sure where that is going, but in terms of is there a problem or isn't there a problem, some air pollution monitoring was carried out prior to 2008. But listening to the request for further monitoring to ascertain whether there is a problem, I am happy to take that on board and will talk to the environmental health officers to see whether there is an economic method of monitoring air pollution that we can use and make those figures available, so that where there are areas that cause problems maybe people can see the education and address the issues.

795

The President: Final supplementary, Mr Peake.

800

Mr Peake: Thank you, Mr President.

I am glad to see that the Minister is moving towards some action, because I do ... Perhaps I can just jog his memory: when we did serve in the Department together, there was a move towards working together with other parties on trying to get an inexpensive measuring system in place. I would remind you again: it is just £15 for the tubes.

805

If I can help in any way, Minister, please let me know.

Mr Cretney: Hear, hear.

The President: No question there.

Question 10 to be answered in writing

810

The President: Question 10 is to be answered in writing, I understand.

HEALTH AND SOCIAL CARE

**11. Mental health improvement for Island –
Collaborative strategies between Mental Health and Public Health**

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

What collaborative strategies are in place and planned between Mental Health and Public Health in order to improve the mental health of the general population of the Island?

The President: Question 11, Hon. Member for Rushen, Mr Speaker.

The Speaker: Thank you.

815 To ask the Minister for Health and Social Care what collaborative strategies are in place and planned between Mental Health and Public Health in order to improve the mental health of the general population of the Island?

820 **The President:** In the absence of the Minister, I call on the Member for the Department, Hon. Member for Douglas Central, Mrs Corlett.

825 **A Member for Health and Social Care (Mrs Corlett):** Mr President, the Mental Health Service and the Public Health Directorate collaborate effectively in order to improve the mental health and wellbeing of the population. They collaborated with other key stakeholders on the development of the Strategic Plan for Mental Health and Wellbeing 2015-2020. This is the first broadly owned mental health and wellbeing plan for the Isle of Man.

830 The plan advocates a holistic approach to mental health and wellbeing, and also sets out a vision of collective responsibility for mental health in the Isle of Man. This plan is committed to the development of a mental health mode of provision. This will follow a life course approach from childhood through to old age.

The Mental Health Service and Public Health Directorate collaborated on assessing the levels of mental ill health and wellbeing in the local population, notably in the development of the mental health and wellbeing questions in the Health and Lifestyle Survey published in October 2017.

835 The Mental Health Service and Public Health Directorate are also collaborating on the health improvement within the Public Health Implementation Plan, with a range of actions including: the Manx e-clinic, which is a rapid access to low intensity mental health interventions; the self-harm strategy; and a strategic review of public mental health.

840 **The President:** Mr Speaker, supplementary.

845 **The Speaker:** Certainly, Mr President, we heard earlier about the effects of social media and how that affects mental health of people all ages, and in light of the increased referrals to Mental Health Services, whether the Member considers that mental health issues are starting to become an epidemic on this Island and what further can be done to remove the stigma and improve the resilience of the population as a whole?

The President: Mrs Corlett to reply.

850 **Mrs Corlett:** Thank you, Mr President.

I would totally agree. But what I would say is that it is not only collaboration between Mental Health and Public Health or even all divisions within the Department of Health and Social Care.

All Government Departments must work together, if we are going to make a difference.
(**Mr Thomas:** Hear, hear.)

855 Education, lifelong learning, sport and exercise, housing, employment, crime, courts – I could go on. Mental health concerns us all, but it does not stop with Government. Working with the private sector and the third sector is imperative, if we are to break the silence that surrounds mental health.

860 **The President:** Supplementary, Chief Minister.

The Chief Minister (Mr Quayle): Thank you, Mr President.

865 Would the Hon. Member agree with me that the Island's introducing, in 2015, the first ever Mental Health Strategy for the Isle of Man, a new state-of-the-art mental health facility at Manannan Court, with extra capacity to enable us to treat more people on the Isle of Man, and an early intervention wraparound family team to help those families experiencing their children with mental health issues, instead of having to send them off the Island, have been a major advancement in helping people with mental health issues on the Isle of Man?

870 But I am sure the Hon. Member would also agree with me that we should always look to improve the service on mental health that impacts one in three of the population.

The President: Mrs Corlett to reply.

Mrs Corlett: Thank you.

875 I cannot help but agree with all the Chief Minister has said! (*Laughter*) What more is there to say?

I would just say that yes, we have to push on. Are things moving fast enough in Government? They never do, but I can assure the Chief Minister that I take every opportunity to push mental health up the agenda.

880

A Member: Hear, hear.

The President: Supplementary, Mr Speaker.

885 **The Speaker:** In light of the Hon. Member's comments, does she have a timetable for some of the collaborative actions that she mentioned in her initial Answer? Is there anything she can do to try and move them on a little bit more rapidly?

The President: Hon. Member to reply.

890

Mrs Corlett: We have some timescales in the Public Health Directorate Business Plan 2017-2020. The Manx e-clinic is due to be completed in March 2018. We are having a strategic review of mental health in March 2019. A proposed paper for improving health within the Department is due in October ... Well, we've passed that, so perhaps not!

895 That is about all I can say.

The Speaker: Keep moving.

Mrs Corlett: I can circulate any further information.

900

**12. Viagra –
Pharmacy purchase without prescription**

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for Health and Social Care:

What plans she has to permit the purchase of Viagra from pharmacists without a prescription?

The President: Question 12, Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President.

I would like to ask the Minister for Health and Social Care what plans she has to permit the purchase of Viagra from pharmacists without a prescription?

The President: I call on the Member for the Department, Mrs Corlett, to reply.

Mr Cretney: Good luck with that! *(Laughter)*

910

A Member for Health and Social Care (Mrs Corlett): Mr President, the licence holder for Viagra Connect tablets, Pfizer Consumer Healthcare Ltd, recently applied to the Medicines and Healthcare Products Regulatory Agency to make this one version of the product available as a pharmacy medicine. Pharmacy medicines can be supplied without prescription only from pharmacies or under the supervision of a pharmacist.

915

After taking advice from the Commission on Human Medicines, the Medicines and Healthcare Products Regulatory Agency decided that this product can be made available as an over-the-counter pharmacy medicine. The decision to change the classification of medicine is made based on a thorough examination of its safety profile and risks associated with that medicine. Under the Island's Medicines Act, the Isle of Man follows the recommendations of the MHRA.

920

It should be noted that this approval relates to only one product which is Viagra Connect. Like many drugs, Viagra is produced in different strengths. Viagra Connect contains 50 mg of Sildenafil. Following the MHRA decision, it is now legally possible to purchase Sildenafil – or the brand name, Viagra Connect – from pharmacy outlets with a maximum dose and a pack size of eight tablets. Pharmacy availability of Viagra Connect tablets should only be sold to men who suffer from erectile dysfunction. Patients are required to be assessed for the suitability by a pharmacist and made aware of the risks, situations where supply is not appropriate, and potential interactions with other drugs.

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The risks of indirect danger arising from misdiagnosis of underlying disease are minimised through the pharmacist using their professional judgement and the checklist to identify men for whom this product is not suitable and referring them to a doctor. It is also considered that there is a low risk of direct danger and of intentional abuse that will lead to a danger to human health. Furthermore, these low risks are outweighed by the benefit that this route of supply can bring, by bringing a difficult-to-reach group into a healthcare environment with the potential to increase early identification of heart disease, and also reduce the risks associated with the use of counterfeits obtained via the internet.

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Medicines containing Sildenafil will still also be available to obtain on prescription.

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The President: Supplementary, Dr Allinson.

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Dr Allinson: Thank you, Mr President. I would like to thank the Hon. Member for her firm grasp of the subject.

945 Would she agree that whilst increasing use of over-the-counter medication should be encouraged erectile dysfunction can be a symptom of underlying disorder and therefore it is really important to have an open and honest discussion with healthcare professionals as well, who may be able to understand the underlying reasons for erectile dysfunction, treat accordingly, and also perhaps prescribe it privately in a generic form which can be a lot cheaper than the Viagra Connect?

950 **The President:** Hon. Member.

Mrs Corlett: Thank you, Mr President.

955 Yes, I would agree with Dr Allinson, and I can understand the concerns with regard to the missed opportunity for diagnosing underlying illness. Having read the MHRA report I would say that this was considered but in their opinion outweighed by the fact that men who buy Viagra over the internet and therefore risk counterfeit medicines are unlikely to go to their GP but may be inclined to go to the pharmacist, and at that point if the pharmacist asks the right questions could then suggest seeing a GP. This is not a perfect solution but we must all take some responsibility for our own health.

960 But I would welcome the opportunity to speak to Dr Allinson further and take any suggestions he has for lowering these risks back to the Department for further consideration.

The President: Supplementary, Dr Allinson.

965 **Dr Allinson:** Thank you, Mr President.

I think it is very clear and the Hon. Member accepts that the MHRA decision was in response to more and more people buying what they thought was Viagra over the internet.

970 Would she agree that this is a pragmatic response to a growing problem, not just for Viagra but for other medications and we may see this for further medications, either legal or illegal drugs being brought on to the Island via post and via the internet?

Mrs Corlett: Mr President, I could not agree more.

HOME AFFAIRS

13. Proceeds of Crime Act 2008 – Compatibility with Human Rights Act 2001

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Home Affairs:

What plans he has to consider revising the Proceeds of Crime Act 2008 to make it compatible with Article 6(3)(c) of Schedule 1 to the Human Rights Act 2001?

975 **The President:** Question 13, Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

980 I would like to ask the Minister for Home Affairs what plans he has to consider revisiting the Proceeds of Crime Act 2008 to make it compatible with Article 6(3)(c) of Schedule 1 of the Human Rights Act 2001?

The President: I call the Minister for Home Affairs, Mr Malarkey, to reply.

The Minister for Home Affairs (Mr Malarkey): Thank you, Mr President.

985 The Proceeds of Crime Act, when it became law, was considered to be human rights compliant and is still considered such.

The Act is very large and deals with a great many technical matters. It would have been of considerable assistance if the Hon. Member could have given me some specific details of his concerns.

990 However, Mr President, I do understand that the Hon. Member for Arbory, Castletown and Malew has communicated with and has been provided with some general information on a matter that relates to this Question by the Minister for Policy and Reform. In this connection, Mr President, and given the complex nature of this legal provision, I would be more than happy, on receipt of a letter setting out the Hon. Member's concerns, to provide a written response, 995 which I would then be happy to circulate to Members.

HEALTH AND SOCIAL CARE

14. Drug and Alcohol Advisory Service – Investigation into tender bids

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

Further to her Answer of 28th November 2017 what investigations her Department has undertaken into why no suitable tender bids which met financial requirements were received for the Drug and Alcohol Advisory Service?

The President: Question 14, Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President.

1000 I beg to ask a Member for the Department of Health and Social Care: further to the Minister's Answer of 28th November 2017, what investigations the Department has undertaken into why no suitable tender bids which met financial requirements were received for the Drug and Alcohol Advisory Service?

1005 **The President:** On this occasion I call, on behalf of the Minister, Hon. Member, Mr Moorhouse, to reply.

A Member for Health and Social Care (Mr Moorhouse): Thank you, Mr President.

1010 I would like to refer my hon. colleague to the Answer given by the Minister in November about this matter. The Minister advised at the time that the Drugs and Alcohol Advisory Service has been subject to a formal open and transparent procurement process, and that the contract for provision of this service was in place for the next 12 months. Therefore there has been no need for the Department to carry out any investigation into the contract, as it was successfully awarded.

1015 However, I would like to take the opportunity to remind all Members that the reason the contract is currently in place for a limited period of time is the Department has been updating the Drug and Alcohol Joint Strategic Needs Assessment.

This work has now been complete and the presentation to Members of this Court, of the outcomes of both this work and the proposed Substance Misuse Strategy, is due to take place in February next year.

1020 **The President:** Supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

Can I ask the Member of the Department, who referred to the Minister's Answer there in November, does he feel that perhaps one of the reasons that there was no successful bid that complied with financial regulations was the fact it has been a one-year rolling tender process and if someone was to take this service on, they would want the certainty of having at least three to five years to bed in? Does the Member actually think that could have been one of the reasons?

1030 **The President:** Mr Moorhouse to reply.

Mr Moorhouse: Thank you, Mr President.

In the first instance, in 2015, when the process was being carried out, there was an assumption that it would progress for slightly longer. It was unfortunate that at that period of time the two parties bidding for the contract did not meet our specific requirements, so the existing contractor was given an extension in 2016. The Treasury gave an FD8 waiver which will run until July 2018.

1040 **The President:** Mr Ashford, supplementary.

Mr Ashford: Thank you, Mr President.

Would the Member of the Department accept, with what he has just said there, that the two people at the time did not meet the bidding criteria and that if the Department is not going to investigate why no one came forward that did meet the criteria, when it goes next back out to tender they are going to be in the same situation potentially again? Would he accept that?

The President: Mr Moorhouse, to reply.

Mr Moorhouse: Thank you, Mr President.

That is a valid comment. Our priority, though, has been actually looking at the Drug and Alcohol Joint Strategic Needs Assessment. Now that it has been completed, with a better understanding of the needs going forward, we can hopefully come up with a better plan and that will be more attractive for people wanting the contract.

1055 **The President:** Mr Ashford.

Mr Ashford: Thank you, Mr President. Final supplementary from me.

Can I ask the Member of the Department, will he give an undertaking that when this one-year tender is over and comes to a conclusion, the next time the Department goes out it will be for a much more substantial period? And further again to the Minister's comments in November, the Minister stated that the reason they did not tender on more than a one-year basis was it would have been difficult to reschedule a contract already awarded? Would the Member of the Department accept that since the original award was in July 2015 we are already nearly two and a half years on from the original contract, so it would have been quite easy to have awarded it on a three-year basis?

The President: Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

1070 At this moment in time it is difficult for me to make such promises going forward, but I will take your advice back to the Department. In terms of the period coming to an end, it lasts until July 2018. That gives us time to carry out a very careful and measured process.

**15. Drug and Alcohol Joint Strategic Needs Assessment –
Publication and implication**

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

Further to her Answer of 28th November 2017 when the Drug and Alcohol Joint Strategic Needs Assessment will be published and implemented?

The President: Question 15, Hon. Member, Mr Ashford.

1075 **Mr Ashford:** Thank you, Mr President.

I beg to ask a Member of the Department of Health and Social Care: further to the Minister's Answer of 28th November 2017, when the Drug and Alcohol Joint Strategic Needs Assessment will be published and implemented.

1080 **The President:** I call on the Member on behalf of the Department, Mr Moorhouse.

A Member for Health and Social Care (Mr Moorhouse): Thank you, Mr President.

The Joint Strategic Needs Assessment (JSNA) chapter on Drugs and Alcohol will be provided to Tynwald Members with the related draft Substance Misuse Strategy in advance of the Tynwald briefing taking place on 13th February 2018.

After the briefing, the JSNA will be available on the Department of Health and Social Care's Public Health Directorate website. Issuing these two documents at the same time will demonstrate how the JSNA has informed the development of this strategy, which is a five-year plan tackling the harms associated with substance misuse.

1090 To support the delivery of this strategy, a robust, time-limited, costed and accountable implementation plan is being developed. This is critical to achieving strategic objectives and priority areas identified and documented in the strategy.

The President: Supplementary, Mr Ashford.

1095 **Mr Ashford:** Thank you, Mr President.

Can I ask the Member of the Department, in light of the Answer there, when he says that it is going to come forward on 13th February, or thereabouts, next year, how that ties in with the previous Answer where the Member said that, ready for the next tender process in July or the end of the contract in July next year, everything will be in place if the Strategic Needs Strategy is not coming forward until February?

The President: Mr Moorhouse to reply.

1105 **Mr Moorhouse:** Thank you, Mr President.

In terms of the documentation that has been prepared, in terms of it coming to Tynwald, that will take place in February. That gives a significant period of time between the end of the contract in July for the process to take place.

1110 **The President:** Mr Ashford.

Mr Ashford: Thank you, Mr President.

But surely something has to be in place before the contract comes to an end? There needs to be someone in place so the tendering process will be a lot earlier than July, because if there is going to be a different provider you are going to have to have them in place for July. So can I ask the Member how that works when the Minister in a previous Answer seemed to suggest – or certainly from my point of view anyway – that the Strategic Needs Assessment was key for when the next contract is going to be awarded?

The President: Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

In terms of the July deadline, that is significant. In terms of 13th February, it is giving us five months between the presentation to Tynwald and the actual contract being reissued. Hopefully, given the preparation that has gone in to it, that should be possible to carry out effectively.

The President: Final supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

Final supplementary. Can I ask the Member of the Department then, when the plan is for the Department to go out to tender for the new contract?

The President: Mr Moorhouse.

Mr Moorhouse: The Department will be able to go out for tender following the discussions on 13th February.

16. Prescription charges – Pre-payment certificates

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

What impact the number of new pre-payment certificates issued will have on the predicted savings from proposed changes to prescription charges?

The President: Question 16, Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President.

I beg to ask the Member of the Department of Health and Social Care what impact the number of new pre-payment certificates issued will have on the predicted savings from proposed changes to prescription charges?

The President: I call on the Member of the Department, Mr Moorhouse.

A Member for Health and Social Care (Mr Moorhouse): Thank you, Mr President.

I thank the Hon. Member for his Question, but I have to say from the onset that this Question is almost impossible to answer with any accuracy.

At this point, the Department has considered all of the responses to the public consultation on the general scheme and charter, and reports summarising these responses will be made available very soon. The Department has not decided on the best way forward; therefore, to make assumptions about what prescription charges will be, will change to, the size of any

change and the subsequent impact on the uptake of pre-payment certificates would be premature.

There is little comparable data available as to how many patients purchase pre-payment certificates. Currently in the UK, it is believed to be between 4% and 5%. On that basis, with the Isle of Man being a small community with a relatively good communication network, it is likely to be higher here and of course with a lot of publicity recently about the availability of pre-payment certificates which might encourage people to purchase them. I am, however, able to advise that at 30th November 2017, 2,043 valid pre-prepayment certificates had been issued.

The President: Mr Ashford.

Mr Ashford: Thank you, Mr President.

Can I ask the Member of the Department, in relation to the pre-payment certificates, in answers given on 19th September, the Minister stated that the income for the year ending March 2017, from prescription charges was £690,481, but we know from answers given in October that in September and October alone 350 pre-paid certificates were issued; so the Department must have some idea, with the rising number of pre-payment certificates going out, what impact that is going to have on the potential £3.86 million saving that their initial proposals – that is what I am talking about, the initial proposals that went out to consultation – what effect that will have on those proposals?

The President: Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

In terms of making clear and accurate forecasts on these figures is quite difficult. Just in terms of the number of certificates bought in July 2017, there were 125 of these bought. That was down from 220 in July 2016. There is a lot of variety and movement regarding this.

We have also got difficulty in terms of the uncertainty in terms of what the Department is going to do in terms of the changes. So at the moment we have got figures, we have got indications, but we have not got the level of clarity we would like.

The President: Mr Ashford.

Mr Ashford: Thank you, Mr President.

So to cut through it, can I ask the Member of the Department: is he basically saying the Department has no clue how much any changes that they do to prescription charges will actually save the Department? Is it just a figure in the air and they will not know until it is implemented?

The President: Mr Moorhouse.

Mr Moorhouse: At this moment in time, it is quite difficult to give any accurate data. We have got certain figures which have given us indications going forward, and when we were coming up with the initial plans there was data that was suggesting there will be a substantial amount of money raised, but that has not been the key priority. At the moment, the key priority is to make sure that, going forward, we get a system in place that people are happy with, so that is what we are aiming to do.

The President: Final supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

So can I ask the Member of the Department, is that a 'yes' then?

The President: Mr Moorhouse.

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Mr Moorhouse: Mr President, it would be wrong of me to say, 'Yes, we have got no clear answer,' but coming back around we have got a variety of answers and it is going to be dependent upon what actual course we come up with early next year.

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Mr Ashford: So yes!

The President: Hon. Members, that brings us to the end of Questions for Oral Answer.

Questions for Written Answer

HEALTH AND SOCIAL CARE

10. Manx Emergency Doctors Service – Referral method and capacity

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

What the referral method is for the Manx Emergency Doctors Service (MEDS); how many people are referred through this system; what the capacity is; and whether MEDS GPs assist with A&E work if there is capacity?

1215 **The Minister for Health and Social Care (Mrs Beecroft):** Most patients using the Manx Emergency Doctors Service (MEDS) self-refer to the service. In addition, a patient may be referred to MEDS from other services such as their district nurse, the Minor Injuries Unit in Ramsey, a Pharmacy, the Ambulance Service or A & E.

MEDS received 18,130 telephone contacts during the year January-December 2016. There were a total of 8,627 face to face appointments and 821 home visits.

1220 MEDS capacity varies according to demand. On weekdays during the hours of 6 p.m. to 8 a.m., there is one doctor on duty with nurse support, where possible, to provide patient consultations during the period 6 p.m. to 9 p.m. There is always another doctor on call during this period should MEDS require additional support during peaks in demand.

