

HOUSE OF KEYS PROCEEDINGS

EPK310112A

MORNING SESSION: 10.00 a.m. – 10.41 a.m.

Douglas, Tuesday, 31st January 2012

House of Keys

The House met at 10.00 a.m.

[MR DEPUTY SPEAKER *in the Chair*]

The Deputy Speaker: Morning, moghrey mie, Hon. Members.

Members: Good morning, Mr Deputy Speaker.

5 **The Deputy Speaker:** I call on our Chaplain, who will lead us in our Prayers.

Prayers

10 *The Chaplain of the House of Keys*

Leave of absence granted

15 **The Deputy Speaker:** Hon. Members, Mr Speaker has given leave of absence to Mr Shimmin from about 11.30, in order to attend a series of meetings in London on Government business and, in addition, Mr Speaker has leave of absence to attend the meeting of the Steering Committee of the British Irish Inter Parliamentary Association in London.

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Questions for Oral Answer

25

CHIEF MINISTER

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Rt. Hon. Ed Miliband MP, Leader of the Opposition
Comments regarding Isle of Man

1. The Hon. Member for Douglas North (Mr Henderson) to ask the Chief Minister:

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What actions he intends to take in relation to comments attributed to Rt. Hon. Ed Miliband MP, Leader of the Opposition, regarding the Isle of Man; and what impact his comments have had?

The Deputy Speaker: Hon. Members, we turn to our Question Paper, Questions for Oral Answer. I call upon the Hon. Member for Douglas North, Mr Henderson.

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Mr Henderson: Gura mie eu, Lhiass-loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

The Deputy Speaker: Chief Minister to reply.

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The Chief Minister (Mr Bell): Mr Speaker, as Hon. Members will be aware, I swiftly and firmly refuted the Leader of the Opposition's comments and clearly set out the weight of evidence which shows the Isle of Man's proactive stance towards tax regulation. In news release and several media interviews, I voiced my disappointment that the Island's work in leading the field in international standards, and in contributing to their ongoing development, had not been recognised by the Leader of the Opposition, as it has by others, not least the OECD global forum and the Financial Stability Board.

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I also felt it necessary to make it clear that it is not for any politician to declare who should be on the OECD black list. The process of assessing where countries are placed on OECD lists is rightly based on a careful and dispassionate consideration of the evidence, not political decrees. The evidence on this matter is clear: the Isle of Man has repeatedly been judged to be co-operative and compliant with internationally agreed standards. The recent OECD peer review assessment concluded that the Isle of Man's exchange of information had been effective and expeditious. I am pleased that Mark Field, MP for the Cities of London and Westminster, publicly set the record straight and recognised the clear picture presented by the evidence.

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As Chief Minister, I am determined to enhance our relationship with the UK, as they have previously made clear. Essential to this ambition is maintaining close contact with our UK counterparts, as I believe we are doing. I will be engaging with the Leader of the Opposition's comments as part of my ongoing contact programme.

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In terms of impact, I think the comments were driven by rhetoric, as opposed to policy. However, it is vital that we co-operate with efforts to strengthen tax regulation and I made it clear that my Government supports efforts by the UK to clamp down on tax evasion, and to strengthen the anti-avoidance framework. These events serve to remind us of the importance of maintaining a close dialogue with UK counterparts, which I am committed so to do.

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The Deputy Speaker: Supplementary, Mr Henderson.

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Mr Henderson: Gura mie eu, Lhiass-loayreyder.

I thank the Ard-shirveishagh for his strong, positive reply on this and, indeed, his public response prior to placing this Question. It is pleasing to see the forthright observation that he made.

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However, Lhiass-loayreyder, would the Ard-shirveishagh just outline a little further, when he says he is going to follow up on these things. Has he got a strategy or plan in place for follow-up meetings or, indeed, to meet Mr Miliband or invite him or his officials to the Isle of Man to actually fully understand who we are and what we do?

The Deputy Speaker: Chief Minister.

80 **The Chief Minister:** I can say, Mr Deputy Speaker, that I have already met Mr Miliband on two occasions over the last few months but it is my intention to develop the number of visits myself and, indeed, other Ministers will take to London over the next few months to build up and renew, in fact, relationships with people within the Labour Party, as well as key members of the coalition government. I think this is the only way, in the long term, Mr Deputy Speaker, that we will be able to get our message across, by regularly
85 visiting key decision-makers and making sure they are fully up to speed with the developments as they progress on the Island.

