

TYNWALD

Tinvaal



ORDER PAPER

Claare Obbyr

DOUGLAS
TUESDAY 15TH APRIL 2008
at 10.30 am

1. To lay before the Court -

Government Departments Act 1987 -

Transfer of Functions (Civil Aviation) Order 2008 [*SD No 120/08*]

European Communities (Isle of Man) Act 1973 -

European Communities (Burma/Myanmar Sanctions) (Application)
Order 2008 [*SD No 234/08*]

House Purchase Assistance (Amendment) Scheme 2008 -

House Purchase Assistance (Amendment) Scheme 2008 [*GC No 19/08*]

Local Government Act 1985 -

Malew Parish General Byelaws 2007 [*SD No 922/07*]

Customs and Excise Act 1993 -

Export Control (Democratic Republic of Congo) (Amendment) Order
2008 (Application) Order 2008 [*SD No 49/08*]

Income Tax Act 1970 -

Income Tax (Corporate Taxpayers) (Deductions) Order 2008
[*SD No 137/08*]

Legal Aid Act 1986 -

Criminal Legal Aid Order 2008 [*SD No 109/08*]

Civil Legal Aid Order 2008 [*SD No 110/08*]

Carer's Bereavement Payment Scheme 2008 -

Carer's Bereavement Payment Scheme 2008 [*GC No 18/08*]

Social Security Act 2000 -

Social Security Administration Act 1992 (Application) (Amendment)
Order 2008 [*SD No 219/08*]

Social Security Act 1998 (Application) (Amendment) Order 2008
[SD No 220/08]
Social Security Legislation (Application) (Amendment) Order 2008
[SD No 221/08]
Social Security Legislation (Application) (No. 2) Order 2008
[SD No 223/08]

Social Security Contributions and Benefits Act 1992 -
Maternity and Funeral Expenses (General) (Isle of Man) (Amendment)
(No. 2) Regulations 2008 *[SD No 222/08]*

Non-Resident Traders Act 1983 -
Non-Resident Traders (Licence Fees) Regulations 2008 *[SD No 121/08]*

Reports -
Developing a Reliable, Sustainable, Self Reliant Manx Agriculture,
Department of Agriculture, Fisheries and Forestry *[GR No 12/08]*
Report of the Select Committee on the Poacher's Pocket *[PP39/08]*
Report of the Public Accounts Committee on the Tender Process
Resulting in the Award of a Contract to Ice Mann Food Service Ltd
[PP122/07]

Note: The following items are not the subject of motions on the Order Paper

Gaming, Betting and Lotteries Act 1988 -
Crown Green Bowling Festival (No. 1) Order 2008 *[SD No 135/08]*
Crown Green Bowling Festival (No. 2) Order 2008 *[SD No 136/08]*

Currency Act 1992 -
Currency (Beijing Olympics Crowns) Order 2008 *[SD No 217/08]*
Currency (London Olympic Centenary Crown) Order *[SD No 218/08]*

Value Added Tax Act 1996 -
Value Added Tax (Amendment) Regulations 2008 *[SD No 197/08]*
Value Added Tax (Increase of Registration Limits) Order 2008
[SD No 199/08]
Value Added Tax (Consideration for Fuel Provided for Private Use)
Order 2008 *[SD No 200/08]*
Value Added Tax (Rate of Interest) Order 2008 *[SD No 130/08]*

Immigration Acts 1971 to 2006 of the United Kingdom -
Immigration (Isle of Man) Order 2008 *[UK SI 2008 No. 680]*

Dogs Act 1990 -
Arbory Dog Control Byelaws 2007 *[SD No 551/07]*

Online Gambling Regulation Act 2001 -
Online Gambling (Registration and Accounts) Regulations 2008
[SD No 113/08]