1225 At weekends and over Bank Holidays during the hours of 8 a.m. to 8 p.m. on weekends and bank holidays there are two doctors working at all times and the shifts are staggered to aid throughput. A nurse works between the hours of 9 a.m. to 9 p.m.

1230 MEDS doctors have to be available to provide immediate telephone advice, diagnosing conditions and determining what treatment a patient needs and whether that treatment can wait till the next working day. In Accident & Emergency, a patient often requires concentrated support for an extended period from the Emergency Department doctors. This means that it is not practicable for the GP on call to be routinely helping out in A & E because whilst doing so they couldn't provide a timely response to calls to MEDS. In addition, GPs do not necessarily have up to date experience or skills in dealing with the full range of patients who present with acute conditions like trauma.

TREASURY

17. Taxpayers on incomes below personal allowance level – Numbers of retired and under 25s

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for the Treasury:

For individuals and jointly assessed couples whose total income was below the personal allowance level in 2015-16, how many were (i) over State Retirement Age including couples where either partner is over State Retirement Age; and (ii) under 25?

1235 **The Minister for the Treasury (Mr Cannan):** Based on the assessments issued to date, I can confirm that the total number of taxpayers with total income for the 2015-16 tax year less than

the personal allowance of £9,500 for an individual and £19,000 for a jointly assessed couple are as follows:

Over State Retirement Age

Number of individuals	1,429
Number of jointly assessed couples	
Both partners over State Retirement Age	426
One partner over State Retirement Age	163

Under 25 years of age

Number of individuals	4,349
Number of jointly assessed couples	
Both partners under 25 years of age	2
One partner under 25 years of age	4

Whilst the above directly answers the Hon. Member's Question, it is important to note the following:

- Non-taxable income sources such as various Social Security benefits including Employed Person's Allowance and Attendance Allowance are not included.
- The 'Total Income' figure does not take into account any deductions or reliefs such as pension scheme contributions or mortgage interest paid. However, in the case of self-employed individuals and recipients of rental income any expenses directly incurred in acquiring such income have already been deducted in arriving at this figure.
- The data provided in respect of individuals under 25 years of age includes students still in full time education whose income includes remuneration from seasonal or casual employment, as well as those individuals who have ceased education and commenced employment during the tax year, therefore receiving a full personal tax allowance to set against income for only part of the tax year.
- The numbers stated also include where the total income is only for part of the tax year in the case of deaths and people leaving the Island.

**18. Taxpayers not required to submit annual returns –
Numbers of retired and under 25s**

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for the Treasury:

For individuals and jointly assessed couples who were not required to submit an annual return, on the grounds that the assessor is satisfied that their income is consistently below the personal allowance thresholds, how many were (i) over State Retirement Age including couples where either partner is over State Retirement Age; and (ii) under 25?

The Minister for the Treasury (Mr Cannan): In accordance with the provisions of section 62AA of the Income Tax Act 1970, the Assessor of Income Tax may suspend the requirement to make and deliver an annual tax return where she has reason to believe that a person is not liable to pay income tax.

I can confirm that current data shows that 1,539 resident individuals and 254 jointly assessed couples are suspended from the requirement for the 2016-17 tax year. A further breakdown for the specific categories requested is set out as follows.

Over State Retirement Age

Number of individuals	748
Number of jointly assessed couples	
Both partners over State Retirement Age	208
One partner over State Retirement Age	18

Under 25 years of age

Number of individuals ¹	227
Number of jointly assessed couples	
Both partners under 25 years of age	0
One partner under 25 years of age	0

¹ Individuals falling into this category include dependent children in receipt of occupational pensions and those with long term disabilities primarily in receipt of non-taxable state benefits.

**19. Value for Money Committee –
Meetings and reports over last 12 months**

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for the Treasury:

On which dates during the last 12 months the Treasury's Value for Money Committee has met; what reports have been produced; and where they are published?

The Minister for the Treasury (Mr Cannan): Treasury's Value for Money Committee was formed in 1990 and ceased in June 2013. The reason for the cessation of the Committee was that with the introduction of the Business Change Steering Group and Central Procurement within Government the work undertaken by the Value for Money Committee was superseded.

**20. Government external borrowing –
Additional since 2016; interest rates;**

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for the Treasury:

How much additional external borrowing has been taken on by Government since 1st April 2016; at what average interest rate; whether further consideration has been given to issuing a domestic bond; and when a decision is expected to be made?

1265 **The Minister for the Treasury (Mr Cannan):** There has been no new additional external borrowing taken on by Government since 1st April 2016.

The issue of a domestic bond is still subject to consideration by Treasury, there is no timescale. Any issue will depend upon suitable projects having been identified.

1270 Whilst not being external borrowing by Government, Treasury does provide guarantees for loans provided to local authorities by way of an agreement with HSBC. Since 1st April 2016 Treasury has guaranteed borrowings amounting to £20,375,651.87.

POLICY AND REFORM

**21. Jury exemptions –
Number of people**

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Policy and Reform:

How many people on the Island are jury exempt, broken down by exemption category?

The Minister for Policy and Reform (Mr Thomas): From the 61,082 people on the current electoral register, as at 1st October 2017, 21,555 persons are jury exempt.

1275 There is no requirement for the Electoral Registration Officer to collect information on the category of exemption or disqualification from jury service being claimed and so it is not possible to break down this figure into the various exemptions or disqualification.

ENTERPRISE

**22. Enterprise Development Scheme –
Economic impact**

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Enterprise:

Further to his Answer of 28th November 2017 if he will provide a breakdown of (a) the economic impact on the percentage of the fund invested in the five companies; (b) how many jobs were created; and (c) the expected overall return to the Manx economy?

1280 **The Minister for Enterprise (Mr Skelly):** (a) It is too early to accurately measure under the terms of the contract the economic impact in Gross Value Added (GVA) to the economy of the five loans and investments made via the scheme per annum depending on the trading performance of the investments.

(b) It is estimated that 23 jobs will be created in the first year of investment and that 140 jobs will be created thereafter.

(c) It is not possible to determine the expected overall return after the first year.

1285 It is worth noting that the Enterprise Development Scheme requires the Department to include in the report under section 6(1) of the Enterprise Act 2008 information in respect of payments to businesses under the Scheme. This report is laid annually before Tynwald. Members will therefore be able to obtain information on businesses which have obtained funding via the Scheme. Disclosing information more frequently creates a risk that individual investments to businesses, which the Department considers may be commercially sensitive, may
1290 be identified.

**23. Enterprise Development Scheme –
Arrangement with Spark Impact**

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Enterprise:

Further to his Answer of 28th November 2017 if he will provide a breakdown of (a) the annual fee paid to Spark Impact; (b) the value for money for the taxpayer of this arrangement; and (c) whether it is a fixed fee contract?

The Minister for Enterprise (Mr Skelly): (a) The total annual fee is as previously disclosed in the Answer to the Hon. Member's House of Keys Question of 28th November – for the financial year ending 31st March 2017 the total fees as disclosed in the Isle of Man Government's detailed accounts was £264,000 of which a significant proportion was the fixed fee. However in
1295 consultation with Spark Impact, the Department considers that a full breakdown of the fee is commercially sensitive and should not be publicly disclosed.

(b) The value for money was tested by an open and transparent tender process, the outcome of which was to select Spark Impact.

(c) The fee is made up of a fixed annual element along with a small variable element based on
1300 the value of deals concluded in the year. There is also a small commission element payable to the manager on any profits made on disposal of investments.

EDUCATION, SPORT AND CULTURE

**24. Teacher recruitment –
Relocation expenses**

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Education, Sport and Culture:

How much was budgeted for and spent on relocation expenses to bring teachers to the Island in each of the last five years?

The Minister for Education, Sport and Culture (Mr Cregeen): The following represents the budgeted and actual spends in relation to relocation expenses during the last five years.

Financial Year	Budget	Actual
2012-13	£103,400	£53,353
2013-14	£149,400	£73,300
2014-15	£144,000	£54,545
2015-16	£138,500	£50,836
2016-17	£139,000	£119,135

HEALTH AND SOCIAL CARE

**25. Injuries at Noble's Hospital –
Number of in-patient incidents**

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

How many in-patients suffered injuries, whilst in the care of Noble's Hospital during the period 1st December 2016 to 30th November 2017?

1305 **The Minister for Health and Social Care (Mrs Beecroft):** Noble's Hospital records incidents through the PRISM safety and quality management system. These incidents can be reported by any member of hospital staff.

Incidents are then graded on a RAG (Red, Amber and Green) rating system indicating the level of seriousness of a situation with red being the highest rated alert. Furthermore, incidents are sub-categorised with one of those sub-categories being 'personal injury'.

1310 The personal injury sub-category is used to describe those incidents that have resulted in an actual physical harm to a person.

During the period 1st December 2016 to 30th November 2017, the total number of incidents recorded describing some degree of harm affecting an inpatient and rated as either amber or red is 35.

1315 Of these, six relate to 'personal injury' with each being the result of a fall whilst in hospital.

All incidents of this type are fully investigated using a Root Cause Analysis approach. The outcome of each investigation is discussed at the monthly Patient Safety Committee held at Noble's Hospital with lessons learned from each incident shared across the organisation with measures taken to minimise the risk of recurrence.

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HOME AFFAIRS

**26. Domestic Violence Disclosure Scheme, UK –
Plans to mirror in Island**

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Home Affairs :

What plans his Department has to mirror the UK Domestic Violence Disclosure Scheme?

The Minister for Home Affairs (Mr Malarkey): A Domestic Abuse Needs Assessment Report was recently commissioned into the frequency and propensity of domestic abuse and the provision of Domestic Violence Services on the Island.

1325 A cross-departmental Implementation Group is now looking at how appropriate Domestic Abuse Services, which address the needs of both the perpetrator and the victims of domestic abuse, can be organised and delivered.

In this connection the decision on whether a Domestic Violence Disclosure Scheme should be introduced on the Island forms part of the deliberations of this Group.

INFRASTRUCTURE

**27. Vehicle registrations database –
Organisations with access**

The Hon. Member for Douglas Central (Mrs Corlett) to ask the Minister for Infrastructure:

Which organisations, other than the Police, have access to the vehicle registrations database?

1330 **The Minister for Infrastructure (Mr Harmer):** Other than the Department of Infrastructure and the Isle of Man Constabulary, whose offices can access both vehicle and driver records, the organisations that have access to the vehicle only aspect of the database are:

- Financial Crime Unit – for enforcement and investigation purposes
- Customs and Excise – enforcement
- 1335 • Treasury – Income Tax for enforcement purposes
- Isle of Man Post Office – who act as agents for the Department in the processing of vehicle and driver transactions.

The relevant legislation requires the Department to provide information about the registered keeper of a vehicle to local authorities for the prevention and detection of crime and for enforcement in respect of non-payment of fines and penalties. It also permits the Department to provide information for ‘reasonable cause’ on payment of a fee.

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MANX UTILITIES AUTHORITY

**28. Power station roof works –
Cost of scaffolding; appointment of contractor**

The Hon. Member for Douglas North (Mr Ashford) to ask the Chairman of the Manx Utilities Authority:

How much the scaffolding for the recent roof works at the power station cost, including rental per week; whether the work tendered; and if not how the contractor was appointed?

The Chairman of the Manx Utilities Authority (Dr Allinson): Total cost to end March 2018 will be £110,009.38.

This is broken down as follows:

- 1345 • Design and erect the scaffold and hire charges until the end of April 2017: £42,644.00
- Hire charges until the end of November 2017: £35,066.88
- Hire charges until the end of March 2018: £32,298.50

The work was not tendered and commissioned on an emergency basis (due to public and employee safety risks and electricity supply security risks) using Red Scaffolding. This organisation has a proven track record in safely designing and erecting complex and large scaffolds on and around the live plant and equipment within the power station (high voltage electricity, high pressure gas and steam, high energy rotating plant, chemicals, liquid fuels etc.), and it had the resources readily available to promptly mitigate the hazardous condition that arose.

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1355 Manx Utilities is scheduled to tender a contract for three years of scaffolding services in 2018, where any interested local companies will have the opportunity to demonstrate whether

they have the skills and resources necessary to undertake this and other types of complex scaffolding within potentially hazardous environments.

PUBLIC SERVICES COMMISSION

**29. Government processing of personal and sensitive data –
Systems; enquiries made; data protection breaches**

The Hon. Member for Garff (Mrs Caine) to ask the Chair of the Public Services Commission:

How many line of business systems there are across Government where personal and sensitive data are processed by Public Services Commission civil servants; how many inquiries are made, in aggregate, per day; how many breaches by civil servants under section 2(4) of the Data Protection Act 2002 have been investigated and proven by the Information Commissioner's Office in the last five years?

1360 **The Chair of the Public Services Commission (Mr Thomas):** For the purposes of this response, a 'line of business' is classified as a multi-user application used solely by a single department in the administration of processes undertaken by that department.

1365 There are approximately 209 applications owned by Departmental Data Controllers. As the data in these applications is owned by Departmental Data Controllers, they would be best placed to determine if the data being recorded and processed within these applications is of personal or sensitive nature. It has not been possible within the normal time constraints for responding to Parliamentary Questions to obtain this information.

Government's GTS does not have any software tools which would enable the measurement of the number of transactions undertaken against each or any line of business application.

**30. Data Protection Act 2002 –
Offences by civil servants**

The Hon. Member for Garff (Mrs Caine) to ask the Chair of the Public Services Commission:

How many offences under the Data Protection Act 2002 have been committed by civil servants in the last five years?

1370 **The Chair of the Public Services Commission (Mr Thomas):** I can confirm that no offences have been pursued against civil servants over the last five years.

1375 The Information Commissioner can take action against individual employees of Government, including Tynwald, Legislative Council and House of Keys as set out in sections 58 and 59 of the Data Protection Act 2002. However, it is the Data Controller that is issued with a decision notice in respect of breaches against the Act and I can confirm that there have been four decision notices issued to Government bodies over the past five years. These were:

Department of Community, Culture and Leisure	(variation) 2013
Department of Home Affairs	2015
Department of Economic Development (undertaking)	2017
IOM Post Office (undertaking)	2017

**31. Government data breaches –
Powers of Information Commissioner to investigate**

The Hon. Member for Garff (Mrs Caine) to ask the Chair of the Public Services Commission:

What powers the Information Commissioner has to investigate alleged data breaches within Isle of Man Government?

1380 **The Chair of the Public Services Commission (Mr Thomas):** There are a number of tools available to the Information Commissioner to investigate alleged data breaches to enable compliance to be evaluated and enforcement action to be taken against the Island's organisations which can result in civil and criminal sanctions, monetary penalty awards and remedial action.

1385 The sanctions, remedies and actions contained within the Act are designed to be used in a proportionate, transparent and effective manner to change the behaviour and practice of organisations and individuals.

Any alleged breaches are considered on a case by case basis taking into account:

- the risk associated with the processing;
- 1390 • the organisational safeguards taken by the organisation to comply with the legislation, balanced against the rights of individuals; and
- the impact that breach has caused to individuals or groups of individuals, including the damage and associated distress suffered as a result of the breach
- interpretation of the law is in doubt

1395 The main options include:

- Investigation of complaints that are made to the Information Commissioner
- Information Notices that require an organisation to provide specified information within a certain time period
- Issue undertakings committing an organisation to a particular course of action in order to improve its compliance
- 1400 • Serve Enforcement notices that require an organisation to refrain from processing or require organisations to take specified steps in order to ensure they comply with the law
- Prosecute those who commit criminal offences under the Act. Monetary penalties can be awarded of up to £5,000 upon summary conviction, and an unlimited amount can be awarded by the High Court depending upon the severity of the breach.
- 1405

No proceedings for a criminal offence shall be instituted except by the Information Commissioner or by or with the consent of the Attorney General.

1410 An organisation can appeal against a decision made by the Information Commissioner through the Information Tribunal. The Information Tribunal hears cases in regard to enforcement notices, information notices and monetary penalties issued by the Information Commissioner.

The specific powers in relation to the investigation of alleged data breaches are:

Request for an assessment Section 38 which are normally complaints made by individuals to determine if there personal data is being processed in compliance with the Act or not.

Information Notice Section 39 – a notice requiring an organisation or person to supply the Information Commissioner with information to ascertain whether the Act or related laws have been complied with.

Special Information Notice Section 40 – A notice requiring an organisation or person to supply the ICO with information needed to ascertain whether personal data are being processed for the special purposes.

Powers of Entry and Inspection He has the powers to enter premises and seize documents and is subject to compliance with the Police Powers and Procedures Act 1998.
A Court can issue the Commissioner or a member of his staff with a warrant to enter Premises and seize evidence where there is reasonable grounds to suspect a Criminal Offence is being committed.
Schedule 8 sets out this process within the Act.

1415

The detailed sanctions and relevant sections of the Act are set out below:

Criminal Prosecution A sanction available where there has been a criminal breach (section 55 of the Act).
This can include intentionally obstructing a person in the execution of a search warrant, or failure to give reasonable assistance in executing of a warrant.
Failure to comply with an information notice a special information notice, an enforcement notice.
Knowingly or recklessly making a false statement of compliance with an information notice, special information notice or enforcement notice.
Unlawful obtaining or disclosure or the procurement or disclosure of personal data.
Unlawful selling of personal data.
The Information Commissioner or a member or agent of the Information Commissioner may be prosecuted for an offence of unlawfully disclosing information obtained or provided to the Commissioner for that purpose is not or has not been made publicly available at the time of the disclosure.
There are certain strict liability offences for not notifying with the Information Commissioner and in relation to enforced subject access even where the person did not intend and did not know that he was committing an offence.

Personal Liability Where a company, body corporate, government department commits a criminal offence, any director, manager, secretary or Chief Executive, similar officer is personally guilty of an offence.
Individuals may be subject to prosecution if they have personally acted outside the law with their connivance or neglect.

Enforcement Notice Section 36 - A formal notice requiring an organisation to take action specified in the notice in order to bring about compliance with the Act and related laws.

Undertakings Not a regulatory power but a formal undertaking can be given by an organisation to the Information Commissioner which sets out a particular course of action or otherwise to achieve compliance.

COMMUNICATIONS COMMISSION

**32. Communications Bill –
Introduction into Branches; reason for delay**

The Hon. Member for Rushen (Mr Speaker) to ask the Chairman of the Communications Commission:

When the Communications Bill will be introduced into the Branches; and what the reasons are for its delay?

The Chairman of the Communications Commission (Mr Malarkey): The Communications Bill is due to enter the Branches in early 2018. It is a large and complex Bill that has taken some time to draft.

1420

Order of the Day

3. Government: Single Legal Entity and Programme – Statement by the Minister for Policy and Reform

The President: Item 3 on our Order Paper is a statement by the Minister for Policy and Reform – Single Legal Entity and Programme. I call on the Minister, Mr Thomas.

1425

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

Hon. Members, thank you for the opportunity to update you on two important issues regarding Government.

1430

In July this year, the interim report by the Single Legal Entity sub-committee was laid before this Hon. Court. Hon. Members might recall that the sub-committee had given comprehensive consideration to four potential options for reform, and that it had concluded that the progression of reforms on an incremental basis was its preferred choice for development towards a single legal entity. At that time, it was our intention and I gave an undertaking to, report back to Tynwald no later than December 2017.

1435

Since then there have been developments in other areas which might affect our consideration of this matter. For instance, and amongst other things, there has been the creation of the Department for Enterprise and the Vision Nine report of the Economic Policy Review Committee, which seems to raise issues about cross-Government working and communication.

1440

The Council of Ministers needs to consider these developments, taking them into account, and I would hope to be able to report back to Tynwald by no later than the June sitting next year.

1445

Now, Mr President, if we can move to the Programme for Government. After listening to the comments of Hon. Members at the sitting last month, and in the Members' workshop last week, the Council of Ministers has decided to spend more time engaging to bring back a revised programme to Tynwald in March 2018, rather than in January.

The President: An opportunity for questions – which must be questions of course, not statements.

1450

Mr Robertshaw.

Mr Robertshaw: Thank you, Mr President.

1455

The Minister advises us that he is minded to, understandably, consider the implications of the Vision Nine report. Is he also willing to look broader at other issues with regard to a single legal entity, in terms of its potential beneficial influence in other areas such as how that entity would impact beneficially on children's services, for example; and how elements of the Vision Nine report actually talk of failure to provide a significant new development in Lord Street, which, by the time we get one, will be in the region of 30 years or more; and that evidence in the Vision Nine report suggests that a single legal entity would effectively have encouraged us to be in a better place than we are now on both those two issues?

1460

Thank you.

A Member: Hear, hear.

1465

The President: Minister to reply, Mr Thomas.

The Minister: Thank you, Mr President, and to the Hon. Member for Douglas East, my friend, for that question.