I fully share the Hon. Member's concern on this and I am sure every Member of this Hon. Chamber feels the same way but we have to understand the politics of the moment, the internal politics of the Labour Party and the political requirements of the coalition government, and sometimes small jurisdictions inadvertently become quite... [*Inaudible*] in the wider debate that is going on.
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95 COMMUNITY, CULTURE AND LEISURE

New bus timetable Complaints from the public

100 2. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Community, Culture and Leisure:

Whether he has reviewed all the complaints received by his Department in relation to bringing in the new bus timetable; and what his intentions are regarding this commentary from the public?

105 **The Deputy Speaker:** Question 2, I call again on the Hon. Member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Lhiass-Loayreyder.

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

110 **The Deputy Speaker:** This time I call on the Minister for Community, Culture and Leisure to reply.

The Minister for Community, Culture and Leisure (Mr Crookall): Thank you, Mr Deputy Speaker.

My Department is customer focused and we always review comment or complaint. We have successfully achieved a smooth transition to the new 2012 timetable this January. This has allowed us to make further economies. Four buses have been saved, making a total of 16 since the initial bus network was reviewed last
115 year. Four driving posts have been saved, without the loss of any employees. We have received 45 letters and e-mails, compared with carrying 62,000 passengers alone last week.

To give you some more detail, on our busiest services from the south of the Island, we received the most comments – 12 in total – mainly covering the a.m. peak, where we have advanced the journey from
120 Castletown to Douglas, because we have had previous comments of late arrival in Douglas for work. We have, as a result, adjusted the timetable to make it clearer that the X2 departs from School Hill on the bypass at 8.00 a.m.

The next 10 complaints covered a change in school service, where we had adjusted the service to remove the need for schoolchildren to cross the road after school. Unfortunately, on the first two days, there were road
125 closures due to accidents, which prevented the service operating as planned. This caused concern and generated the comments. This has now settled down and the school has been kind enough to let us know that it is pleased with the changes.

My own constituency of Peel was next with six comments, mainly concerning the reduction in frequency of service to Ramsey, from every 30 minutes to every hour. This was a necessary economy and my officers are considering whether any small changes could ease the burden of these cuts. There were two issues with
130 five complaints, but the rest of the issues were concerns to only one or two passengers. Whilst I accept that any complaints are to be regretted, this is a very, very small proportion of the weekly journeys. We have been able to make significant economies and are still managing a large network that provides for social inclusion more than it does for a commercial return.

135 Thank you, Mr Deputy Speaker.

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

140 **Mrs Cannell:** Thank you, Mr Deputy Speaker.
Is the Minister aware that this new bus timetable is having a real negative effect on surgical nursing staff at Noble's Hospital, who are now unable to actually do the handover from the night shift at quarter past seven in the morning, because the bus is only arriving at a quarter past or twenty past seven in the morning, travelling from Douglas. Will he at least review that because it is very serious?

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

The Minister: Thank you, Mr Deputy Speaker.
Yes, I am more than happy to do that. I was not aware of it and if the Member would like to give me the details, I would quite happily look at that for her.

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The Deputy Speaker: Supplementary, Mr Henderson.

Mr Henderson: Gura mie eu, Lhiass-loayreyder.
Can I refer the Shirveishagh back to the huge volume of complaints that will be sitting within his offices somewhere at Banks Circus or wherever, in relation to the introduction of the original new bus timetable last year, which the Question is referring to, of course? Can he confirm that, in fact, he has got an avalanche of complaints sitting in that file and, indeed, the former Minister will be able to confirm to him that there were not just two complaints, there was a deluge, a continuous deluge of complaints.

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160 I am still receiving complaints with regard to the timings, especially for... [*Inaudible*]. Would he agree to revisit that large file and, following on from that, meet up with myself and Mr Houghton to discuss the matter, and a more commonsense way forward?

Mr Houghton: Hear, hear.

165 **The Deputy Speaker:** Minister.

The Minister: Thank you, Mr Deputy Speaker.
That 'huge pile of complaints' is not at Banks Circus, it is in my office next door to my table. I have been through them, I have read them and, if he wants, he is more than welcome to come and meet with me and the Director, as I have invited him before, which he has refused to do even in an e-mail this week. But I am more than happy to do that.

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The service we have put into place at the moment is what we have got to deal with, with regard to economies and providing the best for social inclusion but, at some stage, I am more than happy to meet with Hon. Members, sir.

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

Mr Houghton: Yes, thank you, Deputy Speaker.
When the Minister states that his bus service is customer focused and it is there for social inclusion, how does he equate with that when, now, people wishing to access the eastern part of Willaston estate – that is all around Snaefell Road, homes all around the College area, including College students – have to get off the bus at the Willaston shops and walk a mile in the rain, or carrying heavy shopping? How does that equate with customer focused services and social inclusion?