- Nationality, Immigration and Asylum Act 2002 -
 Immigration (Leave to Enter and Remain) Order 2008 [*SD No 172/08*]
 Immigration (Continuation of Leave) (Notices) Regulations 2008 [*SD No 173/08*]
 Immigration (Certificate of Entitlement to Right of Abode in the Isle of Man) Regulations 2008 [*SD No 178/08*]
 Immigration Appeals (Family Visitor) Regulations [*SD No 179/08*]
 Immigration Appeals (Specified States) Order 2008 [*SD No 180/08*]
 Immigration (Notices) Regulations 2008 [*SD No 181/08*]
 Immigration (Provision of Physical Data) Regulations [*SD No 182/08*]
 Immigration Appeals (Procedure) Rules 2008 [*SD No 184/08*]
 Reporting of Suspicious Marriages Regulations 2008 [*SD No 185/08*]
- Immigration Act 1971 -
 Immigration (Passenger Information) Order 2008 [*SD No 174/08*]
 Immigration (Designation of Travel Bans) Order 2008 [*SD No 187/08*]
- Immigration and Asylum Act 1999 -
 Immigration (Removal Directions) Regulations 2008 [*SD No 175/08*]
 Immigration Control (Provision of Facilities at Ports) Order 2008 [*SD No 176/08*]
 Carriers' Liability Regulations 2008 [*SD No 177/08*]
- Asylum and Immigration (Treatment of Claimants, Etc) Act 2004 -
 Immigration (Procedure for Marriage) Regulations 2008 [*SD No 183/08*]
- Asylum and Immigration Act 1996 -
 Immigration (Restrictions on Employment) Order 2008 [*SD No 186/08*]
- European Communities (Isle of Man) Act 1973 -
 Burma/Myanmar Sanctions Regulations 2008 [*SD No 235/08*]
 Draft European Communities (Cash Controls) (Application) Order 2008 [*SD No xxx/08*]
- Post Office Act 1993 -
 Post Office (Inland Post) (Amendment) Scheme 2008 [*SD No 80/08*]
 Post Office (Overseas Letter Post) (Amendment) Scheme 2008 [*SD No 81/08*]
- Appointed Day Orders -
 Onchan District (Amendment) Act 2008 (Appointed Day) Order 2008 [*SD No 209/08*]
- Reports -
 Interception of Communications Act 1988, Report of the Commissioner for the year ended 31st December 2007
 Further Investigation into Gas Prices in the Isle of Man a Report by the Council of Ministers [*GR No 009/08*]

2. Questions -

See Question Paper.

3. Preservation of War Memorials -

Statement by the Chief Minister.

4. Statement on the Langness Delegation -

Statement by the Chairman of the Delegation (Mr Cannan).

5. Airport: Runway End Safety Areas/Runway Project -

The Minister for Transport to move -

That Tynwald approves the Department of Transport incurring expenditure not exceeding £43,992,342 in order to undertake works for the construction of a rock armoured promontory approximately 245m into the sea; to resurface, strengthen and extend the existing runway and some taxiways; drainage and work to the aeronautical ground lighting.

[Ref: item no. 10 "Runway End Safety Areas/Runway Project" on page 10 of the Isle of Man Budget 2008-09 and as detailed in the Estimates of Capital Payments 2008-09 to 2012-13 on page 59 of the Isle of Man Budget 2008-09]

6. Airport: Airport Car Park No 3 -

The Minister for Transport to move -

That Tynwald approves the Department of Transport incurring expenditure not exceeding £1,008,752 in respect of the Airport Car Park No 3.

[Ref: Item no. 9 under the heading "Transport" on page 10 of the Isle of Man Budget 2008-09 and as detailed in the Estimates of Capital Payments 2008-09 to 2012-13 on page 59 of the Isle of Man Budget 2008-09]

7. Mental Health Rehabilitation and Treatment Facility -

The Minister for Health and Social Security to move -

That Tynwald approves the Department of Health and Social Security incurring expenditure not exceeding £1,497,327 in respect of the provision of a rehabilitation and treatment facility.

[Reference Item No. 24 under the heading "Health and Social Security" on page 8 of the Isle of Man Budget 2008-09 and as described in the Estimate of Capital Payments 2008-09 to 2012-13 on page 55 of the Isle of Man Budget 2008-09]

8. GP Surgery – Loch Promenade -

The Minister for Health and Social Security to move -

That Tynwald approves the Department of Health and Social Security incurring expenditure not exceeding £800,245 for the construction of a new GP surgery for Promenade Medical Centre in Douglas.

[Reference Item No. 7 under the heading "Health and Social Security" on page 8 of the Isle of Man Budget 2008-09 and as described in the Estimate of Capital Payments 2008-09 to 2012-13 on page 55 of the Isle of Man Budget 2008-09]

9. Langness Peninsula Footpaths -

The Minister for Transport to move -

Whereas the Department of Transport has determined to hold an inquiry pursuant to section 117 of the Highways Act 1986:

- (a) as to the status under that Act of a certain footpath on the Langness peninsula, namely that which follows the route from the Department's car park around the coastline and passes to the seaward side of the Langness lighthouse, and in particular whether the said footpath may be presumed to have been dedicated as a highway under section 88 of the said Act
- (b) as to whether in the light of the findings of the said inquiry the Department should exercise its powers under section 39 of the said Act in respect of the said footpath

Tynwald now resolves that the powers conferred by the Inquiries (Evidence) Act 2003 shall be exercisable in relation to the said inquiry.