1470 I am sure the Council of Ministers will take into account those additional issues, Lord Street development lessons, and also lessons arising in social policy around Children and Family Services, as it makes up its mind how to write its response to the Council of Ministers' sub-committee report, and I am sure this Hon. Court will also take those issues into account as it makes up its mind how to decide this issue.

1475 **The President:** Hon. Member of Council, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

1480 I would like to ask the Shirveishagh, given his positive inclination towards this initiative, would he, in the process, take into account on the back of a single legal entity – which is only halfway to the real goal, I would suggest – would he agree that perhaps he will in time look at a single organisation as well, on the back of a single legal entity; because a single legal entity, would he agree, will only get us so far in respect of that the organisation will be seen in a different way, but a single organisation will then move us further into de-siloism?

1485 **The President:** Minister to reply

The Minister: Thank you very much, Mr President and to my friend in Council, Mr Henderson.

1490 The sub-committee of Council of Ministers considered a single legal entity, with Ministers and Departments related into that. It also considered a single organisation model as proposed by the Hon. Member of Council; it considered executive agencies and it also considered the local authority transition process.

1495 The conclusion of the sub-committee was that we needed an incremental approach based initially on the first proposal, but I am absolutely sure that the Council of Ministers and then this Hon. Court will take into account the other possibilities as it debates this issue and then eventually decides it.

4. Castletown Housing Review – Statement by the Minister for Policy and Reform

The President: We turn now to Item 4, Castletown Housing Review – Statement by the Minister for Policy and Reform, Mr Thomas, please.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

1500 In the October sitting of Tynwald, I committed to review the implications of the research findings made public in October and make a further statement in this Hon. Court on the Castletown Housing Land Review.

1505 Hon. Members, we have worked steadily in recent years to improve our ability to make sound and sensible decision making on the future growth pattern of Castletown, at the heart of which is to secure a more equitable spread of housing in the south.

I have said before that the steps necessary include: firstly, quantifying the land and number of homes needed in the coming years; secondly, identifying sites that were developable and capable of being delivered; and thirdly, selecting the most appropriate method to try and bring sites forward. This is clearly important work.

1510 It appears to me, having looked at all of the evidence that there is indeed a need to provide greater opportunities for housing in Castletown before we review the Area Plan for the South again. There is, however, not one site which stands head and shoulders above the others. What

we have tried to do, in making sense of the assessment reports of the sites examined, is to split them into categories: firstly, sites for further consideration; secondly, sites that might have potential in the longer term as strategic reserves; and thirdly, sites which are unsuitable for further consideration.

At the start of the project, possible mechanisms to bring more housing land forward were identified. These were: either to carry out a partial review of the Area Plan, which would, in effect, mean the start of a new area plan for Castletown only, or to bring forward land by way of a development order – one or more development orders – or to ‘invite’ the submission of one or more planning applications.

There are pros and cons to all of these and in recent weeks officers and I have discussed at length the best way forward and I am pleased to say we now have one. I have always been determined to see this project through and, when the time is right, to set out as firm a direction as possible. I can now tell you that I do not think it appropriate to start a new area plan for Castletown or to prepare one or more development orders. These methods, whilst they have their place, are resource heavy, time consuming with the onus for delivery very much on officers in the Cabinet Office as part of planning policy. They are not, in this instance, the right course of action, especially now that we are very much focused on producing a draft Area Plan for the East by the middle of next year and undertaking a planning review.

The way forward which has the most merit is to invite the submission of planning applications on a number of sites. There is no reason to delay any longer the idea of looking to specific land owners and developers to use the evidence we have collated and think through how schemes could be worked up on their sites and how any highlighted issues can be addressed.

In October, seven sites were identified as being suitable for further consideration. I propose to write to the landowners of four of these sites explaining that in the Cabinet Office’s view, they are worthy of proper consideration through detailed planning applications. A lot of time, effort and resources have already gone into this project, and it would only be proper to disclose which sites have been highlighted in the first instance to those most directly involved. The owners of other sites not selected will also be contacted.

I would like to stress at this point that the southern Members, the Castletown Commissioners, as well as landowners and agents acting on their behalf, have been very patient throughout this project and assisted throughout. I would like to thank all who have been involved in the past couple of years and welcome the next steps.

The President: Hon. Member for Castletown, Arbory and Malew, Mr Cregeen.

Mr Cregeen: Thank you, Mr President.

A very positive statement there from the Minister, but would the Minister not agree with me that an infrastructure levy really needs to be introduced across the Island, so that we can actually support the redevelopment of existing houses so that you are not in that competition between a new house and an old house.

If we take Peel, for example, you have had hundreds of houses built there and it is very difficult to try and sell your property in the centre of the town when you have got these new properties. Would the Minister not agree that what we could do is put that infrastructure levy which will give grant assistance – it could be used by local authorities or Government – to regenerate the older properties which would be a benefit? This is something that they have done in other jurisdictions and it is a positive move to ensure that we do not let the heart of our towns die because of new properties.

The President: Mr Thomas.

The Minister: Thank you very much, Mr President and to the Hon. Minister for his question.

1565 The Hon. Minister makes some valuable points about how development has taken place around some of our towns and villages, which we need to respond to in the way that we develop planning policy and handle planning applications.

Secondly, the Hon. Minister, my friend, has made a good point about the fact that the community infrastructure levy experience, since the Planning Act 2008 across, needs to be
1570 considered in our Island context and we need to make conclusions about how we integrate that into a revision of our law – in the Bill that is scheduled inside our legislative programme.

But thirdly, the Minister would accept that we have, in our planning review, questions about very much this specific issue and it would be premature to make policy decisions at this stage before we have got to the end of the planning review and we have taken into account all the
1575 input inside those suggestions.

So what I will say to the Minister to reassure him, and others who care about this passionately down – or up – south, is that the letters that I will send out will say clearly that applications are not being invited before a certain date, so that we can take into account the way that policy develops in coming months; and that way we will not be encouraging any sort of
1580 rush first past the post. I am not talking about years, I am talking about months here, but it seems to me the Chief Minister and the Council of Ministers and in fact, this Hon. Court, want our planning review to be concluded. This is another reason that it needs to be concluded quickly and then we will have clarity for everybody involved about the future for a community infrastructure levy or something that looks like it based around the Manx context and what
1585 lessons can be learned from across.

The President: Member of Council, Mr Cretney.

Mr Cretney: Yes, does the Minister share with me the regret, as the mover of the Southern Area Plan, that this matter has taken as long as it has, particularly given the promise to the
1590 former Member for Castletown, Mr Ronan, that this matter in terms of housing would be reviewed separately at an earlier stage?

The former Hon. Member was very keen to try to get houses in Castletown for young people so that they did not have to leave Castletown, and this is an important matter.

The President: Minister to reply.

The Minister: Thank you, Mr President and my friend from Council.

Yes, I agree that it is regrettable that the Southern Area Plan six or so, seven ... five years or
1600 so ago actually had this statement. It is regrettable that it has taken those years and I also would agree with the hon. questioner that Minister Ronan spoke in public, including in this Hon. Court, many times about the need for 200 or so houses, which is what we have identified in the evidence that we published in October in Castletown – an important place, a lovely place, but it is difficult to see where those houses are going to be built and we have taken some time to look
1605 at it and we have come up with a way forward.

The most important point I would like to say is we should not be looking back and thinking about regret and what we should have done; let's look to the future. What my announcement today shows is that the planning system that we now have is actually flexible. There is a degree of flexibility inside it. We do not have to completely recast the Southern Area Plan. By the
1610 decision that has been taken to invite applications, we are showing that an area-based planning system has a degree of flexibility in it, in this way as well as in many other ways – and that is the most important thing we have.

In the 2021, 2022, 2023, 2024 periods we will be revisiting all of the area plans, having put them in place for the whole Island before 2021, but what this demonstrates today is that there is
1615 flexibility inside the existing planning process currently.

The President: Hon. Member for Arbory, Malew and Castletown, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

1620 This is good news. Given the clear desire to move forward, has the Government any plans to provide any assistance to actively encourage landowners to take action on any sites, beyond the letters?

The President: Minister to reply.

1625

The Minister: Thank you, Mr President.

1630 The whole of Government provides assistance in infrastructure matters and making the Isle of Man a great place, an even better place to live and work, so that people want to live in the Isle of Man, move to the Isle of Man and take up the housing opportunities here. Making Castletown a place with things to do in it is something that I know the Department for Enterprise is actively encouraged to work through, and the Castletown Commissioners and other local politicians have done loads.

1635 So it is a massive question that has been asked and I can assure the Hon. Member that there are all sorts of policies that can be brought to bear in any part of our Island and I am sure they will be with local politicians working with national politicians to do the right thing.

1640 I think the new regeneration initiative that was mooted last year might also be very helpful, because wouldn't it be great if local commissioners, local businessmen, local residents worked together with Departments across the piece to actually put together two- or three-year plans for their community, so we actually all know what it is we are trying to do in each place and then actually do it as a Government of action rather than talk. (*Interjection*)

The President: Member for Douglas East, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr President.

1645 A question for the Minister following the interesting point raised a little earlier with regard to levies. Could the Minister reassure me that he will approach such ideas with considerable caution, insofar as a levy should never ever translate into additional cost for a purchaser when Hon. Members very recently have heard that, effectively, the ratio of house purchase costs to average salaries is at a remarkably high level? Could he give us that reassurance, please?

1650

The President: Minister.

The Minister: Thank you very much, Mr President, and to my good friend, the questioner.

1655 Of course we have to present the facts as they are and we have to move forward with caution. That is why it has taken so long and I acknowledge completely that the experience in the UK has not been entirely positive; and secondly, I also acknowledge that this is a difficult moment in investment in the Isle of Man. Property prices here have been static for some time and showing signs of recovery. Our property prices are about right in the middle for the British Isles' average. I disagree with the hon. questioner that they are high; I think they are actually incredibly good value for such an exciting place that we have in which to live and work and set up business.

1660 So the basic point, I agree, is that despite enthusiasm and encouragement, we have got to take the whole idea of levies around development sites seriously. But we have got to consider all dimensions of it carefully and that is why we need to conclude the planning review and the associated work on rates, on developments, on how we encourage business, how we regenerate as soon as we can so we can get these houses built in Castletown in the right way, alongside having houses built round the rest of the south of the Island and the whole of the Isle of Man; because our economy and our society is buzzing again, and the economically active population is

1670 increasing. This really is the Island of enterprise and opportunity, and the inclusive and caring Island that we really want it to be.

The President: Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

1675 Will the Minister accept that the case for the community investment levy is not made? Experience elsewhere has been very poor and Government and the Council of Ministers should avoid distorting property markets, especially in the small economy we are and especially in micro-economies like Castletown?

1680 Ultimately, does the Minister accept that people will choose where they want to live and we should leave that to them?

The President: Minister to reply.

The Minister: Thank you very much.

1685 Yes, the Hon. Member for Middle, my good friend, makes a very valuable point, which is that – well, the most important he makes – our mind is not made up, the Council of Ministers' mind is not made up, and this Hon. Court's mind is not made up. That is why we are having a planning review; that is why we have had a consultation.

1690 I really do hope that the people who believe in the case are making the case and the people who are against the case are making the case, and then we can all make our minds up.

The Hon. Member does have a good point, which is that the review across concluded that, as set up, the community infrastructure levy was not fulfilling the original goal of providing a faster, fairer, more transparent way of ensuring that all development contributes something towards accumulative infrastructure need and it has disrupted and complicated section 106 agreements.

1695 **(A Member:** Hear, hear.)

1700 So we already have a national strategic plan, we already have section 13 agreements inside that plan. It has been quite difficult to make the work even for things like public sector housing, for social affordable housing and for open space. It is all on the table. Planning is very important. We have a planning review underway and I would hope that within six months that planning review can be completed so we will know what next in terms of development corporations versus infrastructure levies and versus all the other possibilities that are inside the scope of that review.

1705 **The President:** Remember we are talking about Castletown Housing Review. I do not want this broadened out into a general question session.

Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

1710 Given the work already done with regard to key sites, will the planning process be adapted to reflect this and produce quicker outcomes?

The President: Minister.

The Minister: Thank you very much, Mr President.

1715 The planning process is in the process of evolution, and I have just invited planning applications, which is a novelty in the Isle of Man's process. The letters that will be sent will be discussing the issues. So, yes, what we are doing is taking the best from the existing planning system and evolving it to make sure it can work in a specific situation.

1720 Planning is demonstrating to itself and to everybody around that it is flexible inside the structure. We need to get the infrastructure right. We need to let people live where they want

to live. We need to respect the environment. All the objectives that Planning has need to be fulfilled and what this whole episode can demonstrate is that planning can work for us all and that is all that planners ever desire from their profession.

1725 **The President:** Mr Cretney.

Mr Cretney: Yes, would the Minister agree with me that a choice is all very well, but for the young people on limited incomes who come from Castletown, who wish to remain in Castletown, for generations they have not had that choice?

1730

The President: Minister.

The Minister: Thank you very much, Mr President.

1735 I agree it is important to provide opportunities for our young people in their hometowns, if that is where they want to stay living. We have got great opportunities in Castletown. West Hill/School Hill is in scope for the Department of Infrastructure public sector housing programme; the Southern Area Plan identified that if the Buchan School site was ever to become available because it was no longer used for educational purposes, that could become available for housing; Qualtrough's Yard and a couple of other sites are already identified as being, if the
1740 current use is no longer the use, other uses can be considered. So planning does have flexibility inside it to make sure that our towns are vibrant places where people can live and can work – especially young people.

The President: Final question, Mr Baker.

1745

Mr Baker: Thank you, Mr President.

 Would the Minister agree with me that in bringing forward this development opportunity in a proactive way which is not in our normal approaches, there is a great opportunity to create a high quality development in Castletown, which, whether it is funded via infrastructure levy or
1750 not, gives us an opportunity to really create something that sets the bar high for property development on the Island and reflects good design, great use of open space and creates a high quality environment for the community to live in?

The President: Minister.

1755

The Minister: Thank you very much.

 I completely agree, Mr President, and my good friend from Ayre and Michael who asked that question. Planning cannot do everything; developers, purchasers ... We need Government policies to make sure that market forces create that sort of environment, but I am absolutely
1760 sure that the strategic plan provides the framework in which that sort of development can take place.

5. Isle of Man Post Office – Statement by the Chairman of the Isle of Man Post Office

The President: Item 5, a Statement by the Chairman of the Isle of Man Post Office, Ms Edge.

1765 **The Chairman of the Isle of Man Post Office (Ms Edge):** Thank you, Mr President and Hon. Members.

As you will be aware, Isle of Man Post Office has long been discussing the benefits of changing its corporate status from a Statutory Board to a company, wholly owned by the Government. In April 2016, Tynwald approved this change, subject to the Articles of Association being brought before Tynwald for approval.

1770 Since my appointment as Chairman of Isle of Man Post Office, the new Board and Executive team have been considering the future strategy of the Post Office and our vision for the next five years. The changes we are making to the strategy, I believe, more accurately reflect our current challenges with a vision to develop a sustainable and modern Post Office in the long term, and for it to remain self-funding.

1775 The strategy is being developed in line with our mission, vision and business objectives, and contributes to a number of key themes for the Programme for Government. As the core services of the Post Office continue to decline – mail volumes have halved in the past 10 years – the challenge for the business is to ensure it remains profitable and is able to continue to provide a dividend back to Treasury.

1780 I believe it is essential that the Post Office focuses on its commercial activities in order to continue to support its important social services in the community, in order to ensure it does not require a subsidy from Government in the future. These, along with the requirement to make changes to our pension scheme to limit the liability in the future, are the key challenges that I believe the Post Office should be focusing on.

1785 I therefore believe further discussion regarding corporatisation and the proposed public consultation that I advised Members would take place in the autumn, be postponed for the foreseeable future in order to allow the Post Office to focus on these key challenges and its future strategy.

Thank you, Mr President.

1790

The President: Hon. Member, Mr Ashford.

Mr Ashford: Thank you, Mr President.

1795 Can I welcome the statement by the Chairman of the Post Office. (**Several Members:** Hear, hear.) Just for clarity, can the Chairman confirm, therefore, that for the foreseeable future it means corporatisation is dead in the water?

Can I also ask the Chairman, she mentioned there about the vision and building on the vision for the next five years; is it the Post Office's intention to have a longer-term vision, say, the next 10 to 15 years? Is that going to now start to be developed as well?

1800

The President: Chairman to reply.

The Chairman: Thank you, Mr President, and thank you to the Hon. Member for Douglas North, Mr Ashford, for the questions.

1805 With regard to our strategy, I said in here numerous times we have already arranged a meeting with our sponsoring Department in February, to bring forward the strategy so that they can review it, and then we are seeking to have a review with CoMin to present the strategy at that.

1810 With regard to going further forward than five years, the challenges that we are facing at the present time ... our Post Office's main trading partner is looking to change the pricing structure of the commercial agreement, which could have a detrimental effect on the business's overall profitability. So, although we have got a strategy going forward, we are getting other items from the outside coming forward with Royal Mail.

1815 So there are lots of challenges, but the five-year strategy is, I think, I believe, a big step forward and once we have presented to our sponsoring Department and CoMin, we will then be presenting to all of our Members so that you can all be part of the full debate.

The President: Hon. Member, Mr Shimmins.

1820 **Mr Shimmins:** Thank you, Mr President.

Can the Chairman of the Post Office advise how many countries in Europe still maintain state-ownership of postal delivery; and perhaps she could also outline what progress the Post Office has made in the last 12 months?

1825 **The President:** Chairman to reply.

The Chairman: Thank you, Mr President.

Unfortunately, I do not have the figures to hand, but what I can say is a number of post offices that have corporatised suddenly make increases that are extortionate to their postal charges, and that is certainly something that we need to take into account. I think it was Jersey that suddenly increased all their postal charges to 60 pence per item, and we certainly do not want to be going down that road on the Island at present.

With regard to – apologies, what was the second part, sorry?

1835 **Mr Shimmins:** What progress has the Post Office made in the last year?

The Chairman: Okay.

In the last year, the progress that the Post Office has made is we have identified that the real issues that the company has ... we have lost some of our major commercial clients and what we are doing is looking for other alternatives to bring revenue into the Post Office to ensure that the Government does not have to subsidise it. We are a Government Statutory Board and we do give a return to the Government; there are not many Departments that do that.

The President: Hon. Member, Mr Baker.

1845

Mr Baker: Thank you, Mr President.

Would the Hon. Member agree with me that one of the progresses that the Post Office has made, not only last year but in the last five minutes, has been stopping the corporatisation process? *(Laughter)*

1850 Secondly, could the Member give me some thoughts around this vision to develop a sustainable, modern Post Office, that that will take an approach which recognises the unique attributes that the Post Office has, and will build a plan that repurposes the organisation for the 21st century, based on the trusted brand that it has, geographic coverage right across the Island, its logistics capability, its excellent workforce and that, properly purposed, the Post Office could be an integral part of modernising Government and public services on the Island?

1855

Several Members: Hear, hear.

The President: Chairman to reply.

1860

The Chairman: Thank you, Mr President, and thank you to the Hon. Member for Ayre and Michael.

Everything that you have said, we have taken many discussions around all of them, and they are included in the strategy.

1865 One of the areas that I am conscious of is the social community and we are in discussions again with the DHSC with regard to services that the Post Office can help deliver for them. I think everybody in the room agrees it is a most trusted brand, it can help with so many areas of Government across Government, with a card strategy, a one-card system, whatever; but it is the

1870 trusted brand that we need to hold onto and make sure it is delivering a successful return to the Government.

The President: Hon. Member, Mr Cregeen.

Mr Cregeen: Thank you, Mr President.

1875 Will the Chairman not agree that in the past, and probably currently, Isle of Man Post Office makes considerably more money than Jersey who is following a different model? Theirs is not the model to follow as the executive are paid exceedingly more than they are in the Isle of Man and they closed post offices, they reduced services and they increased their cost; also that Jersey Post Office has used retired postal staff from the Isle of Man to advise them on the way
1880 that they should re-model their postal services. So copying Jersey is not a good idea.

A Member: Hear, hear.

The President: Chairman to reply.

1885 **The Chairman:** I am not sure, Mr President, that I said we were copying Jersey! So, no, we will not be copying Jersey, we will be coming up with the right model for the Isle of Man.

6. Energy Efficiency – Statement by the Minister for Environment, Food and Agriculture

The President: Item 6, Statement by the Minister for Environment, Food and Agriculture: Energy Efficiency.

1890 **The Minister for Environment, Food and Agriculture (Mr Boot):** Thank you, Mr President.

I believe energy efficiency is crucial for the Isle of Man for two very different reasons. Firstly, because as a globally responsible nation, Tynwald agreed a Climate Challenge Mitigation Strategy last year, outlining our steps towards the 2050 target to reduce greenhouse gases by
1895 80%. Secondly, and in many ways more importantly, because reducing consumption saves money and often makes us more comfortable, healthy and profitable.