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

The Minister: Thank you, Mr Deputy Speaker.
I am sure there are very good reasons why it has been done. I hope the Member will appreciate that I do not have all the answers here, but, again, I am happy to answer those when he comes down to meet us.

190

Mr Houghton: Hear, hear.

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

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

Would the Minister acknowledge that this is actually a much more widespread problem than the volume of complaints is showing? (**Mr Houghton:** Hear, hear.) There are an awful lot of people who will not actually write to a Minister to complain about something. Would he consider having a public meeting, where he can actually meet with the people who are affected and see what the real problems are, because there are many out there?

200 **Mr Houghton:** Hear, hear.

205 **The Deputy Speaker:** Minister.

The Minister: At this stage, Mr Deputy Speaker, I would have to say no. I am happy to deal with Members and take on board the complaints that they bring to me in the Department, but while I am asking the Members and they are not coming to me, I am not happy to hold a public meeting, no.

210 **The Deputy Speaker:** A final supplementary, Mr Singer.

Mr Singer: Thank you.

215 Can the Minister tell me, again under customer focus and that there is a very good reason for all the changes, why his Department should have the number 3... people get on the number 3 in Ramsey and go to Laxey on a five past three, that they are told to get off the bus whilst that bus then goes down into Laxey as a dedicated school bus, brings the children back, and then the people can get back on the bus again to go to Douglas? Is that customer focus?

220 And, also, could he possibly look at the fact that the new changes now send two buses which are going to Ramsey Cottage Hospital, past the bus station but they do not stop there?

The Deputy Speaker: Minister.

225 **The Minister:** Again, Mr Deputy Speaker, the Hon. Member who has just resumed his seat brought this up to me at five o'clock, I think it was, yesterday evening and I said to him I am more than happy to have a look at this with him and find out what he is looking for here, sir.

HEALTH

230

Breast screening Recall service

235 3. The Hon. Member for Ramsey (Mr Singer) to ask the Minister for Health:

What plans he has to introduce regular recall for breast screening for all women, including those over 70 years old?

240 **The Deputy Speaker:** We move on to Question 4, Hon. Members, I call on the Hon. Member for Onchan, Mr Quirk.

Mr Quirk: Thank you, Deputy Speaker.
I beg to ask the Question standing in my name, sir.

245 **Mr Singer:** Can I have Question 3?

Mrs Cannell: Point of order, Deputy Speaker.

Question 3 is now...

250 **The Deputy Speaker:** Sorry, I am sorry, Hon. Members. It is far too exciting. *(Laughter)*
Question 3, and I call on the Hon. Member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Deputy Speaker.
255 I am also very excited and would like to ask the Question standing in my name! *(Laughter)*

The Deputy Speaker: I call on the Minister for Health to reply.

The Minister for Health (Mr Anderson): Thank you, Mr Deputy Speaker. I am equally excited.
260 *(Laughter)*
The Hon. Member will no doubt be aware of the review of the UK breast screening programme announced last October, and this review has been led by the UK's National Cancer Director, Professor Sir Mike Richards, and the Chief Executive of Cancer Research UK, Harpal Kumar.

265 Consequently, the Department is waiting for the review report and will implement any changes to the Island's breast screening programme, as appropriate, following consideration of the report and its conclusions.

The Deputy Speaker: Supplementary, Mr Singer.

Mr Singer: I thank the Minister for his Answer.
270 Is the Minister, in fact, not aware that recommendations have already been made in the UK and there are changes to be introduced, some of them immediately and certainly by the year 2016, to have quite a dramatic effect on the age limit that is going to be increased for women to be having automatic recall?

275 **The Deputy Speaker:** Minister.

The Minister: Mr Deputy Speaker, I think it would be premature to make any decisions until Sir Mike Richards' report has come out, but the Hon. Member will be aware that we asked... *[Inaudible]* for breast screening between the ages of 50 and 70. However, if anybody at any age is concerned, they can refer themselves at any age.

280 **The Deputy Speaker:** Further supplementary, Mr Singer.

Mr Singer: Women are aware, but the fact is that, does he not think that women who are 70 feel that the Department is considering them probably less important; they are not prepared to give them automatic recall and it is probably when people are over 70, they probably need to have that automatic recall, they do not have to accept it, but surely they should be just as important, because, does he not agree that, over the age of 70, the risk of breast cancer is still very high and the fact that these people would be recalled is not going to be a great cost, but it could well save lives?

290 **The Deputy Speaker:** Minister.