Amendments moved -

- (1) *In the first line of the motion for "has determined" substitute "intends";*
- (2) *After the word "of" in line 1 of paragraph (a) insert "(i)";*
- (3) *After the words "Langness lighthouse" in paragraph (a) insert -*

"(ii) a path departing from the circular footpath at the south-western side, leading to Langness point, (iii) the road from the car park to the lighthouse perimeter wall, following the perimeter wall to the western side and joining the circular path, (iv) a path from the north gate of the lighthouse perimeter wall, following a route east along the existing walkway to the coastal path, (v) a path running north-south from the circular footpath to the herring tower, (vi) a path running north-south from the herring tower to join the existing walkway in (iv) above, (vii) a path running due east from the herring tower along the route of the existing clear path to the coastal path, (viii) two further deviations from the circular footpath to the eastern side, the first passing to the south of the industrial archaeology, and the second as a continuation east of path (iv) above."

(4) For the words "said footpath" where they appear in paragraphs (a) and (b), substitute "said footpaths".

Mr Watterson

Motion made -

That this debate be adjourned to the sitting of the Court in April 2008, and that a delegation of three Members, together with Her Majesty's Attorney General (or such member of his chambers as he may nominate), should meet with those persons they deem appropriate in relation to the use by the public of the footpath proposed to be the subject of an Inquiry to ascertain whether the matter of the public's access can be satisfactorily resolved without the need for a statutory Inquiry, and to make recommendations to the sitting of the Court in April 2008 before this debate is resumed.

Mr Shimmin

Adjournment motion carried.

Mr Lowey, Mr Cannan, Mrs Craine, Mr Cregeen, Mr Henderson, Mr Karran, Mr Malarkey and Mr Teare were nominated and seconded.

On the first ballot Mr Cregeen and Mr Malarkey were elected; on the second ballot Mr Cannan was elected.

Debate adjourned from January 2008.

10. Manx Agriculture -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Report entitled "Developing a Reliable, Sustainable, Self Reliant Manx Agriculture" be received and the recommendations contained therein approved. Those recommendations being that Tynwald should approve the principle of:-

1. The broad concepts outlined in the Report.
2. Providing our farmers with levels of support at least equivalent to that provided to their European competitors.
3. Supporting the strategic objective of ensuring that the Isle of Man retains a reliable, sustainable and self reliant food production industry capable of feeding the Manx nation with a diverse range of food products including our staple foods.

11. Public Accounts Committee -

The Chairman of the Public Accounts Committee (Mrs Christian) to move -

That the Report of the Public Accounts Committee on the Tender Process Resulting in the Award of a Contract to Ice Mann Food Service Ltd be received and that the following recommendations be approved:

- (i) that Departmental tendering procedures should commence sufficiently in advance of the expiry of existing contracts to ensure that all tenderers can be given reasonable prior notice of whether or not their tender has been successful.
- (ii) that all tender documentation should include a requirement for all tenderers to declare any ongoing legal action which may have a material effect on the company.
- (iii) that all those privy to information about tenderers should be advised at the outset that no information should be released to any tenderers other than by those officers authorised to do so, who shall not release any information prior to the official notification date.

12. Select Committee on the Poacher's Pocket -

The Chairman of the Select Committee on the Poacher's Pocket (Mr Speaker) to move -

That the Report of the Select Committee on the Poacher's Pocket be received and the following recommendations approved -

Recommendation 1 -

That the Planning Authority should advise "interested parties" when submissions are received subsequent to a planning approval which are required to meet significant planning conditions (i.e. other than very minor ones) and invite comment to be made which will then be considered by the Planning Committee. The independent Reviewer of the planning process should consider how the term "significant planning conditions" is to be defined.

Recommendation 2 -

That the delegated powers of the Director of Planning and Building Control be restricted so that he may not use his powers to approve conditions over which there have been serious objections at earlier stages of the planning application. The independent Reviewer of the planning process should consider how the term "serious objections" is to be defined.

Recommendation 3 -

That the delegated powers of the Director of Planning and Building Control be restricted so that he may only use his powers to approve submissions to meet minor conditions of any planning application, the Planning Committee being required to approve proposals to meet major conditions. The independent Reviewer of the planning process should consider how the terms "minor conditions" and "major conditions" are to be defined.

Recommendation 4 -

That the delegated powers of the Director of Planning and Building Control be restricted so that he may not use his powers to approve conditions relating to applications where he has already represented the Department at a previous stage of the planning application process.

Recommendation 5 -

That the independent Reviewer of the planning process examines whether a more formalised set of criteria should be drawn up to assist the Chairman of the Planning Committee in determining whether an application goes to the Director of Planning and Building Control or the Planning Committee.