There is ever-increasing evidence of how typical households can save over £250 per year through small changes in behaviour, such as not leaving their TVs and computers on standby, investing in water-efficient shower heads, fine-tuning boiler controls and switching unused lights
1900 off. Improved insulation and draught-proofing can often save as much again and improve people's comfort and health.

It is important to acknowledge that in 2013, 16% of Manx households spent over 10% of their annual household income on heating and in 2008, around 25% of Manx homes lacked appropriate loft insulation. Unfortunately, there is often a double whammy, with some of our
1905 least affluent families living in the poorest insulated houses and I am sorry to say, these are often in the private rental sector, where it can be hard to stimulate either the landlord or the tenant to invest in efficiency. We will have to think hard about how to help this sector, as there is real scope to reduce their disproportionately high emissions and equally importantly, to reduce the living costs for the occupants.

1910 Therefore, I strongly believe that energy efficiency and emissions reduction is a win-win for us, providing we are sensible about how we go about it.

Moving now to what we are proposing, as committed in the Programme for Government, I am now in the position to announce the introduction of the first of several phases of energy efficiency initiatives.

1915 There are three key areas we are focusing on at this point: improved property efficiency and reducing the role of fossil fuels in both property heating and transport, whilst reducing demand wherever possible.

1920 My Department recently held workshops with Manx Utilities, DOI and other Departments to develop a plan to deliver the changes we need. From this, a new Energy Futures Group has been established and this group will focus on the options and implications to reduce the carbon emissions for the Isle of Man.

1925 Regarding transport, this is responsible for approximately 17% of our emissions. I would like to acknowledge the contribution of the DOI's Active Transport Strategy, (**A Member:** Hear, hear.) which has a real role in both improving our health and reducing energy consumption and similarly, we must acknowledge the global move away from petrol and diesel engines, with an exponential move towards electric and in some cases, gas. I am pleased to see ever more of these electric vehicles in our Government fleet, where I believe they can continue to demonstrate their suitability to the general public.

1930 Being a small Island, we are ideally suited for electric vehicles, which increasingly now have similar purchase prices and typically reduce the fuel costs by up to £100 per month compared to current petrol and diesel cars. Equally importantly, given the global market and policy trends, we may soon only be able to buy electric vehicles, so I believe that the good availability of public charging points has an important contribution to minimising range anxiety for our community and the visitor economy.

1935 Therefore, my Department has provided funds to Manx Utilities for installation of eight more public electric vehicle charging points in 2018. This means the Programme for Government target of 23 charging points located throughout the Island will be met 12 months early.

1940 Now moving on to properties, these are responsible for about 30% of our emissions. It is important to acknowledge that around 80% of the homes which we expect to be used in 2050 have already been built, so we must focus on existing, as well as new buildings.

1945 We need to both improve energy efficiency in our properties and reduce our usage of fossil fuels. Poor thermal insulation is responsible for significant building heat loss and therefore, achieving a higher level of thermal insulation will be a priority.

1950 Education and promotion of energy efficiency is the most cost-effective way to deliver energy efficiency. Some simple, relatively cheap measures can save households money and dramatically reduce their energy consumption.

1955 Therefore, my Department will co-ordinate a programme of raising awareness for energy efficiency measures. We have today launched an Energy Advisory Service which is available for all households to assist with providing impartial advice to reduce energy consumption and bills.

1960 To further this development, I have today written to partner delivery agencies asking for their assistance to disseminate the information in appropriate formats widely across the Island.

1965 Starting in the New Year, my Department will be hosting a roadshow consisting of a number of events round the Island. Assistance will also be available to answer energy efficiency questions and provide guidance for how to cost-effectively reduce energy bills.

1970 However, to really help households understand what they should prioritise, I believe a professional energy efficiency survey is required, to provide bespoke advice about the best measures for their individual homes.

1975 Energy efficiency surveys can examine the level of draughts and insulation of properties, check for dampness, provide instruction on the use of boiler controls, rectifying simple draught exclusion or ventilation problems and provide prioritised recommendations for cost-effective home improvements to improve energy efficiency.

1980 To give consumers the confidence to invest in this advice, we will, by spring 2018, create a regularly updated list of approved local suppliers that are available to undertake energy efficiency surveys and energy efficiency home improvement works.

1965 Over the same timescale, we intend to work with our Government partners to see if we can provide some element of direct support for low income and elderly residents to access this service.

To increase the contribution to property efficiency, my Department has today opened a consultation on updating our building regulations with several energy efficiency proposals.

1970 We should be building properties to the highest standard to minimise or avoid the need for heating. Our local builders are already building some houses to a standard that does not require heating systems. It shows what can be done.

1975 We are proposing that all new properties be tested for air-tightness on an individual basis, to provide new home owners confidence in the energy efficiency performance of their specified property.

We are proposing a requirement for significant extensions to buildings to be air-tightness tested. Hopefully home owners will also take the opportunity of testing equipment when it is on site, to test the remainder of their home and save themselves even more money on future heating bills.

1980 To support the electric transport initiatives, we are proposing all new properties with access to off-road parking be provided with a standard charging point and that where parking is provided as part of a commercial development, some of the spaces are fitted with charging points.

1985 We are also consulting on the possible introduction of Energy Assessments to measure the performance of properties. In the UK Energy Assessments are required for all properties upon sale or letting, so potential occupiers are fully informed of the energy efficiency of properties before they choose which building to buy. Moving from a rating of G to A could typically save households over £2,000 annually.

1990 Other areas of the public sector are also contributing, both in improving their own efficiency and in supporting the initiatives already discussed. For example, Manx Utilities will commence a trial installation of 50 heat pumps in a variety of different house types during 2018. This follows the DOI work in approximately 30 social housing dwellings, most notably in Bride.

1995 Manx Utilities currently now has around 800 Automated Meter Reading installations focused on half-hourly metered commercial consumers. The wider implementation of Automated Meter Reading installations would facilitate the creation of smart energy networks, assisting in the future with new renewable generation and facilitating a greater uptake, hopefully, in electric vehicles.

2000 Some will ask, why are we increasing electricity usage, when that is generated by our gas turbine generators? However, the plant is highly efficient and relatively low emission, so electric vehicles emissions per mile are reduced in comparison to petrol or diesel engines and for property heating, both energy consumption and emissions are reduced through heat pump technology. The increased electrification will ensure that when the life of the current generators is ended, the next generation of equipment can be fully sustainable and overall, our reduction targets achieved.

2005 Making the right choices now will have a significant, positive impact on the Island, its community and its economy.

2010 This is the ultimate win-win situation: vulnerable households will have warmer homes and save money, individuals will see valuable returns on small investments in their homes, the energy efficiency business sector will grow and the Isle of Man will be playing its part in the global movement to reduce emissions and mitigate the impact of climate change, one of the greatest challenges the world currently faces.

I hope Members value this update and I will return with more detail in the New Year.

Thank you.

2015 **The President:** Hon. Member, Mr Speaker.

The Speaker: Thank you, Mr President.

I notice that the Minister's words at the end there are slightly subtly different from the circulated Statement so perhaps I can just pick him up on that.

2020 Are we actually going to have a debate on this? This is a Statement: obviously we can only ask questions and I think there is a lot of opportunity here for Members to both contribute ideas, but also to discuss costs timescales, benefits and priorities.

So the question I have is: will the Minister be coming forward in the New Year with something that this Court can actually debate?

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The President: Minister to reply.

The Minister: Mr President, it is not my intention to come forward with a debate. I am undertaking to bring more detail back to this Court in the New Year and perhaps on a regular basis.

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The Department ... and if Members could like to come and see the Department officers or myself to discuss ideas, I am very happy to take that on board, but we are working within the Programme for Government, trying to meet mitigation targets for the Climate Change Mitigation Strategy which was passed in 2016, and there was a fairly long debate at that particular point.

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The President: Mr Robertshaw:

Mr Robertshaw: Thank you, Mr President.

It will be no surprise to the Minister that I pose this question, bearing in mind I come, along with Miss Bettison, representing a constituency with a very high level of low-quality landlord-and-tenant properties. He quite rightly in his statement particularly highlights the concerns that surround the issue, where he says, 'where it can be hard to stimulate either the landlord or the tenant to invest in efficiency, we will have to think hard about how to help this sector.' I support him absolutely in that and just wonder what sort of timescale he has in mind to come back with specific proposals, because it is a considerable challenge that he faces?

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The President: Minister to reply.

The Minister: Thank you.

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I am sure the Hon. Member will be aware that we have recently implemented HMO regulation and we are trying to follow that through, and that will inevitably improve conditions and heating, etc. within some of the lower quality units.

But I agree with the Hon. Member, the private sector, particularly the lower end, is difficult to get to and landlords are reluctant to spend money and tenants generally do not have money to spend on improvements.

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It would be nice in a perfect world if Government could supply some resource in this respect. We need perhaps stick and carrot situations and we are looking at (a) how we can identify the properties where there are problems, (b) what the problems are, and (c) whether we can actually help address the issues identified.

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The President: Dr Allinson.

Dr Allinson: Thank you, Mr President.

I would like to rise as Chair of Manx Utilities, and thank the Minister for his commitment to increase the energy efficiency. He makes a very valid point about electric vehicles and the fact that Volvo from 2019 will only be producing cars with electric motors. Would he accept that we have spare capacity at the moment for Manx Utilities to power all these cars; but hopefully as

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the energy and electricity demand increases, this could really be an incentive for the development of more renewable energies on the Isle of Man?

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Several Members: Hear, hear. (*Interjection*)

The President: Minister.

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The Minister: I agree entirely: you do have excess capacity at the moment and electric cars on an Island-wide basis are really a no-brainer. Range anxiety is one of the restrictions that people have when buying in the UK, but with our short distances, that is not so much of a problem.

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The big problem has been the price of the vehicles, but they are now becoming more mainstream. I note that there are more on the roads and it is my Department's intention to try and encourage that by putting in charging points and making sure that people have the availability of being able to charge and use your electricity.

The President: Hon. Member, Mr Ashford.

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Mr Ashford: Thank you, Mr President.

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Two things I wish to ask the Minister: can I ask the Minister, when he refers in his Statement to the fact that the Department has provided funds to Manx Utilities for the installation of eight more public electric vehicle charging points, does the Department have any idea where those are likely to be situated round the Island? Is it a plan to spread them across the Island, or are they all going to be in one particular area? (*Interjection and laughter*) I was wondering if the Minister could give some clarity on that.

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Also, in relation to properties themselves, the Minister again states in his Statement that there will be potentially an updated list of approved local suppliers able to undertake energy efficiency surveys and energy efficiency home improvements works. I was wondering if the Minister can clarify, would any works undertaken for energy efficiency qualify for the reduced VAT level of 5% and if not, could that be looked at?

The President: Minister.

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The Minister: Thank you. I take it you will be bidding for one of these power points in your constituency! (*Laughter*)

Mr Ashford: I don't have a driving licence!

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The Minister: I have no idea. I think we will be working with Manx Utilities to determine where the best locations are, so they will be spread out over the Island.

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When it comes to approved suppliers and the VAT, I am not sure of the current situation on VAT on improvements for energy, and I will certainly investigate that, and find out where we are going in that respect.

The President: Hon. Member, Mr Peake.

Mr Peake: Thank you, Mr President.

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I welcome the Minister's Statement – a lot of good points in there, so congratulations to that. Just to clarify a couple of points, in 2016 DEFA announced that there will be six charging points and today you have announced there will be eight. I just want to confirm that that is eight additional to the six that were mentioned last year, making 14 in total.

2120 The second point about the energy efficiency of homes: as we heard earlier from our hon.
friend from Garff, Mrs Caine, you do have in your power to increase building control to such an
extent which actually removes the need for heating of the home, which would be great to do
that. So if you focused on the building control to actually allow these homes to be created
without the need for central heating, people will actually see themselves the benefit and then
2125 that could then filter down into properties that are already built and then we could embrace the
properties that are built in the new way.

But tightening up the building control now would give a *great* opportunity.

The President: Minister to reply.

2130 **The Minister:** Thank you.

The eight charging points referred to are additional and that will, as I referred to, exceed our
Programme for Government target at present. It does not mean there will not be more in the
future, but we are trying to make the best of where we are. Of course, all new homes with the
new building regulations should have charging points built in as a matter of process.

2135 When it comes to building control, our building controls in terms of energy efficiency, as it
were, are already in excess of those in the UK. There is a cost versus benefit, when it comes to
passive homes. We have had a passive home. We have the technology available on the Island to
build passive homes, but they are at present significantly more costly, although in the long term,
you do not spend money on heating, (**Mr Peake:** Correct.) which is good news, but trying to sell
2140 that benefit to the public is not as easy as it seems. We were talking earlier about low-cost
housing and first-time buyers. Well, if you add another £20,000 or £30,000 to a first-time buyer's
house, that may make it unaffordable. So there has to be a balance.

We are presently consulting on the building regulations and from that consultation, I am sure
we will have an idea of the appetite for passive homes, or lower energy efficiency rating, which
2145 would be in excess of the one that we have got at the moment.

But I will not pre-empt what that consultation reveals.

The President: Mr Speaker.

2150 **The Speaker:** Thank you.

Not wanting to take anything away from the great work that is going on in this area, I just
want to ask the Minister whether we can have an itemised capital and revenue budget for the
schemes and different projects that are in here, because I do not think that information has ever
been put out before; and making sure also that all the objectives and the outcomes that are
2155 highlighted in here are SMART objectives, so that we can actually monitor progress as a Court as
these progress?

The President: Minister.

2160 **The Minister:** I will certainly be reporting back to the Court on the progress of the various
initiatives. I cannot commit to an itemised budget as such, but I will examine the situation and
we will see where we go on that. I am not quite sure what you mean by an 'itemised budget' – if
you could clarify that for me ...

2165 **The President:** Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

Does the Minister agree with me that there was a unanimous vote several times in this Hon.
Court for this item in the Programme for Government, going back to January, so it has been
2170 debated?

Would the Minister further agree with me that the Environment and Infrastructure subcommittee of Council of Ministers has taken away that action that is deliverable by this December and has worked between Departments – DEFA, Infrastructure, Treasury, Cabinet Office, Department for Enterprise and the MUA – to put together this suite of activity; and it is perfectly valid for Government to have done that and for Government to be bringing each of the measures to this Hon. Court or to the Branches if it is legislation for approval in the proper way?

For instance, it would be perfectly reasonable for Tynwald on the other hand –

The President: Hon. Member, would you sit down one moment, please.

I think it is very evident, Hon. Members, from the nature of the questions, that this subject lends itself to a debate (**Several Members:** Hear, hear.) and I would ask the Minister just to reflect on that.

We cannot have, unfortunately, straying beyond questions on the Statement. Much as Members would rightly like to go down that road, it is not permitted.

Mr Thomas.

Mr Thomas: Thank you very much, Mr President, for that very helpful intervention.

Does Mr President accept that the scope of the question can include the scope of additional questions, supplementary questions, taken by the Hon. Minister and quite clearly it would be appropriate for the Tynwald Policy Review Committees, for instance, to ask the Environment and Infrastructure Committee to report on the detail inside that, as suggested in the Lord Lisvane Report, for instance? Does the Minister agree that that would be a good approach for taking this forward? (*Interjections*)

The Minister for Environment, Food and Agriculture: I am very happy to agree to that, Mr President.

The President: Mr Robertshaw.

Mr Robertshaw: Thank you, Mr President, and if I may, sir, concur with your remarks about the importance of a debate on this issue. It is very important.

I am grateful to the Minister for his frank appraisal in response to my earlier question with regard to low-quality landlord and tenant properties, which are particularly prevalent in my constituency. He was clear that he sees the problem at this stage as significant; I share that.

Is he willing therefore to ensure that we do not get into a situation where ... bearing in mind all this good work he is putting down here and other areas, it does not result in a left-behind situation? And is it possible for him to put a timescale on trying to bring forward solutions; and is he mindful, for example – and this will not surprise Hon. Members – to link it with the Landlord and Tenant Bill?

Mr Cretney: Hear, hear.

The President: Mr Boot.

The Minister: I suspected that might be where you were going! (*Laughter*)

Mr Robertshaw: I haven't disappointed then!

The Minister: I will not go in that direction, but yes, it is a difficult problem, and it is one that we are looking at.

I cannot give you implicit timescales. All I can say is that we are very much aware of the problem and we are trying to address a solution, but as to timescales, it is a rolling programme.

This is the beginning of the beginning, not the beginning of the end, so there will be progress reports in due course.

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The President: Hon. Member, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

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Would the Minister agree that energy efficiency schemes are very important but need careful consideration, and that the experience elsewhere in the UK has been that there have been some serious problems with schemes – and we need only to look across the water to Northern Ireland, where Stormont has not sat for many months as a result of a poorly conceived and implemented scheme?

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So will he agree and commit to ensuring that all schemes that we look to introduce have careful, detailed consideration prior to implementation?

The President: The Minister.

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The Minister: I am very much aware of the problems that the UK has encountered with its green initiatives and green schemes. It failed dramatically. I believe that it has now started again, using private finance and there are specific benefits are shown to people who borrow money to carry out improvements. In fact, we have been looking at that ourselves, but I cannot report on progress at the moment, because we are very small scale. There is no real economy in scale on the Isle of Man. We are talking about improving a million or two million homes in the UK; it is far more attractive than maybe two thousand on the Isle of Man. But we are examining that.

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As to the Northern Ireland debacle, yes, I am also aware of that and I cannot see us going down any of those routes.

The President: Supplementary, Mr Speaker.

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The Speaker: Thank you, Mr President.

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To build on my previous question, in terms of each of the items in the Statement – and there are many, I am just able to pick out a few through the previous questions – eight more public electric vehicle charging points, energy advisory service, the roadshow, the heat pumps. How much are these going to cost? Who are they targeted at? What outcomes do we hope for and by when?

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That is the sort of information that I was hoping the Minister would be able to circulate so that Members of this Court and members of the public outside can actually ascertain whether the these noble objectives are delivering what they are intended to, in a way that is value for money for the taxpayer.

The President: Minister to reply.

The Minister: Thank you.

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Well, some of these initiatives are cross-departmental; others are not. Some are advisory and within our budgets as part of the ongoing process.

I am very happy to look at that, and I will take it back and see whether we can break it down for you.

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The Speaker: Thank you very much.

The President: Supplementary, Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you very much, Mr President.

2275 Does the Minister agree that every scheme, regulation and any other measure that has financial impact will be brought before this Hon. Court in the proper way?

2280 Secondly, does the Minister agree that there is also an important social policy element to all of this, as identified particularly by the Hon. Member for Douglas East, in terms of housing? Does the Minister acknowledge that there is important work going on in this area in the Social Policy subcommittee of the Council of Ministers as well, which is fully integrated with the Environment and Infrastructure co-ordinated work?

2285 Finally would the Minister accept congratulations on how his Department has actively engaged for 12 months with the other Departments of Government in coming together with a Statement about a cross-Government initiative which has the potential to be very valuable?

A Member: Yes, yes, yes!

Another Member: Hear, hear.

2290 **The Minister for Environment, Food and Agriculture:** Thank you very much for that very helpful question!

Yes, I am inclined to agree with you. We have been working across Departments, which is progress, in my experience of the previous administration,

2295 Yes, it is not just energy efficiency and numbers; it is health, comfort, making the Island and the homes we have a better place to live, and also demonstrating to the outside world that we are a progressive country, one that is moving with the times, admitting that we have progress to make and at the same time acknowledging that we have targets to meet in terms of climate change etc.

2300 So it is a combination of factors, and it is not just pounds and pence, as it were. It is much bigger than that.

The President: Hon. Member, Mrs Caine.

Mrs Caine: Thank you, Mr President.

2305 I would like to thank the Minister and congratulate him. I really welcome everything that he has put in this policy statement, but just a query on the housing – greater energy-efficient housing. My understanding was, from the previous debates on the Ballasalla scheme, that with economies of scale, an estate of public housing, if all were equally built to a high level of energy efficiency, could have cost up to 11% to 13% higher than standard build. So not a huge amount in terms of the savings over the lifetime of that property for the people living there – while I do
2310 take on board that a bespoke larger house to energy efficiency or passive house status would be significant cost.

2315 Can I ask the Minister, though, given the statements in here and the laudable objectives, my reading is that most of these are not very great cost, but that the benefits would be for the community who would then benefit from the expertise; but in terms of the statement that housing should all be built to the highest standard to minimise or avoid the need for heating, does that stand for any social housing that will be built in future?

The President: Minister.

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The Minister: Well, my Department does not build social housing. It is cross-departmental and we will certainly engage in discussions with the Department that is responsible for social housing.

2325 However, Tynwald did debate the development that you are referring to, and that development did include an element of in excess of current building regulation energy efficiency initiatives.

From my Department's perspective, it would be very nice to see all social housing built to much higher standards and I am sure that within Government that would be a laudable aim, but we have to look at the public purse when we are building social housing. It is obvious from experiences in other jurisdictions that people will not pay substantially higher social rents for substantially higher costing social houses that have higher energy efficiency values.