Recommendation 6 -

The independent Reviewer should also examine whether interested parties should be permitted to speak at Planning Committee public meetings both at the initial hearing and when the Planning Committee is dealing with submissions to meet planning conditions.

Recommendation 7 -

In addition to Recommendations 5 and 6 above, the independent Reviewer should consider the other comments and conclusions contained in the Report as part of the review process.

13. Government Departments Act 1987 -

The Chief Minister to move -

That the Transfer of Functions (Civil Aviation) Order 2008 be approved
[SD No 120/08]

14. European Communities (Isle of Man) Act 1973 -

The Chief Minister to move -

That European Communities (Burma/Myanmar Sanctions) (Application) Order 2008 be approved *[SD No 234 /08]*

15. House Purchase Assistance (Amendment) Scheme 2008 -

The Minister for Local Government and the Environment to move -

That the House Purchase Assistance (Amendment) Scheme 2008 be approved
[GC No 19/08]

16. Local Government Act 1985 -

The Minister for Local Government and the Environment to move -

That the Malew Parish General Byelaws 2007 be approved *[SD No 922/07]*

17. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export Control (Democratic Republic of Congo) (Amendment) Order 2008 (Application) Order 2008 be approved *[SD No 49/08]*

18. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Corporate Taxpayers) (Deductions) Order 2008 be approved [*SD No 137/08*]

19. Legal Aid Act 1986 -

The Minister for the Treasury to move -

That the Criminal Legal Aid Order 2008 be approved [*SD No 109/08*]

20. Legal Aid Act 1986 -

The Minister for the Treasury to move -

That the Civil Legal Aid Order 2008 be approved [*SD No 110/08*]

21. Carer's Bereavement Payment Scheme 2008 -

The Minister for Health and Social Security to move -

That the Carer's Bereavement Payment Scheme 2008 be approved [*GC No 18/08*]

22. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Administration Act 1992 (Application) (Amendment) Order 2008 be approved [*SD No 219/08*]

23. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Act 1998 (Application) (Amendment) Order 2008 be approved [*SD No 220/08*]

24. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (Amendment) Order 2008 be approved [*SD No 221/08*]

25. Social Security Contributions and Benefits Act 1992 -

The Minister for Health and Social Security to move -

That the Maternity and Funeral Expenses (General) (Isle of Man) (Amendment) (No. 2) Regulations 2008 be approved [*SD No 222/08*]

26. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (No. 2) Order 2008 be approved [*SD No 223/08*]

27. Non-Resident Traders Act 1983 -

The Chairman of the Office of Fair Trading to move -

That the Non-Resident Traders (Licence Fees) Regulations 2008 be approved [*SD No 121/08*]

28. Select Committee on the Manx Electricity Authority -

To elect two Members in place of Mrs Christian and Mrs Crowe -

(Mrs Christian is eligible to stand and has been continuing under SO 5.5. The existing elected Members of the Committee are Mr Speaker, Mr Butt and Mr Quirk; Mrs Crowe was previously a member and has been continuing under SO 5.5).

29. Public Accounts Committee -

To elect one Member in place of Mrs Christian -

(Mrs Christian is eligible to stand and has been continuing under SO 5.5. The existing Members of the Committee are Mr Gill (Vice Chairman), Mr Butt, Mr Cregeen, Mr Henderson and Mr Watterson).

30. Public Accounts Committee -

To designate a Chairman.

31. Select Committee on Immigration -

To elect one Member in place of Mrs Christian -

(Mrs Christian is eligible to stand and has been continuing under SO 5.5. The existing Members of the Committee are Mr Speaker, Mr Gill, Mr Henderson and Mr Watterson).

32. Standing Committee on Scrutiny -

To elect two Members in place of Mr Lowey and Mrs Crowe -

(Mr Lowey is eligible to stand and has been continuing under SO 5.5. The existing Members of the Committee are Mrs Cannell, Mr Braidwood and Mr Malarkey; Mrs Crowe was previously a member and has been continuing under SO 5.5).

33. Standing Orders Committee -

To elect two Members in place of the Lord Bishop and Mr Lowey -

(Mr Lowey is eligible to stand and has been continuing under SO 5.5. The existing Members of the Committee are Mr Speaker, Mr Cregeen and Mr Quayle).

34. Tynwald Honours Committee -

To elect one Member in place of Mr Lowey -

(Mr Lowey is eligible to stand and has been continuing under SO 5.5. The existing Members of the Committee are Mr President, Mr Speaker, Mr Karran and Mr Waft).

35. Select Committee on the Steam Packet Company -

To elect one Member in place of Mr Turner -

(Mr Turner is eligible to stand and has been continuing under SO 5.5. The existing Members of the Committee are Mr Speaker, Mr Cregeen, Mr Malarkey and Mr Waft).