When it comes to the building regulations themselves, as I said earlier, we are going out to consultation on those at the moment and we will in due course find out whether there is an appetite from the general public, developers, property owners, for in excess of our existing requirements, which as I said earlier also currently exceed, I think, substantially those in the UK.

7. Child Abuse –

Statement by the Chairman of the Social Affairs Policy Review Committee

The President: We turn now to Item 7, a Statement by the Chairman of the Social Affairs Policy Review Committee, Mr Cretney.

The Chairman of the Social Affairs Policy Review Committee (Mr Cretney): Mr President, it was resolved in July 2017:

That Tynwald notes with concern reports of historical child abuse at the former Knottfield Children's Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.

We have been unable to complete our work on the first part of the resolution — reports of historical child abuse at Knottfield — in time for this sitting.

We issued a call for evidence on 25th July which we re-issued on 11th September. A number of individuals have come forward, whose evidence we have heard in private. I would like to take this opportunity to pay tribute to those individuals, and to their bravery in coming forward and talking to us so openly. We have also received written evidence from the Department of Health and Social Care, the Chief Constable, the Children's Centre and Mrs Kerry Sharpe. During November, we published this written evidence on the Tynwald website pursuant to Standing Order 5.10(2).

Back in September we also announced that the Hon. Member for Garff, Mr Perkins, had decided not to participate in this inquiry. This was because his daughter, Detective Constable Emily Perkins, was a member of the Public Protection Unit of the Isle of Man Constabulary and had played a part in certain criminal investigations relevant to the Committee's work. The Committee supported Mr Perkins' decision. Since that time, the inquiry has been taken forward by the other two Members of the Committee, namely the Hon. Member for Douglas North, Mr Ashford, and myself.

Mr President, I have mentioned that a number of people came forward and spoke to us. With the permission of those individuals we passed on what they had said to the Police. On Thursday, 30th November 2017, we were advised by the Chief Constable that a new criminal investigation had commenced related to the subject matter of our inquiry. It is too early to assess whether or not this investigation will lead to anyone being charged with criminal offences, but it is critically important that nothing can happen that might prejudice the investigation or, in due course, a criminal trial. On the advice of the Clerk of Tynwald, we have therefore suspended action on the first part of the inquiry. As part of this, we have removed from the Tynwald website the written evidence which we had previously published there.

Mr President, as a Committee we are disappointed that we have not been able to complete our work on the first part of the July resolution by the time of this sitting. We are also

disappointed to have to suspend this part of our work. It is particularly hard to do this when we look at it from the point of view of the people who have come forward and talked to us. I feel very strongly that the Committee owes it to them to complete a report to Tynwald in due course. However, I am equally convinced that in the present circumstances the Committee must act on the advice that it has been given, and must therefore step back and allow the Police to do their job.

In the meantime, we will continue our work on the second part of the inquiry, which is into the adequacy of current procedures to protect from abuse children in care – that is, looked-after children.

Thank you, Mr President.

The President: Hon. Members, I have to advise the Hon. Court that under Standing Order 3.4, paragraph 8, the only questions permitted of a Committee before it has in fact reported, relates to the date on making that report. That is the only sort of question that is permitted.

Mr Baker.

Mr Baker: Thank you, Mr President, and thank you for clarifying that, which I was aware of. I would like to ask the Chairman when he anticipates reporting both the second part of the mandate and if he has any indication about when he may be able to report on the first one?

Thank you.

The President: Mr Cretney.

Mr Cretney: Thank you to the Hon. Member for Ayre and Michael, Mr Baker.

In relation to the second part of the report, which we are now concentrating our work on, we do aim to meet the original date of March. Time will tell whether we comply with that, but that is our intention.

In relation to the first part which has now been suspended. Clearly, this is in the hands of others. I have had a conversation with the Chief Constable and he hopes that in the first quarter of the new year he will have an idea whether or not grounds for prosecution are feasible.

The President: Mr Thomas.

Mr Thomas: Thank you, Mr President.

Does the Chair agree that it might be hard to meet that deadline just announced for part two, given that the evidence might be quite tricky to take, given the –

The President: Hon. Member, we cannot question in any way the proceedings of the Committee or the concerns of how hard it may or may not be. Simply the dates, and I think the Chair of the Committee has indicated, as far as he is able, what that date will be.

Mr Thomas.

Mr Thomas: Thank you, Mr President, for that further guidance. So does the Chairman agree with me that that date is an ambitious date?

Mr Cretney: I think in my original response I did indicate that I felt that that was the case.

**8. Feasibility Study – Single Resident Record –
Design and build of system; creation of Smart Service Framework –
Debate commenced**

The Minister for Policy and Reform to move:

That the Feasibility Study – Single Resident Record [[GD No 2017/0069](#)] [[MEMO](#)] be received and that Tynwald:

(1) Approve the principles that should be used in designing and building a single identifying record for an individual across different Government systems:

(a) where system identifiers are connected to create services, sensitive data will not be extracted, stored centrally or shared between systems

(b) comply with data protection legislation, now and in the future

(c) ensure Government systems are only joined up where there is explicit consent or legislation to do so

(d) sensitive information and privacy should be protected

(e) create efficiencies in Government administration

(2) Note the proposed technical solution and the use of it to create the following ‘smart services’, recognising that these may overlap with other programmes of work explicitly addressing the modernisation of these areas:

(a) automation of the electoral register

(b) automatic generation of a jury list

(c) automatically generated demographic information to better inform service planning, delivery and policy making

(3) Note that the programme to deliver the Smart Service Framework would form part of the Digital Strategy.

2415 **The President:** Hon. Members, we move onto Item 8, Feasibility Study – Single Resident Record.

Minister for Policy and Reform to move, Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

2420 Fifty years ago, in 1967, in a debate on how to grow the population in the Isle of Man, the Member for East Douglas, Mr Irving, when considering the jobs which might tempt young people to stay on the Island, said:

Even in our wildest dreams the Island could not support more than half-a-dozen bacteriologists, chemical engineers, computer programmers and other jobs of this type.

2425 In 1971, when debating the Government’s estimates for miscellaneous services, which included the purchase of a computer for the Finance Board, the Member for Ayre, Mr Clucas, stated:

I personally do not doubt the need for the Island's Government with the multiplicity of transactions and operations that it is now engaged upon, to have a computer. But I do not really believe that it would in fact require one full time.

(Laughter)

It is easy to look at the past through the lens of today and raise an eyebrow at our predecessors' comments. But they could not have known the impact technology would have on all our lives, nor the pace at which technology has developed.

2430 They could not have envisioned a piece of software that puts almost all the knowledge of the world at our fingertips. And that mobile technology would allow Members in this Court to access that information wherever they were. They could not have known that technology would be so ubiquitous half a century later that today there are computers in our cars, in our televisions and on our wrists.

2435 But in Government we are still straddling both sides of the fence. Most of our services today would be unable to function without technology, but in many cases there is still a considerable non-technology element to the service.

2440 There are very few instances where technology has truly transformed services. Yes, in many cases it is quicker or cheaper, but I think we can do better. I think we can, with foresight and vision, set the Government on a trajectory for change which does not just attempt to keep with technology, but sets a direction that others follow.

Turning to the proposal in front of you, this study into the concept of a single resident record concludes that it is feasible to introduce a technical solution that would enable the creation of a single identifier for an individual, across Government systems.

2445 We have considered the legislative, technical and financial requirements, expected benefits, existing research and experience, and carried out consultation to develop the concepts and principles.

2450 The proposed approach uses technology to understand the relationship between an individual and their various records in Government back office systems, without storing data centrally or providing officers with the ability to see any information that they would not be able to see during their usual line of work.

2455 It is possible to do this without linking the identity directly to other systems in Government, as was physically demonstrated to Members in the recent briefing. Policy and law will set the agenda for the use of this framework, not technology. We know that changes would be needed to legislation.

I recognise the potential for harm resulting from the misuse of data. This framework, if Tynwald agrees to proceed with it, would help to protect people's privacy, comply with data protection legislation, current and future, whilst providing a mechanism to join Government systems and enable a 'tell us once' approach to contacting Government services.

2460 The technical solution, linking different system identifiers while retaining privacy for the individual, is referred to as the Smart Service Framework (SSF). This would be developed as part of the Government's Digital Strategy, in line with wider Government objectives around efficiency and the smart and secure use of data.

2465 If approved, the programme of work would include the necessary legislative changes and the potential automation of the electoral register, jury service list and the provision of more accurate demographic data.

2470 This work has the potential for real transformation. It will reduce the amount of times a person has to tell Government about changes to their circumstances. It will improve the way we design our services, reduce cost and increase efficiency. It will also ensure that we as a Government are able to develop a response to the emerging challenge of identity in a digital world.

Mr President, Hon. Members, I beg to move the motion standing in my name.

The President: Mr Ashford.

2475

Mr Ashford: Thank you, Mr President.

In seconding, I would just like to say that I think the key things to emphasise are exactly what the Minister has said, and he has hit the nail on the head: *there is no central database*. That

2480 seems to be one of the biggest fundamental concerns that people have out there. There is no central database, there is no central record. People will still only have access to the data that they do now; that does not change. So it does not mean that someone in Planning can see your Income Tax records and vice versa. That is simply not going to happen.

2485 This is a huge step forward, Mr President. It benefits not just Government in terms of efficiency, but crucially, it benefits all of us who interact with Government. It means we have got a much more joined up approach and people's interactions with Government will be a much better experience and, with that, I am happy to second, Mr President.

The President: Mr Speaker.

2490 **The Speaker:** Thank you, Mr President.

I do not have a philosophical issue with what is trying to be achieved and I would like to thank the Minister for his engagement over the past week or so in talking around some of the issues.

2495 I know that the current law and future law will actually protect people in what the Government is trying to do here and it is perhaps a matter of building trust, rather than changing the law to give the protections that people seek, because the protections are there.

The Minister will perhaps be less surprised that, as the Chairman of the Public Accounts Committee, when this document does identify savings, it does not exactly say where or how. So what I would like to know is how much is going to be delivered in savings, and where and how.

2500 There have been passing references to things, such as decreasing costs of doing the census. You are still going to do a census, you will still probably be doing it the way that we have done it, so how are we going to save the money, how much of this cost is going to be realised? Because we are talking about a £450,000 spend, and if we are going to treat this as something that is worthy of being a priority, in these times when every pound's a prisoner, we really need to demonstrate that it is not just about customer service but it is at least going to be cost neutral in the long run, but certainly should save us some money.

2505 So without those things it is hard to see how this is a priority. We need to demonstrate that the benefits outweigh the costs. I appreciate that not all the benefits are in pounds, shillings and pence, but the Minister has not exactly articulated, in the document circulated, where those things have come from. Hence the amendment that I circulated to Members earlier that requires an additional strand of work to be undertaken with the feasibility study:

To add at the end the words '(4) require an identification of savings that will be delivered and a timetable for their realization'.

This should be bread-and-butter to Government. If you are going to provide a business case, it should identify the savings as well as the costs and I hope that this is something that can be easily supported by Members.

2515

The President: At this point, Hon. Members, we will adjourn and resume at 2.30 p.m., at which point I shall call Hon. Member for Garff, Mrs Caine.

Can I remind Hon. Members there is a meeting of the CPA at 1.45 p.m.

*The Court adjourned at 1.03 p.m.
and resumed at 2.30 p.m.*

**Feasibility Study – Single Resident Record –
Debate continued –
Motion carried**

2520 **The President:** Please be seated, Hon. Members.

Hon. Members, we pick up the debate on Item 8, and before the adjournment, Mr Speaker had moved an amendment.

I call on the Hon. Member for Garff, Mrs Caine.

2525 **Mrs Caine:** Thank you, Mr President.

I appreciate the drive for greater efficiencies, the need to make cost savings, also the need for the Isle of Man Government to move with the times. I know for many of the so-called millennials, those 20-somethings that we desperately want to retain on this Island, the way Government stores their information does not perturb most of them very much. They expect their information to be held on computer systems. Older people too would welcome the efficiencies promised by the 'tell us once' objective, but this is a matter of privacy and crucially, as Mr Speaker said, trust. Many people – in fact 69% of respondents to the public consultation on this – indicated they did not trust Government to securely store their information and effectively control access to it. How will the Minister reassure the 69% of those people on their security concerns?

2530 Only last week, at the Programme for Government workshop, the Home Affairs Minister told us the biggest threat to us all was cybercrime. For any system, especially a linked system of all our information, that must present a challenge to the hackers, and we can expect it to be a target for those criminals looking to get lots of data about the whole of the Island's population. Is the Minister confident that the Isle of Man will be able to prevent such a hack, prevent information being stolen when so many big companies, and also the UK NHS, have been unable to prevent disruption as a result of cybercrime? How can he give a guarantee that the Isle of Man Government will succeed to keep all our information databases secure where big business and other Governments have failed?

2545 Much is made of the new smart security framework. The plan now is that there will not be a big, scary, central database of information but would the Hon. Minister accept that it does not matter if all the information is in one place or kept in separate places linked via some kind of central register or key? In both cases it presents a hacking target.

2550 There is such a lot at stake here – not least the reputational damage to the Isle of Man as a whole if the Government's information is compromised. Of course, the biggest 'hack' is the internal breach by a careless or disgruntled employee. It is not always cybercrime; data breaches occur with paper records too. And we have been previously been informed that a device containing recordings forming part of child protection social work records were apparently stolen from a DHSC office in Douglas earlier this year. What happened there with that investigation? Was the information tracked down, the thief identified and brought to book? Although data protection laws offer protection, it is understandable that some people on this Island do not have confidence in Government's care of their information – especially when there are no effective or dissuasive sanctions for data breaches, or certainly no very publicised sanctions.

2560 However, unlike recently reported comments by the Island's Information Commissioner, I do believe the vast majority of civil servants are loyal and diligent when it comes to handling personal data. But it only takes one – just one person who accesses someone else's information inappropriately, for skeet value, say, or to pass it on to someone else – to damage people's confidence in the system. A single public servant who decides to remove or to tamper with a document will damage Government's reputation for keeping people's information safe.

2565 Can the Minister indicate if the proposed system will include a record of access, and whether any review of sanctions for inappropriate access will also be carried out? I look forward to seeing

in the answers to my Written Questions today on the scale of business systems Government currently operates and the proportion of data breaches that has been recorded.

2570 I anticipate this motion will get the go ahead today and the Cabinet Office techies will be tasked with starting to design and build a single identifying record to link across Government systems – the newly titled Smart Service Framework. However, I was interested to read in paragraph 7.9 in the report, that the potential automation of the electoral roll is technically feasible with the existing Electoral Management System. It states:

The current system has the ability to add new technical processes, and already features bespoke customisation for various UK local authorities as well as Isle of Man specific features. Incorporating the ability to import information from other systems is already technically possible.

2575 The cynic in me feels this linking of systems was previously thought of and prepared for. Perhaps it will streamline Government systems and make all our lives easier. There have been many allusive gestures, expressions of good will and flag waving for this project. But where are the actual worked examples of how it would improve just one public service? What exactly are the cost savings identified?]

2580 I am therefore happy to second the amendment from Mr Speaker.

There is also the need to improve training. We have to factor in human error. This year I have personally experienced several incidences of human error leading to concerning albeit minor data breaches. Plus a constituent has reported to me their own digital nightmare with Government. Despite all the technology, we still rely on human efficiency.

2585 Some of those examples previously flagged up to the health service include: a travel warrant to take my child to an Alder Hey appointment – it should not have been issued with another child's address; but it was.

Then the Alder Hey oncologist's signing-over letter to Noble's Hospital should have been uploaded for the on-Island paediatrician to access. It wasn't. Some other totally different child's information was uploaded. That is not efficient.

2590 Maybe, I thought, it is just me. Sadly it is not. Only last month a constituent told me they had failed to secure a check-up appointment following eye surgery. Regular check-ups are required every two to three months, but no appointment has been made for 12 months. When they complained, they were told, 'It's a result of digitisation. We've lost your entire records.' They are still waiting for an appointment, increasingly concerned. Human error perhaps; but humans, I assume, not artificial intelligence will operate the Island's new Smart Service Framework. It needs to have quality checks, it needs to keep people's information private and demonstrate improved efficiency or it will not gain the confidence of the Manx public.

2595 As I am sure the Minister will be aware, only two UK local authorities are currently administering their systems via a central record system. The rest are continuing to administrate their public services without central systems. The Isle of Man likes to go first and further than our neighbours, but we must be cautious and ensure that it is done for good reasons and will genuinely achieve efficiencies, balanced against being a greater target for hackers.

2600 It is also going to be achieved at significant cost – £450,000 and that is just the initial figure we have been given for the first phase. But where are the savings? Can the Minister indicate how many administrative posts will be surplus to requirements, if his aspirations are realised? I would have expected, by this stage, to see a detailed cost-benefit analysis. The Minister must convince the majority of people that our lives will be the better for this and that the public purse will be lighter. I would also like his assurances that any future databases or additional services to
2605 be linked to the centralised system will only be permitted with full parliamentary scrutiny.

Those of us being asked to approve the next stage of this project do bear a heavy burden of trust. The electorate will not thank us if this Smart Service Framework is subject to a data breach and their sensitive and personal records end up in the ownership of hackers. Does the Minister have an exit strategy if this project proves unviable?

2615 There is a great Henry Ford quote that for me sums up the stated aims of this piece of work: 'Coming together is a beginning; keeping together is progress; working together is success.'

When it comes to a centralised system for the Isle of Man Government, I do hope for progress, for improved efficiency, increased working together – but I feel that will only be achieved by Government improving the confidence people have in its data handling. And that is
2620 down to people, to staff. I hope for success and progress, but I want to sound a note of caution. This project, I feel, should get the go-ahead but it will need ongoing scrutiny.

Thank you, Mr President

The President: Hon. Member for Douglas East, Mr Robertshaw.

2625 **Mr Robertshaw:** Thank you, Mr President.

Can I begin by congratulating the Minister for Policy and Reform for all the work he is putting in to this project. It is commendable.

But I would particularly like to put on record my appreciation of the work that the team in
2630 GTS have been doing. (**Mr Ashford:** Hear hear.) What they have done is they have taken and interpreted high-level principles that were laid out by the original Jury Select Committee, when it was looking at the issues between the electoral roll and the jury list, and also as laid out by the Council of Ministers' report. What they have done, I think, frankly is quite remarkable. I am genuinely impressed. I think the work they have done is exemplary, and I do not want to be too
2635 strong in my wording, but actually world-beating in some regard. In my mind, what we are beginning to produce here is better significantly, for example, than the Estonian model.

I will not go through the whole paper in detail and pick items out, but what I do want to do, I do not want to rehearse the whole thing; I just want to pick out a few pertinent points that I think are worthy of further comment.

2640 First of all, I want as well to speak to the amendment by Mr Speaker. I think his amendment is understandable, but mistimed. It is premature. If I can take Members back, when we set out on this journey, we said that the Minister for Policy and Reform would have to come back at each stage and get, as it were, the tick from us, or the fail or pass mark on each element of the project. What he has done today ... Let me give a bit of an analogy: it is a little bit like somebody
2645 who is planning an estate effectively, and he has to put the roads in, and the drains, the wiring and goodness knows what, and he has got the design of the first two or three houses. One is called the jury list and one is called the electoral roll. Somebody comes along and says, 'I want the return on investment of this. I want to know this, that and the other', and the person would say, 'Yes, but what I am doing is I am putting the foundations in here. If you want me to give
2650 finally the full return on investment, then I have got to know what all the other projects, all the other houses in the estate are going to look like, but we have not decided that yet.'

So now is not the right time, but the principles are correct in what has been done and I want to turn it round the other way: not what is the cost if we do it; it is what is the cost if we do not. I can speak, I think, with some confidence because we cannot stay where we are.

2655 We see more and more pressure on frontline services constantly. We are going to *have* to make back-office bureaucracy far more efficient than it is at the moment – by a country mile. The Minister for Policy and Reform has a plan. It is going to progressively take us there over a period of time; but he cannot at this stage tell us exactly what the cost savings are going to be. He can tell us the cost if we do not, because we will carry on losing front-line services and that
2660 we absolutely cannot do, and you will perhaps recall my comments about the Buurtzorg system in Holland, which is health driven and they were in the same place that we are, now effectively, in 2004. I have said this before but look what they did with the sort of thing that we are trying to do now. They introduced technology, ripped out their administration middle management costs, and at one stage they had 40 administrators for many, many thousands of staff. What we would
2665 be doing if we follow that type of idea is delivering more and more money to our nurses and doctors and teachers, to ensure that the service delivery to our constituents is continually

improved. So that is the medium and long-term return on investment. So I would genuinely ask Members to be careful about trying to jump the gun in terms of Mr Speaker's amendment.

I also want to talk about – and I did so a little bit earlier, Mr President, about those in poor quality tenanted accommodation and that is protecting the left-behinds. Here, what we have got to be careful as an Hon. Court is to make sure that we do protect the left-behinds very carefully indeed, because many of us will be competent to deal with technology. Many of us will be relaxed about it and comfortable and, as this project develops, we will have access to it through our devices at home or wherever we are, but there are many people who are not yet in that position. We have got to be absolutely sure we look after them, and that process is going to go on for 5, 10, 15, maybe even 20 years.

That is why I was so pleased this morning that the Hon. Member for Onchan, Ms Edge stood up and told us that we were going to keep our post offices, that they were not going to be corporatised, because in the model I have in mind, and I am suspicious that the Minister for Policy and Reform is having similar ideas; perhaps I am wrong – I *hope* I am not wrong anyway – that post offices up in Ramsey, down in Port Erin, across in Peel, can actually be a point of access for people, the left-behinders. Because at the moment, if we leave them behind, they are going to end up with a myriad of different departments to go to; they do not know where they are; they do not know who to speak to; they do not have to make it work. And yet the world is flying past them, and that is undeniably worrying and a source of anxiety for them.

But if we can develop the concept of having a one-stop shop in regions around the Isle of Man for people who are left behind to go to that one point, which effectively is a person dealing with a device to help them in to the system that is being created, then that is important.

Ms Edge is also obviously very much aware of the MiCard development.

We have all of us been really concerned about the way this prescription charge concept that is currently being discussed has been rolled out, because it means well and we support it because we need to get more money in with regard to prescriptions – but we all think it is clumsy, because what we are trying to leave behind is a post-war clunky system and replace it with an intelligent and much more sophisticated one.

How could for example, the concept of paying for prescriptions in a different way, interact with a MiCard which has got 26 pockets on it? It is perfectly capable, I believe, of operating a dumb interrogation binary system, whereby if you carried it and you went to a place with a reader, read that card, and that card could then simply be asked some very simple questions: is this person– whoever the card-carrier is – entitled to free prescription, yes/no? No. Next question: is this person carrying the MiCard entitled to a discounted prescription charge, yes or no? They say it is no. Then the final dumb question is: okay, well, the conclusion is this person pays the full price for the prescription. There is nothing there that is exhibited to the public in any way, but what you have done there is defined a way of making sure that we treat the people who need the support, so that they get it and the people who do not need it, do not get it. None of this business that if you are over such and such an age you do not pay for the prescription, when in fact you might be very well off. Conversely, you might be under that age and be very poor.

We have got to get much more sophisticated in the way that we do things and this is what the Minister for Policy and Reform, as he is busying herself with the roads and the sewers and the cables, that is where he is eventually going, and we have got to go with him and decide as he brings each project us, whether we are comfortable with it.

I want to talk ... and the Member for Garff, Mrs Caine touched on it, and she was right to do so. It is the matter of trust. We got a lot of work to do here to get trust out there with us, and I think when the Minister gave a presentation to us all, he did re-emphasise the point that we have all got a job to do to get out there, to explain to people that in the high-level principles it was a single resident record, but now it is something much more sophisticated and actually is not the thing that some people feared it was.

We have also got to explain as well the determination that we have to ensure that we comply with the GDPR regulations. We have to do that. I do not think that Mr Speaker was quite right when he said we have the everything in place: not quite, we do not.

The Speaker: We have or we will.

Mr Robertshaw: We have to get GDPR in and if you look in detail at GDPR, which is a huge document, woe betide anybody who gets it wrong. To be fair, Mrs Caine was talking about things that worried her, but they are happening now without the thing that she fears. That is the point, and effectively GDPR coming in will be a further discipline for everybody in Government to recognise and it is really, really serious. So not only have we not got this single collated database for each individual; it is much more sophisticated than that, and incredibly difficult to get into but we will have new regulations that will accompany all of this to make sure it runs out properly. I think that was really what the Information Commissioner was alluding to when he addressed a little bit of caution, because he has been absolutely supportive as the Information Commissioner/Data Protection Registrar of what is happening here, but reminded us that we have certain disciplines that we have got to comply with – and the Minister for Policy and Reform I am sure will be pleased to reiterate the determination that there is to ensure GDPR regulations are in place.

So I have dealt with being left behind and trust and the amendment. I think my final comment, Mr President, is simply this: that there is a huge amount of work to do. Congratulations to the Minister in as far as he has achieved this level so far, but there is an awful lot to do and I hope he can keep the pace up.

Thank you, Mr President.

The President: Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President.

I would like to stand in support of this motion. I would also like to thank both the Minister and GTS for demonstrating the Smart Service Framework. I went into this, being quite frightened of this whole idea of a central database, but what they have created actually is more of a spider's web. It will link up the individual Departments and agencies, and hopefully help people navigate through what is often a minefield the Government. Hon. Members talked about people getting lost in the system, lost the machine. This is the way out. This is the guide book that will help people through that.

Data is power. But that data has to be the possession of the individual, and that data should be used to empower *them*, not be used as a weapon against them, either by Government or by big business.

Today we learnt that Apple have bought Shazam for hundreds of millions of pounds – not because they like the app, but because of the personal data it holds on people's musical tastes. Here we are talking about the personal data of people's medical records, of their income, of who they are living with – huge amounts of personal data, so there has to be that trust, I absolutely agree. There has to be that security, I absolutely agree. But also people who give us that data trust us to use it for their benefit, and at the moment we are not.

At the moment, we are asking people to fill out paper form after paper form after paper form which then get lost, then they have to go back and do it again. Each of those steps adds to delay, adds to frustration and can add to financial hardship. Surely it is time for us to move forward with a system that works for the benefit of the individual.

The Hon. Member for Garff shared her personal experiences of programmes negotiating the NHS system, and I completely agree with you: they are shared by lots of people, particularly from here to the United Kingdom. What I would say is by having this sort of framework, we can

overcome some of those, so that bit of medical data can be matched with the right person over here and so we will not be making, hopefully, some of these mistakes.

I agree with you that it has been run properly, but we have to move forward. There is a slight reputational danger if we do not. We are attracting big businesses to come over here. We have talked about the shortage of ICT skills and we want to encourage people to come here and when they arrive, what do we do? Do we ask them to fill out one online form that will then transmit their data throughout Government or do we send them from one Department to another, which are open at different times and different days of the week, and ask them to navigate the system? We *have* to show that we can work a system that works for the individual.

I would also like to talk about the amendment. I am afraid, whilst I understand where it is coming from, I cannot support this. I see this as an unnecessary distraction to the implementation of a plan. We do not know, with the best will in the world, where this will lead to. As the Hon. Member said, looking back, you do not know, the idea that you started with, where it will generate. I see this as having an enormous potential for freeing up Government and freeing up personal data, to empower the individual. So to actually put a cost on it and a cost-benefit analysis, and say how much it will save now, when we might be looking for five or ten years' time, I think is impossible.

I think what we have to do is go ahead with a well-thought-out plan, with an awful lot of engagement with various bodies, with the public and with us, as parliamentarians, and make sure that this works, we need the continuing feedback, we need to have the protection, but make sure it works for the individual. I see this as saving people – individuals – time, money, effort, frustration. If it saves us some money in terms of Government that is a beneficial by-product, but this has to be for the individuals living on the Isle of Man to empower them, and for that reason I fully support the motion.

The President: Hon. Member for Douglas North, Mr Peake.

Mr Peake: Thank you, Mr President.

Two and a half years ago, I made my maiden speech around the Digital Strategy and I am pleased now that we have actually got something important in front of us; it is the first step to really changing our digital future. I think this is a great opportunity where we actually learn from information we can gather, use that data to actually improve our future, to improve the efficiencies and make us more effective.

We had a very good briefing last week and it was very clear to me that nothing really changes with the data; the data stays in the Departments, they are responsible for that data, they will still be responsible for that data. It is just the gateways that will allow us, efficiently and effectively, to just question it – a simple question, 'yes' or 'no' answer, we can get that back.

I am told that if we go forward with this, this will put us as a digital nation that is at the forefront, and that is somewhere that I would like to live, that is somewhere people will be proud of living – in a nation that has a digital future, and I am sure that will attract businesses and people to live here also.

Thank you, Mr President.

The President: Mr Ashford.

Mr Ashford: Thank you, Mr President.

Speaking to the amendment, I am sure that Mr Speaker's heart is in the right place with this amendment, but, like several other speakers – people speaking before me – I am not quite sure it is the right time. I do not think at this point we can make a fair assessment of the savings or realistically come up with a proper timetable.

I think what we need to look at, Mr President and Hon. Members, is what we are actually being asked to approve today. We are being asked to look at the principles and also the

proposed technical specification, but crucially for me that links into this amendment, part three, which is the Digital Strategy, Mr President. We are being asked to note that the programme to deliver the Smart Service Framework would form part of the Digital Strategy.

2825 Within the Digital Strategy itself there are certain processes that have to be followed and reported, in relation to assessments of savings, in relation to timetables for implementation. I think that is the proper place for this to be done.

As the Hon. Member for Douglas East said in response to the amendment, Mr Robertshaw, I think now is where we are laying the foundations; we are not building the whole estate, and I think that is the point when we can do a fair and realistic assessment of 'what savings'. Because 2830 there is also going to be intangible savings that are never going to be able to be measured in pounds and pence, in terms of staff time, efficiency saving of dealing with the public – there is all that involved as well.

So, although I can see precisely where Mr Speaker is coming from and normally this would be a sort of an amendment that I would support generally for most Items, I think now is not the 2835 time. So I certainly will not be supporting the amendment.

The President: Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

2840 I would just like to briefly add my support to the Shirveishagh for this move towards digitisation.

I can tell the Hon. Court that it has been a long time coming. I remember years ago sitting on the Government Transformational Working Group with Dan Davies as part-time temp attempting to help us out with the situation and project manage our aspirations. So to see this 2845 here today is good news indeed.

For me, it is not far enough, Eaghtyrane, but I have always been a sort of technophobe, if you like. I quite embrace the digital strategies. I like technology and I like what it can enable me to do and what it has enabled me to do. This is the first step, as I see it. Maybe not as far as I would have liked, but I think we need to take on board the concerns of the Hon. Member for Garff, 2850 because security is an issue, there is no doubt about that, but as with any technology or any forum that holds data of any particular description.

I think we need to take a leaf out of Mr Robertshaw's book, Hon. Member for East Douglas, where he talks about the world is moving on and we are in danger of being left behind. The technical term is 'strategic drift', where the world zooms one way and we are drifting away, 2855 falling off in another direction. The best example of that I can give, Eaghtyrane, to give this impetus, is years ago when the shops first started to implement Switch cards and so on in the ATM machines, where we certainly use our Switch card in shops – plastic payments.

I am sorry to cite the example, and no disrespect to Ms Edge, but the Post Office took forever. I do not know how many years it was before they caught up with the rest of the high street shops. That is strategic drift and it took a lot of pushing to rejig their business format on that. We do not want to fall into strategic drift here; we need to embrace this.

We should not get hung up on the minority out there that just do not like datasets being held. It is just a personal feeling with some people I have spoken to, and little more than that. What we have now, as was pointed out by Mr Robertshaw, things can happen now; mistakes 2865 can be made. It was forever thus. At the end of the day, you have got a human operator for any system, and certainly with hardcopy systems.

I will never forget the incident recounted a few years ago where a suitcase full of sensitive documents was left on top of a car roof on Prospect Hill and the occupants, who were officials, drove off, suitcase bounces down Prospect Hill, papers everywhere. I mean things do happen.

2870 We should not be afraid of that, we should embrace what we are trying to do here, move it forward and optimise it as we go forward, and use more of it; because there is nothing more irritating to me, and certainly to Dan Davies in the day, who was promoting one-stop shops, than

the amount of form filling-in, time-consuming bureaucracy. How many times has an Hon. Member stood up here and really hammered into time-consuming bureaucracy, streamlining efficiency, 'Let's make some savings'. Here is the opportunity. Let's energise it and hope we get more of it, Eaghtyrane.

The President: If you like technology you are a bit of a technophile. Technophobes are the rest of us! (*Laughter*) You are a technophile.

Hon. Member for Garff, Mr Perkins.

Mr Perkins: Thank you, Mr President.

I would concur with the Douglas East Member's observations – particularly with the Post Office. I think that is a very good idea that we should capitalise for the older members of our society that *are* technophobes and do not know where they are going. I believe we should use that as a community exercise to bring these people on board.

It is absolutely no good for us to try and deliver services to the public in a modern way, using information that we have had from the last census. By the time we have got it, by the time we have sifted through it, by the time we have implemented it, it is all out of date and we are sadly lacking in that respect. So I really welcome the move to bring this digitisation to fruition.

The one principle I think that people have missed – because there are lots of good points; I will not go over them again, but the one thing I would like to reiterate – is, as a citizen, I would like to know what the Government knows about me, who has accessed my data and what it has been used for. It is as simple as that. If I am happy with those three things and the Government is delivering me good services, I would be happy.

The final thing I would say to the Minister is, in this, the public citizen must be able to amend things if they are not right. It is important that they have that stopgap to be able to come back and say, 'You have got the wrong information about me. I can prove it by whatever other means, but this needs rectifying,' and it should be an ease of doing that to keep the public on side, to keep them open and transparent, and happy with the whole process.

Thank you, Mr President.

The President: Hon. Member of Council, Mr Coleman.

Mr Coleman: Thank you, Mr President.

I suspect that I am reading the amendment wrongly. The amendment surely is not saying that we do not go ahead with the project. If you read it, it does not say that. What it says, as per any project that Government might wish to work on, is we want to know what the benefits are and what the costs are going to be – surely, that is what the amendment says – and the prediction of those. It is not saying do not do it. It has got nothing to do with the smoke and mirrors that has been said here, with MiCards and this, that and the other.

Mr Speaker's amendment is not saying we should not do it. He is not saying we should delay it. If this were a bridge we were going to build or the promenade, we would want to know how much each paving stone was going to cost, where we were going to get to after a certain amount of time. That is all Mr Speaker is asking for. As we are responsible in here for public funds, I think it is absolutely obligatory that we ask for those sorts of figures.

No one can be more of a technophile than me. I became a member of the British Computer Society in 1974, okay, so I am probably more of a technophile than most in here. However, I have seen projects like this where you do not know where you going totally and they all end up growing like Topsy and the budgets just go out the window.

So, in my view, I shall be voting for the amendment, for the reasons I have stated, because what you are saying if you do not is 'I do not really care about how much it costs'.

Thank you, Mr President.

2925 **The President:** Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

2930 'Efficient', 'highly responsive', 'proactively engaging' – these are not words that are often used to describe the Isle of Man Government. This is an opportunity for us to change, to provide a better service looking after the needs of our constituents.

I understand that some are concerned about data protection. That is a real concern. However, as Mr Henderson has just stated before me, data protection leaks happen with papers, with mail that goes astray, which is misdirected. So this is not a new thing. The use of technology helps us control data more effectively if it is implemented correctly.

2935 I find myself agreeing very much with the statements that Mr Robertshaw made. He has talked about stifling bureaucracy that sometimes you can see in the Isle of Man Government. I have been around different Departments and I have been staggered with the number of filing cabinets we have, with the amount of paper that is on people's desks. It reminded me of organisations I worked for in the 1980s.

2940 We live in a computer age, Members. Sometimes this is disconcerting, it is frightening, but we cannot uninvent the internet. It is here. We need to work with it, to use it to deliver services more effectively to meet our needs, to enable us to move forward and focus on the delivery of frontline services, which is also what Mr Robertshaw talked about.

2945 In terms of the people who may be left behind, I think that is a very valid concern and I do think there is a need to help to provide additional assistance; whether that is via the Post Office, the libraries, the local authorities, there is a whole bunch of options out there. So I guess we need to scope out the most effective way that we can deliver that support in a confidential environment, in a way that helps people get the trust which has been talked about, which is going to be essential to make this important project successful.

2950 Members, I am overwhelmingly in support. Thank you.

A Member: Almost overwhelmingly!

2955 **The President:** Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr President.

2960 I was not going to stand and say anything, but I do feel I need to respond on a couple of things, particularly the Member of Legislative Council, Mr Henderson. The Post Office has moved on considerably. We are talking to numerous Government Departments with regard to what services we can support them with.

2965 I think we all know that the Post Office is a well trusted brand with everybody's data already within its systems, but one of the things I just want to make clear is we have all the accreditations in place currently to support everything that we are doing and we will continue to do that. So if there is anything that we can support with, I am here today and I will offer that to the Minister.

The President: I call on the mover to reply, Mr Thomas.

2970 **The Minister:** Thank you very much, Mr President, and to all Hon. Members who have spoken in the debate, and also in anticipation for those who have not who will be considering the points made and will be voting.

2975 I think, depending on the interpretation of the amendment, the amendment is unnecessary. I will tell you straight up why that is. As Mr Ashford has outlined, there is governance around the digital transformation project. There is governance in the budget to do with the financial aspects. So all the money that is moved into the Digital Transformation Project goes through the budget that is being debated. There is governance inside the politics of all this, because, as

Mr Peake outlined to us, in June 2015, the Digital Strategy was brought to this Court and all of the projects that are now becoming possible with the approach that is on the table today are actually identified in this Digital Strategy that has been kicking around for two and a half years. So that is political governance.

Then in terms of projects, Mr Ashford sketched it but I have got it written down here. Basically, any applications to the Digital Strategy Fund must be made on the principle that savings should be identified; these can be financial, social or economic benefits. Any bids over £250,000 require approval by the Treasury board, bids over £500,000 are approved by the Treasury and also require approval by the Council of Ministers. In addition, Treasury should receive a quarterly report on all applications approved by the Digital Strategy board. In addition, all of the information is actually available about projects on the internet; through everybody's iPad you can go and see a long list of all the projects.

Of course Government welcomes policy development in the Policy Review Committees. Of course it welcomes scrutiny in the Policy Review Committee, as in the Public Accounts Committee. I take in good faith the Speaker's amendment as saying that we have got to make sure that the governance is continuously monitored and improved where necessary, but I think it has all been summed up by so many of the speakers today.

We have approved the Strategy two and a half years ago; today, we have got two crucial elements of the approach. The plan that is being looked for ... the man with the plan to build the rest of the state is promised the plan very quickly. I have got no hesitation in promising every Member of this Hon. Court that that plan will be circulated. Everybody knows in this Hon. Court that all the regulations, schemes, budgets and major policy changes that are needed for any of this will need to come to a separate vote in this Hon. Court, and that is in the spirit in which I hope you will make up your mind today in respect of the amendment and the overall motion.

What, basically, we are looking at is putting the person at the heart of their own data and actually making a service that public servants provide to them better, as summarised by Dr Allinson. What we are also looking at is smarter government that will be smaller in terms of bureaucracy, (**A Member:** Yay!) and potentially larger in terms of public service, because of the efficiencies that we can drive out of the system through smarter government.

It is not philosophical any more, it is getting real, practical. Mr Coleman made a good speech. He made good points. He actually made a very good speech in June 2015 about this topic. What he said then is he was entirely happy with the Strategy and what he was now looking forward to was project implementation plans based on the common things that he outlined so clearly in his speech, as a technophile and who is technically professionally qualified.

This approach specifies some of those technical dimensions that can be taken into account by cross-Government projects and Departments coming from all throughout Government as we go about trying to deliver smarter government with smaller bureaucracy for larger public service.

There will be savings. There will be savings in the way that we do census. But that is not the most important thing; the most important thing, as Mr Perkins has identified, the Hon. Member for Garff, is we will have better government because we will be using data – demographic data and all the other sorts of data – that we can get anonymously from the system. There will be savings in terms of electoral registration, but exactly as Mrs Caine, the other Hon. Member for Garff, said, it is not quite certain as yet what we will do for electoral registration.

We are reporting back on our root-and-branch review in March, and at that point this Hon. Court will be learning exactly what we think is best, taking into account the Smart Service Framework approach, if it is agreed today, how we will develop electoral registration. That will then be the subject of law changes – so new Bills will go to the Branches and also where any money is involved there will be separate items to go through Government's process under the Treasury Act. Likewise with jury details.

This really is enabling. There are so many parts of Government that need information from other places and I, too, remember Mr Peake's maiden speech about this, and he used the word there 'query' in his speech today, and that is so vital. Nobody else can complain that we have

not got means testing if you voted against this project, because this might be the crucial part of the building block. For means testing, personally, I prefer needs assessment rather than means testing, but that comes from having this sort of building block to be able to have private access, with your consent, inside law, inside existing frameworks, from existing databases, with no data being put at risk, no data being compromised and so on.

Obviously, the public is not yet convinced. We published the data that 69% did not yet have trust in Government to protect their data. It is not a massive sample, it is not a statistically valid sample; we only had 91 responses to our consultation and that is where we got 31%:69% from. What is more, Tristram Llewellyn Jones – I hate to mention his name, but he will be pleased that I have done it – told me live on Manx Radio, on *Mandate*, in our live head-to-head that he had submitted five of those responses, (*Laughter*) so it was hardly a completely fair sample of the trust.

But it is a serious challenge. Government has got to rise to this challenge. Government has got to demonstrate in the way that we tackle GDPR that we are taking this challenge seriously. Government has got to put in place the training, the information and the education to show to the Manx public that Government is taking its responsibilities seriously under current law and past law.

Most of the examples that the Hon. Member for Garff, Mrs Caine, mentioned were from off-Island – one or two were from on-Island – and I can absolutely assure this Hon. Court that Government's accounting officers are taking those situations very seriously. Today, in Question and Written Answers 29, 30 and 31, we provided the evidence in public of what the situation is. Government takes its responsibilities seriously. There is evidence, in the Answers that are now in the public domain, in Question Answers 29, 30 and 31, of serious breaches of the data protection situation. It might be that we are missing things. That is why we have got systems in place to make education and training in place coming up in the next five months, to make sure that we do our job even better. So the future is bright with the GDPR arrangements. The current situation – perhaps it has got flaws; we need to make sure those flaws are removed.

Okay, (**A Member:** Vote.) should we move straight to a ...? In terms of digital inclusion – that is another important point that I wanted to stress – our Island is a special place for digital inclusion. That was recognised by the British-Irish Council who made us chair of the Working Group on Digital Inclusion and we had the ministerial meeting here in December; and there were lots of ideas about digital inclusion and we got some good examples that we shared with people from the British-Irish Council network, and they shared them with us. So I assure this Hon. Court that we will take that issue seriously.

So in conclusion, trust, smarter Government, making sure our Government is not clunky any more, it is a smarter Government that is smaller in terms of bureaucracy and larger in terms of public service, is absolutely important for this. Lookout for the GDPR arrangements and I beg to move.

Thank you very much.

Several Members: Hear, hear!

A Member: God bless him.

The President: Hon. Members, the motion is at Item 8 and, to that, there is an amendment in the name of Mr Speaker. Voting on the amendment, those in favour, say aye; against, no. The noes have it.

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

In the Keys – Ayes 4, Noes 18

FOR

Miss Bettison
Mrs Caine
Ms Edge
The Speaker

AGAINST

Dr Allinson
Mr Ashford
Mr Baker
Mr Boot
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Thomas

The Speaker: Mr President, in the Keys, 4 for, 18 against.

In the Council – Ayes 5, Noes 2

FOR

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall

AGAINST

Mr Henderson
Mrs Poole-Wilson

The President: In the Council, 5 for and 2 against. The Branches are in disagreement. Therefore the motion fails to carry.

3080 Putting the motion as set out then at Item 8, those in favour, say aye; against, no. The ayes have it. The ayes (**A Member:** Divide.) have it.

**9. Select Committee on the Functioning of Tynwald –
Combined vote under Standing Order 3.19(1) –
Amended motion carried**

(Extract from the November 2017 Votes and Proceedings)

Motion made –

That the Second Report of the Select Committee on the Functioning of Tynwald [[PP No 2017/0139](#)] be received and the following recommendations be approved:

[...]

Recommendation 6 *(candidates for election as MLCs not to vote)*

Members of the House of Keys should recuse themselves from debate and votes if they are candidates for election to Legislative Council; and Tynwald should refer the matter of Members of the House of Keys recusing themselves to the House of Keys Standing Orders Committee for consideration.

[...]

Mr Speaker

Amendments moved –

[...]

Recommendation 6: After the words “should recuse themselves from” insert the word “any” and after the word “votes” insert the words “directly associated with elections to Legislative Council”.

[...]

Mr Ashford

[...]

*Mr Ashford’s amendment to Recommendation 6 –
Court divided.*

In the Keys – Ayes 18, Noes 5

For: Dr Allinson, Mr Ashford, Mr Baker, Mrs Beecroft, Mr Boot, Mrs Caine, Mr Cannan, Mrs Corlett, Mr Cregeen, Ms Edge, Mr Harmer, Mr Malarkey, Mr Peake, Mr Perkins, Mr Quayle, Mr Robertshaw, Mr Shimmins, Mr Thomas

Against: Miss Bettison, Mr Callister, Mr Moorhouse, Mr Skelly, Speaker

In the Council – Ayes 1, Noes 7

For: Mrs Poole-Wilson

Against: Mr Anderson, Mr Coleman, Mr Corkish, Mr Cretney, Mr Crookall, Mr Henderson, The Lord Bishop

Amendment lost.

Mr Ashford gave notice under Standing Order 3.19(1) of his intention to move the motion for a combined vote at the next sitting.

[...]

The President: We turn to Item 9, Select Committee on the Functioning of Tynwald, a combined vote under Standing Order 3.19(1), Mr Ashford having given due notice of his intention to move at the last sitting.

3085 I therefore invite Mr Ashford to formally move the combined vote be taken on Recommendation 6.

Mr Ashford: Thank you, Mr President.

3090 As indicated at the last sitting, in line with Standing Order 3.19(1), I wish to move a combined vote on my amendment to Recommendation 6 of the Select Committee on the Functioning of Tynwald.

The President: Mr Peake.

3095 **Mr Peake:** Mr President, I beg to second.

The President: There being no amendment there is no debate and we go straight to a vote, and it is a combined vote of the two Branches.

Electronic voting resulted as follows:

In Tynwald – Ayes 27, Noes 2

FOR

Dr Allinson
Mr Ashford
Mr Baker
Miss Bettison
Mr Boot
Mrs Caine
Mr Cannan
Mr Coleman
Mr Corkish
Mrs Corlett
Mr Cregeen
Mr Cretney
Mr Crookall
Ms Edge
Mr Harmer
Mr Henderson
Mr Malarkey
Mr Moorhouse
Mr Peake
Mr Perkins
Mrs Poole-Wilson
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Skelly
The Speaker
Mr Thomas

AGAINST

Mr Anderson
Mr Callister

3100 **The President:** With 27 votes for and 2 against, Recommendation 6, as amended, therefore carries.

We then put Item 9, the Report as concluded, I put Item 9, the Select Committee on the Functioning of Tynwald, as amended. Those in favour, say aye; against, no. The ayes have it.

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

In the Keys – Ayes 20 [21], Noes 2 [1]

FOR

Dr Allinson
Mr Ashford
Mr Baker
Miss Bettison
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins

AGAINST

Mr Peake

Mr Skelly
The Speaker
Mr Thomas
[Mr Moorhouse]

The Speaker: Mr President, in the Keys, 20 for, 2 against.

In the Council – Ayes 7, Noes 0

FOR

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
Mrs Poole-Wilson

AGAINST

None

The President: In the Council, 7 for, no votes against, the motion therefore carries.

3105

Mr Moorhouse: I pressed the wrong button! *(Laughter)*

The President: Well, the record will show that in that case, that you voted for the motion, Mr Moorhouse, thank you.

3110

If Members ever do that, if they immediately press the right button it will correct the vote before it actually shows on the screen.

**10. Tribunals Act 2006 –
Appointments Commission –
Mr Simon Jones appointed as member**

The Chief Minister to move:

That in accordance with Section 1(2) of the Tribunals Act 2006, Tynwald approves the appointment, by the Council of Ministers, of Mr Simon Jones to the Appointments Commission for a five year term ending 1st January 2023. [MEMO]

The President: Item 10, Tribunals Act, Appointments Commission, Chief Minister to move.

The Chief Minister (Mr Quayle): Thank you, Mr President.

3115

The Council of Ministers is pleased to nominate Mr Simon Jones for appointment as a member of the Appointments Commission for a term of five years ending on 1st January 2023.

The Tribunals Act provides for one member of the Appointments Commission to retire by rotation each year on 1st January. This rotation runs on a five-year basis. This arrangement allows the Commission to maintain continuity of expertise in its membership and the uninterrupted exercise of its functions.

3120

Mr Jones has experience of holding several headship posts, including Peel Clothworkers' and Victoria Road Primary School, before retiring in 2013. Since then Mr Jones has set up a consultancy company, during this time he has been employed as an associate lecturer with Chester University. Mr Jones demonstrated the necessary qualities detailed in the person specification and has a clear understanding of the principles required for a public appointment.

3125

It is proposed that Mr Jones will serve with the existing members of the Appointments Commission: Mrs Helen Booth, Mr Alan Teare, Major Charles Wilson and Dr Jacqueline Yates.

Mr President, I beg to move.

3130 **The President:** Mr Speaker.

The Speaker: I beg to second.

3135 **The President:** I put the motion as set out at Item 10. Those in favour, say aye; those against, no. The ayes have it. The ayes have it.

**11. Freedom of Information Act 2015 –
Information Commissioner –
Mr Iain McDonald appointed**

The Chief Minister to move:

That in accordance with Schedule 2 of the Freedom of Information Act 2015, Tynwald approves the appointment, by the Council of Ministers, of Mr Iain McDonald as the Isle of Man Information Commissioner for a five year term ending 10 January 2023. [[MEMO](#)]

The President: Item 11, Freedom of Information Act, Information Commissioner. Minister for Policy and Reform to move.

3140 **The Chief Minister (Mr Quayle):** The Chief Minister to move, I think.

The President: The Chief Minister to move.

The Chief Minister: Thank you, Mr President.

3145 The Council of Ministers is pleased to nominate Mr Iain McDonald for appointment to the position of Isle of Man Information Commissioner for a term of five years, ending on 10th January 2023.

3150 The Commissioner is appointed by the Council of Ministers, subject to the approval of Tynwald. The Commissioner's office is an independent authority which has responsibility for upholding the public's information rights and for promoting and enforcing compliance with the Isle of Man's information rights legislation.

The Freedom of Information Act requires the Council of Ministers to be satisfied that when making a recommendation of appointment the candidate must have the appropriate qualifications, skills and competence. The Act also allows for automatic eligibility of reappointment for a further term upon completion of a first term appointment.

3155 Mr McDonald has served for one term as the Information Commissioner extremely well and his reappointment will provide valuable continuity of service, particularly as the Island transitions to the forthcoming General Data Protection Regulations.

3160 Mr President, on behalf of the Council of Ministers, I wish to recommend that this Hon. Court approves the appointment of Mr Iain McDonald as the Isle of Man Information Commissioner for a term of five years.

Mr President, I beg to move.

The President: Mr Thomas.

3165 **The Minister for Policy and Reform (Mr Thomas):** Mr President, I beg to second.

The President: I put the motion as set out at Item 11. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Hon. Members may wish to remove jackets if they are feeling warm.

**12. Proceeds of Crime Act 2008 –
Draft Proceeds of Crime Act (Compliance with International Standards)
(Amendment) Order 2017 approved**

The Minister for Policy and Reform to move:

That the draft Proceeds of Crime Act (Compliance with International Standards) (Amendment) Order 2017 [[SD No 2017/XXXX](#)] [[MEMO](#)] be approved.

3170 **The President:** Item 12, Proceeds of Crime Act, Minister for Policy and Reform to move.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

The draft Proceeds of Crime Act (Compliance with International Standards) (Amendment) Order 2017 was laid before this Court in November 2017.

3175 Hon. Members will recall that the Order makes a small amendment to existing legislation which deals with the proceeds of crime. The Order seeks to ensure that failure to comply with a production order – which is an order to produce material to law enforcement authorities – is a specific offence in law.

3180 I would like to explain why this Order is important to the Isle of Man, both domestically and internationally. On the Island, a production order is an order which may be used in the course of an investigation, and the instructions to produce material under such a production order can be made by the court on application of the law enforcement authorities.

3185 Currently, failure to comply with a production order does not attract any penalty specified in legislation and failure to comply with such an order could only be dealt with by initiating contempt of court proceedings.

The inclusion of a specific legislative penalty would provide a stronger deterrent to anyone considering not complying with such an order. It would also make it easier for proceedings to be taken against someone for failing to comply with a production order.

3190 The fact that the Island has no legislative penalty for failing to comply with a production order was recorded by the Moneyval international evaluation team, which assessed the Island's ability to combat money laundering and financing of terrorism in 2016. Moneyval's report on the Isle of Man was published in January 2017. The Moneyval assessors viewed the absence of a legislative penalty negatively and noted that all other forms of obtaining material or evidence from financial institutions, carry a corresponding legislative penalty for failure to comply. The
3195 aim of the Proceeds of Crime (Compliance with International Standards) (Amendment) Order 2017 is to end this anomaly.

3200 Hon. Members may be aware that Moneyval is a Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism. Moneyval is a permanent monitoring body of the Council of Europe entrusted with the task of assessing compliance with the principal international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation, as well as with the task of making recommendations to national authorities in respect of necessary improvements to their systems. Through a process of mutual evaluations, peer review and regular follow-up of its

reports; Moneyval aims to improve the capacities of national authorities to fight money laundering and the financing of terrorism more effectively.

The Council of Ministers considers that recommendations made by Moneyval should be addressed, and this firm commitment is reflected and given priority action status in the Isle of Man Government's Programme for Government 2016-2021.

Mr President, I beg to move that the Proceeds of Crime Act (Compliance with International Standards) (Amendment) Order 2017 be approved.

The President: Mr Malarkey.

The Minister for Home Affairs (Mr Malarkey): I beg to second and reserve my remarks, sir.

The President: Hon. Members, I put the motion as set out at Item 12. Those in favour, say aye; those against, no. The ayes have it. The ayes have it.

**13. Anti-Terrorism and Crime Act 2003 –
Draft Anti-Terrorism and Crime Act (Compliance with International Standards)
Order 2017 approved**

The Minister for Policy and Reform to move:

That the draft Anti-Terrorism and Crime Act (Compliance with International Standards) Order 2017 [[SD No 2017/XXXX](#)] [[MEMO](#)] be approved.

The President: Item 13, Anti-Terrorism and Crime Act, Minister for Policy and Reform.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

The draft Anti-Terrorism and Crime Act (Compliance with International Standards) Order 2017 was laid before this Court in November 2017.

Hon. Members will recall that the Order seeks to ensure that the Isle of Man meets strengthened international standards which concern the criminalisation of terrorist financing. The Order specifically deals with non-proscribed terrorist organisations, financing the funding of travel for terrorist purposes, and terrorist offences committed outside the Isle of Man.

The Order makes a number of amendments to the Anti-Terrorism and Crime Act 2003. I would like to provide a summary of these changes on the record:

Article 4 amends the Act by inserting a definition of 'terrorist organisation' which as well as including a proscribed organisation as previously, now includes a non-proscribed organisation. It does so by referring to proscribed organisations, as well as any organisation that directly or indirectly commits, prepares, or instigates an act of terrorism, or facilitates the commission, preparation or instigation of an act of terrorism.

Article 7 amends the Act by inserting a new 'financing travel' section which makes it an offence for a person A to finance the travel of a person B whose travel is for the purpose of the perpetration, planning, preparation of or participation in an act of terrorism or for the provision or receipt of terrorist training and A knows, or has cause to believe, that was the purpose of B's travel. Section 9A also specifies the penalties for such an offence.

Article 9 amends the Act by inserting a new 'offences committed outside the Island' section. This section specifies that where a resident of the Island carries out an act outside the Island which, had it been carried out in the Island, would have constituted a money laundering offence under the Anti-Terrorism and Crime Act, then the act is to be treated as if it had been done in the Island and the proceedings for the offence may be brought against the person in the Island.

Articles 5, 6, 8, 10 and 11 make minor amendments to the Anti-Terrorism and Crime Act, consequent to the aforementioned amendments.

The Moneyval international evaluation team, which assessed the Island's ability to combat money laundering and the financing of terrorism in 2016, considered that changes are required to the terrorist financing offence of criminalising the funding of non-proscribed terrorist organisations for legitimate purposes. Moneyval also considered that changes are required to criminalise the financing of travel of individuals for the purpose of preparing, planning, or participating in terrorist acts, or providing or receiving terrorist training. Furthermore, should a resident of the Isle of Man commit a terrorist offence in another country or territory that would constitute a terrorist offence in the Isle of Man, changes to legislation are required such that the offence can be treated as having been committed in the Isle of Man and proceedings taken accordingly.

This Order rectifies these deficiencies by amending sections or creating new sections within the Act.

The Council of Ministers considers that recommendations made by Moneyval should be addressed, and this firm commitment is reflected in the Isle of Man Government's Programme for Government.

Mr President, Hon. Members, I beg to move.

The President: Mr Malarkey.

The Minister for Home Affairs (Mr Malarkey): Mr President, I beg to second and reserve my remarks, sir.

The President: I put the motion at Item 13. Those in favour, say aye; those against, no. The ayes have it. The ayes have it.

14. Public Sector Pensions Act 2011 – Police Pension (Amendment) Regulations 2017 approved

The Vice-Chairman of the Public Sector Pensions Authority (Mr Thomas) to move:

That the Police Pension (Amendment) Regulations 2017 [[SD No 2017/0346](#)] [[MEMO](#)] be approved.

The President: Item 14, Public Sector Pensions Act, I call on the Vice-Chairman of the Public Sector Pensions Authority, Mr Thomas, to move.

The Vice-Chairman of the Public Sector Pensions Authority (Mr Thomas): Thank you, Mr President.

At the June 2016 sitting, Tynwald approved a resolution which included the endorsement of:

... the continued process for negotiating reforms of the Teachers and Police Schemes with a view to consulting on detailed scheme changes and thereafter, preparing formal amendments to be laid before Tynwald for approval.

The purpose of the amending regulations which are before you today is to uphold the Tynwald resolution of June last year with regard to the Police Pension Regulations.

Historically police pension provision for the Isle of Man Constabulary has followed the provisions in place in England and Wales. However, as a consequence of the Tynwald Working Group Report in 2014 and the introduction of the new provisions in England and Wales from

1st April 2015, it was agreed that the pensions for members of the Police should be reviewed with a view to bringing forward proposals for future provision which were more specific to our Island.

Hon. Members, the proposed legislation before you today is the culmination of two years' work by the Public Sector Pensions Authority and is the latest stage in the reform of the Police Pension Regulations. Members may wish to note that in 2010 a new section for new recruits was introduced, which provided lower benefits and an increased retirement age. This was followed between 2012 and 2015 with annual increases in member contributions which has resulted in rates of member contributions of between 11% and 15.05%.

Therefore in determining the design of further reforms for police pensions, the PSPA has taken account of the reforms that have already been applied to existing members since 2010. Following extensive discussions with the Department of Home Affairs and the Constabulary, the Public Sector Pensions Authority considered that it was appropriate to focus cost savings on new joiners rather than the current membership. This has resulted in the Police Pension (Amendment) Regulations 2017 which seek to put in place provisions based upon: membership of a revised 2010 section with a lower accrual rate reduced from 1/70 to 1/75, therefore leading to a 7% reduction in benefits for future new recruits; a maximum pension of half of final pensionable pay; a compulsory retirement age of age 60, but able to retire from age 55; deferred pensions are payable at age 65, but if taken earlier on request, will be subject to actuarial reduction.

The amending regulations also apply a number of administrative provisions including: clarifying provisions which assist in the administration of the pension regulations; clarification of a number of definitions; the removal of the 15% limit on the aggregate contributions that a member may pay; the equalisation and modernisation of survivor benefits; requirement for the Department to take account of the need to retain skills and knowledge within the Police Force when determining whether to require a police officer to retire in the general interests of efficiency and; allowing a deferred member of the 1991 Regulations to elect to receive an actuarially reduced deferred pension from age 55 rather than from 60.

A key amendment which is contained within these amending regulations is that which provides for the transfers of police officers from another police force in the UK.

Historically, and in line with the regulations in place in England and Wales, these transfers have been provided on a day-for-day basis, with transferees joining the section of the pension regulations they were a member of in their previous force. As these were provided on a day-for-day basis, there have been occasions where the true cost has not been met, and the Police Pension Regulations have had to absorb that cost.

In future this will not be the case, as the transfers will be calculated on a cash equivalent transfer basis and not a day-for-day basis. That being said, the PSPA has acknowledged the views of the Chief Constable and the Department of Home Affairs who were mindful of maintaining the ability to recruit police officers from the UK, in particular for specialist posts within the Constabulary, and considered that any amending regulations should contain provisions which support this.

Therefore these amending regulations still provide provisions that support any necessary recruitment of key officers, in particular for specialist posts, from the UK enabling them to transfer their service and join the closed current 1991 or 2010 sections. However, and crucially, any additional costs which may be incurred must be met by the Department of Home Affairs before such transfers can be approved, meaning that in these cases any recruitment decision will need to be carefully considered and costed and not be seen as an automatic right.

The final two points I need to make, and the PSPA would like to highlight, are not explicitly contained within the amending regulations. The first is that by not adopting the UK Police Pensions 2015 changes, but putting in place Isle of Man specific amendments, the police pension arrangements will break the link with the complexities of the UK Scheme and provide a scheme,

which going forward, will be managed locally by the PSPA, with future changes taking account of Isle of Man specific circumstances.

3335 Secondly and finally, the PSPA wishes to confirm that the police pension arrangements will be subject to future cost sharing legislation from 2020, once final details have been determined and implemented by the PSPA and subject to Tynwald's approval, of course.

In conclusion, the PSPA considers that the proposed draft amending regulations, which introduce a 7% reduction in benefits for future new recruits and breaks the link with the UK Scheme meet the requirements of the June 2016 Tynwald motion.

3340 Mr President, I regress (*Laughter*) ... I request and beg this Hon. Court give favourable consideration to this scheme. I beg to move that the Police Pension (Amendment) Regulations 2017 be approved.

The President: Mr Malarkey.

3345

The Minister for Home Affairs (Mr Malarkey): Thank you, Mr President.
I beg to second and reserve my remarks, sir.

3350 **The President:** I put the motion at Item 14. Those in favour, say aye; those against, no. The ayes have it. The ayes have it.

15. Control of Employment Act 2014– Control of Employment (Amendment of Schedule 1) (No.2) Order 2017 approved

The Minister for Economic Development to move:

That the Control of Employment (Amendment of Schedule 1) (No.2) Order 2017 [SD No 2017/0348] [MEMO] be approved.

The President: Item 15, Control of Employment Act, Minister for Enterprise to move.

The Minister for Enterprise (Mr Skelly): Gura mie eu, Eaghtyrane.

3355 This short Order repeals paragraph 7A(6) of Schedule 1 to the Control of Employment Act 2014, which imposes a reporting requirement on employers of workers in the information and communication technologies (ICT) and e-business sectors as a condition of those workers being exempt from the requirement to hold a work permit under the Act.

3360 The Control of Employment Regulations 2017, which were laid before October Tynwald, will lead to the establishment of a register of persons in exempt employment, which will come into operation on 15th January, 2018. This means that the reporting requirement at paragraph 7A(6) of Schedule 1 to the Act which applies to ICT and e-business will no longer be necessary; and, indeed, without the repeal, employers would be subject to a double reporting requirement in respect of the same workers.

3365 Eaghtyrane, I now move that the Control of Employment (Amendment of Schedule 1) (No.2) Order 2017 be approved.

The President: Mr Crookall, Hon. Member of Council.

Mr Crookall: I beg to second, Mr President.

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The President: I put Item 15 to the Court. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**16. Consumer Protection Act 1991 –
Consumer Rights (Payment Surcharges) Regulations (Application) Order 2017 approved**

The Chairman of Office of Fair Trading to move:

That the Consumer Rights (Payment Surcharges) Regulations (Application) Order 2017 [SD No 2017/0329] [MEMO] be approved.

The President: Item 16, Consumer Protection Act, I call on the Chairman of the Office of Fair Trading, Mr Perkins, to move.

3375

The Chairman of the Office of Fair Trading (Mr Perkins): Thank you, Mr President.

In answer to a Question at the October sitting I advised that, in discussion with the Treasury and the Cabinet Office, the Office of Fair Trading was actively considering making an order to extend the European Union wide ban on consumer surcharges for card payments to the Isle of Man.

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The Order before the Court today gives effect to that proposal. The Order is made under section 62 of the Consumer Protection Act 1991 and applies the relevant United Kingdom instrument to the Island, with suitable modifications.

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What we are seeking to do is to apply a small part of a large UK Order, which in itself gives effect to a complex EU Directive. In Schedule 2 we have set out the instrument as it will apply to the Island and that, I hope, provides clarity.

3390

The practical effect of the Order is to make it unlawful for a trader in the Island to apply surcharges for credit payments on both credit and debit cards to any consumer on the Island or in the European Economic Area. Where the consumer is outside the Island or the EEA, it does allow surcharges to the limited extent that they can recover the transaction costs incurred by the trader. I would emphasise that the Order does not force a trader to accept any particular form of payment; it merely says whatever method of payment is accepted the price is the same.

3395

The Office of Fair Trading believes it is important to give local consumers, and other consumers using Isle of Man services, the same level of protection as in the UK and the rest of Europe.

The Order will come into effect on 13th January 2018, which is the same time as parallel measures in the UK and the other 27 member states of the European Union.

Mr President, I beg to move.

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The President: Hon. Member for Council, Mr Corkish.

Mr Corkish: Thank you, Mr President, I beg to second.

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The President: I put the motion at Item 16. Those in favour, say aye; those against, no. The ayes have it. The ayes have it.

**17. Payment Services Act 2015 –
Payment Services (Amendment) Regulations 2017 approved**

The Minister for the Treasury to move:

That the Payment Services (Amendment) Regulations 2017 [SD No 2017/0343] [MEMO] be approved.

The President: Item 17, Payment Services Act, Minister for the Treasury, Mr Cannan, to move.

The Minister for the Treasury (Mr Cannan): Mr President, sections 4 and 6 of the Payment Services Act 2015 enable the Isle of Man Financial Services Authority to make regulations to apply the European Union's Electronic Money Directive or Payment Services Directive with such additions, modifications or omissions as it thinks appropriate in relation to the applicants, participants and payment transactions for the Single Euro Payments Area, hereinafter referred to as SEPA.

The EU Payment Services Directive number 2 (PSD2) is due to come into effect on 13th January 2018, and make changes to the EU law upon which the Isle of Man's Payment Services Act 2015 and Payment Services Regulations 2015 are based. The Island's legislation must mirror those changes in order for the banks which are currently SEPA members to retain that membership.

The Payment Services (Amendment) Regulations 2017 seek to amend the 2015 Regulations to: firstly, bring into scope transactions in which one of the payment services providers involved in a transaction is outside the relevant area, being the Isle of Man, United Kingdom or the rest of the European Economic Area; and secondly, make a number of enhancements to the consumer protection elements of the 2015 Regulations.

The Amendment Regulations were consulted on within a SEPA working group led by Her Majesty's Attorney General's Chambers. The working group comprises staff from Chambers, the Authority, the Office of Fair Trading, the Department of Economic Development and key members representing the Isle of Man Bankers' Association. The working group works alongside counterparts in Jersey and Guernsey, as all three Crown Dependencies make their application to the European Payments Council at the same time to avoid arbitrage.

As with the original legislation, banks that are not SEPA members will not be affected by the legislation. The amendments are due to come into effect on 13th January 2018, to mirror the effective date of PSD2.

I beg to move that the Payment Services (Amendment) Regulations 2017 be approved.

The President: Mr Peake.

Mr Peake: Thank you, Mr President. I beg to second.

The President: I put the motion at Item 17. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**18-19. Financial Services Act 2008 –
Regulated Activities (Amendment) Order 2017 approved;
Financial Services (Exemptions) (Miscellaneous Amendments) Regulations 2017 approved**

The Minister for the Treasury to move:

18. That the Regulated Activities (Amendment) Order 2017 [[SD No 2017/0344](#)] [[MEMO](#)] be approved.

19. That the Financial Services (Exemptions) (Miscellaneous Amendments) Regulations 2017 [[SD No 2017/0345](#)] [[MEMO](#)] be approved.

The President: The Treasury Minister has asked that Items 18 and 19 be taken together. Is that agreed? (**Members:** Agreed.)

Mr Cannan.

3445

The Minister for the Treasury (Mr Cannan): Thank you, Mr President.

I ask Hon. Members to note that we are moving both Items together as they are concerned with the same topic, which is amendments to secondary legislation under the Financial Services Act 2008.

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The Regulated Activities Order 2011 specifies the activities which constitute regulated activities for the purposes of the Financial Services Act 2008. The Financial Services (Exemptions) Regulations 2011 set out exemptions from the requirement to hold a Financial Services licence for certain persons. The Regulated Activities (Amendment) Order 2017 and Financial Services (Exemptions) (Miscellaneous Amendments) Regulations 2017 seek to make a number of changes to the current legislation resulting from a number of issues: (1) pensions advice in respect of personal pension schemes; (2) the European Union's Payment Services Directive 2; (3) the 2016 Moneyval Mutual Evaluation Report on the Isle of Man; (4) changes to the Financial Services Rule Book 2016; (5) changes to outdated or superfluous definitions and exemptions.

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The first change seeks to make advising on all rights under a personal pension scheme a regulated activity. Currently, advice provided in relation to a transfer from an occupational pension scheme to a personal pension scheme is only subject to regulation, if the receiving scheme is expected to hold an asset which is investment as defined in the Regulated Activities Order 2011.

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In some cases, the underlying assets held within personal pension schemes, such as self-invested personal pensions, may not necessarily constitute an investment as defined. The proposed change will make advice on rights under personal pension subject to regulation regardless of the nature of the underlying assets, including advice relating to the following matters: joining a personal pension scheme; making payments into a personal pension scheme; withdrawing sums from a personal pension scheme; placing certain types of property in personal pension schemes; and transferring from any type of pension scheme to a personal pension scheme.

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The second change seeks to amend Class 8 Money Transmission Services of the Regulated Activities Order 2011, so that it continues to mirror the latest version of the EU Payment Services Directive and help maintain the original requirements in relation to the Isle of Man's membership of the Single European Payments Area (SEPA).

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The third change seeks to convert the current exclusion for persons acting as a manager, administrator, trustee, fiduciary custodian or custodian of no more than one exempt or exempt-type scheme into an exemption. This change will enable the Isle of Man Financial Services Authority to use its powers under the Financial Services Act 2008 in respect of such persons where appropriate, and therefore address a recommendation in the 2016 Moneyval Mutual Evaluation Report.

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The fourth change seeks to update the Financial Services Exemptions Regulations 2011 to reflect changes to reporting requirements made by the Financial Services Rule Book 2016 regarding the new Clients' Asset Report.

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The fifth change uses this opportunity to update or remove outdated definitions and exemptions in the current legislation to help ensure that they remain meaningful in the current environment.

The new legislation is due to come into effect on 1st January 2018. The Treasury is responsible for making changes to the Regulated Activities Order under section 3 of the Financial Services Act 2008, whereas the Isle of Man Financial Services Authority is responsible for making changes to the (Exemptions) Regulations under section 44 of that Act.

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All of the changes were subject to public consultation from 25th August to 6th October 2017 and no significant issues were identified as part of that consultation.

The two items of legislation that I shall move are the Regulated Activities (Amendment) Order 2017 and the Financial Services (Exemptions) (Miscellaneous Amendments) Regulations

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2017. I beg to move the Regulated Activities (Amendment) Order 2017 be approved and that the Financial Services (Exemptions) (Miscellaneous Amendments) Regulations 2017 be approved.

The President: Mr Shimmins.

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Mr Shimmins: Thank you, Mr President. I beg to second.

The President: I put the motions as set out at Items 18 and 19. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**20. Terrorism and Other Crime (Financial Restrictions) Act 2014 –
Draft Terrorism and Other Crime (Financial Restrictions) Act 2014
(Amendment) (No.2) Order 2017 approved**

The Minister for the Treasury to move:

That the draft Terrorism and Other Crime (Financial Restrictions) Act 2014 (Amendment) (No.2) Order 2017 [[SD No 2017/XXXX](#)] [[MEMO](#)] be approved.

3505

The President: Item 20, Terrorism and Other Crime (Financial Restrictions) Act 2014, Minister for the Treasury.

The Minister for the Treasury (Mr Cannan): Mr President, this draft Order proposes to amend paragraph 3 of Schedule 2 to the Terrorism and Other Crime (Financial Restrictions) Act 2014 to address a criticism of the Island Sanctions Law contained in the Moneyval Mutual Evaluation Report of December 2016.

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The largely technical changes to require a specific licence condition to be attached where the Treasury grants a licence for the release of funds or economic resources in relation to a contract entered into prior to a person being designated for the purposes of United Nations Security Council Resolution 1737(2006), which imposed sanctions on Iran for failing to stop its uranium enrichment programme. This Order is to be made when the draft has been approved by Tynwald and will also revoke the Terrorism and Other Crime (Financial Restrictions) Act 2014 (Amendment) Order 2017, which was invalidly made and did not come into operation.

3515

I beg to move.

3520

The President: Mr Peake.

Mr Peake: I beg to second.

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The President: I put Item 20 to the Court. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**21. Companies Act 1982 and Companies Act 2006 –
Recognised Auditor (Fees and Miscellaneous) (Amendment) Regulations 2017 approved**

The Minister for the Treasury to move:

That the Recognised Auditor (Fees and Miscellaneous) (Amendment) Regulations 2017 [SD No 2017/0323] [MEMO] be approved.

The President: Item 21, Companies Acts, Minister for the Treasury.

3530 **The Minister for the Treasury (Mr Cannan):** Mr President, sections 14G to 17B and 17C of the Companies Act 1982 and sections 80D and 80E of the Companies Act 2006 empower the Isle of Man Financial Services Authority, which I shall call the FSA, to make regulations in respect of the registration and oversight of auditors of companies.

3535 In 2010, the FSA made regulations to reflect certain requirements in the European Commission Statutory Audit Directive 2006/43. The Directive was introduced for consumer protection reasons, and it applies to auditors of Manx companies that are traded on specified EU stock exchanges such as London's FTSE. There are currently 13 such audit firms on the Isle of Man's register. They are known as recognised auditors.

3540 The existing regulations are: the Register of Recognised Auditor Regulations 2010, the Accounting Recognised Auditors Regulations 2010 and the Public Oversight of Recognised Auditors Regulations 2010. Recognised auditors' compliance with the regulations is necessary for the Manx companies concerned to be listed on these exchanges. Equivalent legislation is in place in Jersey and Guernsey, and the FSA liaises with its counterparts in the other Crown Dependencies regularly to maintain this equivalence. This is important in order to enable the
3545 Crown Dependencies to receive continuing support from UK auditor oversight bodies as well as the European Commission approval of the Island's auditor oversight process.

3550 The Recognised Auditor (Fees and Miscellaneous) (Amendment) Regulations 2017 increase the fees payable by recognised auditors from £1,000 to £1,170 on application for registration, and from £750 to £880 annually. These increases, which are by amendment to the Register of Recognised Auditors Regulations 2010, are designed to reflect the increased cost of a registrar since 2010 when the regime came into operation.

3555 The Amendment Regulations also introduce a fee of £100 for each new responsible individual. This fee is to allow for the cost of processing applications for new responsible individuals who are the individuals within each firm that are approved to carry out audits on the public companies concerned. Changes to fees will bring additional income to the Government of around £2,000 per year. The fees are collected by the FSA in its capacity as registrar of Isle of Man Recognised Auditors, but the income forms part of the general revenue of the Island. The fees are separate to the fees that are charged by the auditor oversight bodies for their review work.

3560 Additionally, the Amendment Regulations amend the registrar's name from Financial Supervision Commission to Isle of Man Financial Services Authority in the existing regulations.

3565 In September 2017, the FSA consulted on the draft amendment regulations with all existing recognised auditors as well as with the two Isle of Man accountancy bodies, the IOMSCA and the ACCA. No comments were received on the proposals. No risk to the public, Government or the affected parties will result from the amending legislation. The draft legislation will come into effect in January 2018.

I beg to move that the Recognised Auditor (Fees and Miscellaneous) (Amendment) Regulations 2017 be approved.

3570 **The President:** Mr Shimmins.

Mr Shimmins: Thank you. I beg to second.

3575 **The President:** I put to the Court the motion as set out at Item 21. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**22-23. Social Security Act 2000 –
Social Security Act 2000 (Amendment) Order 2017 approved;
Pension Schemes Act 1995 –
Pension Schemes Order 2017 approved**

The Minister for the Treasury to move:

22. That the Social Security Act 2000 (Amendment) Order 2017 [[SD No 2017/0277](#)] [[MEMO](#)] be approved.

23. That the Pension Schemes Order 2017 [[SD No 2017/0278](#)] [[MEMO](#)] be approved.

The President: The Treasury Minister has asked that Items 22 and 23 be taken together. Is that agreed? (**Members:** Agreed.)

Mr Cannan, please.

3580 **The Minister for the Treasury (Mr Cannan):** Mr President, just to confirm I wish to move Items 22 and 23 on the Order Paper together, although have them voted on separately.

Mr President, these Items will enable the introduction of the new single tier Manx state pension and the ending of contracting out of the state second pension consequentially from April 2019.

3585 The first Item amends Schedule 1 to the Social Security Act 2000 by deleting an Act of Tynwald, by deleting the qualified entry relating to the UK Pensions Act 2014 and adding in its place an unqualified entry relating to that Act. This will allow all of the appropriate provisions of the UK Pensions Act 2014 to be applied to the Island by separate order to be made by the Treasury in the future. That order will be subject to the approval of this Hon. Court.

3590 The UK Pensions Act 2014 will be modified in its application to the Island in order to introduce the new single tier Manx state pension, which will replace the existing state retirement pension arrangements for new pensioners from April 2019. Existing pensioners at the time of its introduction will be unaffected.

3595 The second Item currently before Hon. Members specifies the UK Pensions Act 2014 as being an Act to which section 1 of the Pension Schemes Act 1995 – an Act of Tynwald – applies. This will allow any provision of the UK Pensions Act 2014 and any statutory instrument made under it relating to pension schemes to be applied to the Island by separate order in the future.

3600 In particular, the UK Pensions Act 2014 will be used to legislate for issues in relation to the ending of contracting out of the second state pension in the Island consequential on the introduction of the new single tier Manx state pension in April 2019. Further information is provided in the memorandum which has been circulated to Hon. Members.

3605 Mr President, as well as ensuring that state pensions continue to be affordable in the longer term, the new scheme will also be much simpler than the present scheme. This will enable people to more easily understand how much state pension they can look forward to and to plan for their retirement accordingly. Once the new state pension arrangements are in place, Treasury will turn its attention to how more people can be encouraged to save for their retirement and what role workplace pensions and auto-enrolment will have in the future.

Mr President, I beg to move Items 22 and 23 on the Order Paper.

3610 **The President:** Mr Peake.

Mr Peake: Mr President, I beg to second.

3615 **The President:** I put the motion as set out at 22 and 23. Those in favour, say aye; against, no.
The ayes have it. The ayes have it.

**24.-25. Social Security Act 2000 –
Social Security Administration Act 1992 (Application)
(Amendment) (No.3) Order 2017 approved;
Social Security Contributions and Benefits Act 1992 (Application)
(Amendment) (No.2) Order 2017 approved**

A Member of the Treasury (Mr Peake) to move:

24. That the Social Security Administration Act 1992 (Application) (Amendment) (No.3) Order 2017 [[SD No 2017/0330](#)] [[MEMO](#)] be approved.

25. That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No.2) Order 2017 [[SD No 2017/0331](#)] [[MEMO](#)] be approved.

The President: Item 24, Mr Peake.

A Member of the Treasury (Mr Peake): Thank you, Mr President.

3620 With your approval, I would like to move these together, but they be voted on separately, if
that is okay.

Mr President, the first of these Items amends the Social Security Administration Act 1992 as the Act of the UK Parliament has effect in the Island by substituting existing Part X of the Act with the new version of Part X by adding a new Schedule 4E. It also makes consequential amendments to that Act.

3625 This will allow Treasury to make a single order each year by submitting to Tynwald at Budget time, updating all Social Security benefits and pensions, as well as making related provision rather than making two separate orders to be submitted at separate sittings of Tynwald, as is currently the case. This will simplify and streamline the annual benefits uprating process.

3630 The second Item amends the Social Security contributions and Benefits Act 1992 as that Act of the United Kingdom Parliament has effect in the Island. New provision is made for reasons of clarity and consistency as to the rates of certain benefits payable under that Act, and as to how those benefits are to be uprated. Other changes that may be made by the second Item are consequential on the first Item, giving Treasury the power to make orders, uprating all Social Security benefits payable to the Isle of Man.

3635 Mr President, these Orders are concerned in the manner in which the annual benefits uprating process is undertaken and have no direct impact on benefit claimants, nor state pensioners.

Mr President, I beg to move the Items numbered 24 and 25 on the Order Paper.

3640 **The President:** Mr Shimmins.

Mr Shimmins: Thank you, Mr President. I beg to second.

3645 **The President:** I put Item 24. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Item 25, Mr Peake.

The Speaker: He moved them together.

3650 **The President:** Oh sorry, (*Interjections*) you had moved them together, yes. So for the avoidance of doubt, Item 25 I put to the Court: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Christmas and New Year wishes from the President

3655 **The President:** Hon. Members, that appears to bring us to the end of the Order Paper. Can I remind Hon. Members that the Tynwald Christmas Carol Service will be held at St Mary's Church, Hill Street, on Thursday, 14th December at 1.10 p.m. It is open to all Tynwald Members and staff, of course, and to the general public. I look forward to a good turnout for that.

I am sure, Hon. Members, you would wish to join with me in wishing our staff – messengers and everyone in Tynwald office (**Members:** Hear, hear.) a very Happy Christmas and thank them for their continuing service.

3660 I take this opportunity of wishing you and your families a very happy festive season. (**Several Members:** Thank you.)

With that, Hon. Members, the Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker may place before it.

The Council withdrew.

House of Keys

Christmas and New Year wishes from the Speaker

3665 **The Speaker:** Hon. Members, I would like to echo the sentiments of Mr President and wish all Hon. Members and your families, and the staff and their families a very Merry Christmas. *Nollick ghennal as blein vie noa.*

With that, the House stands adjourned until 10 o'clock next Tuesday, the 19th, in our own Chamber. Thank you.

The House adjourned at 4.08 p.m.