The Minister: Yes, Mr Deputy Speaker, the current evidence shows that the most prevalent age group is between 50 and 70 and that is why we target this group for breast recall. I have already mentioned to the Hon. Member that people that are concerned over that age can refer themselves, but the evidence at the moment suggests that 50-70 is the target group that we should be aiming at. Once Sir Mike Richards' report comes out, we will review that.

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

300 **Mrs Cannell:** Thank you, Deputy Speaker.

Is the Minister aware, in fact, that the recommendations to change the age group from 47 years to 74 years has had unanimous approval, and that will be coming in, will be introduced, some time this year? My question to him: is he aware of that, and also are we sufficiently geared up in our breast screening unit to be able to

305 accommodate this change that is coming in in the United Kingdom?

The Deputy Speaker: Minister to reply.

310 **The Minister:** I am sure that the United Kingdom is also awaiting Sir Mike Richards' report before they make final decisions on the age they recall women for breast scanning, and we will review it in the light of that report. I am not going to make any prediction on what that report will say but, obviously, these are the experts and we will take advice, when that report comes through.

The Deputy Speaker: A final supplementary, Mr Singer.

315 **Mr Singer:** Two points, if I can, Mr Deputy Speaker. Is the Minister aware that one-third of all breast cancers occur in women over the age of 70, and is he not aware that the UK intend that by 2016 women up to the age of 74 will get automatic recall?

320 **The Deputy Speaker:** Minister.

The Minister: Mr Deputy Speaker, I am aware... Hon. Members have already made me aware of that information. However, Sir Mike Richards' report might have a bearing on those recommendations and we will have to wait and see what they are. We will take the best advice we can before changing our breast call and recall service.

325 I believe our breast call and recall service is second to none. We have recall quicker than the UK and I am sure that we will be able to increase our capacity if it is necessary.

330 **INFRASTRUCTURE**

**Minerals
Plan for the Isle of Man**

335 4. The Hon. Member for Onchan (Mr Quirk) to ask the Minister for Infrastructure:

If he will make a statement on his minerals plan for the Isle of Man?

340 **The Deputy Speaker:** Now it really is Question 4. I call on the Hon. Member for Onchan, Mr Quirk.

Mr Quirk: Thank you, Deputy Speaker.
I beg to ask the Question standing in my name, sir.

345 **The Deputy Speaker:** I call on the Minister for Infrastructure to reply.

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

350 As the former Chairman of the Planning Committee will be aware, the current policy framework for minerals is set out in the 2007 Isle of Man Strategic Plan. Originally, it was envisaged that an Island-wide Minerals Area Plan would be prepared. However, in the light of concerns about the long time this would take and the resources required, my officers have looked at an alternative way of delivering planning policy on the minerals issues in a shorter timescale.

355 As a consequence, my officers are now working on the preparation of a planning policy statement dealing specifically with minerals. This will be known as the Minerals Planning Policy Statement and will be a Statutory Document under the Town and Country Planning Act 1999. Working with representatives from the minerals industry, it is anticipated that a draft Mineral Planning Policy Statement will be published for consultation no later than autumn this year.

The Deputy Speaker: Supplementary, Mr Quirk.

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

Is the Minister... does the Minister think this is an actual priority for the Isle of Man? Would the Minister not agree with me that the lack of this plan coming forward and having five years in gestation is causing difficulty with planning applications, which would increase the financial economy to the Isle of Man Government, if planning applications were proceeded with, if this plan was available?

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

370 **The Minister:** Yes, I do and it is only one of a number of areas in the planning process that I seek to see a more streamlined process, which will not only assist in the area of minerals, but in the area of economic development for the Island generally.

The Deputy Speaker: A final supplementary, Mr Quirk.

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

Could I ask the Minister then, regarding that, are his officers making every effort to bring this plan forward? Can I ask the Minister, is the officer concerned tasked for any other duties than doing this plan?

The Deputy Speaker: Minister to reply.

380 **The Minister:** Mr Deputy Speaker, I have been in position since October. I intend to make progress in this matter, which has dragged on for too long. (**Mr Quirk:** Hear, hear.)

I am well aware of the points that the Hon. Member who, ironically, was former Chairman of the Planning Committee, is raising.

385

**Permitted Development Order
Statement**

390 5. The Hon. Member for Onchan (Mr Quirk) to ask the Minister for Infrastructure:

If he will make a statement on the Permitted Development Order?

395 **The Deputy Speaker:** We move on to Question 5, and I call on the Member for Onchan, again, Mr Quirk.

Mr Quirk: Thank you, Deputy Speaker.
I beg to ask the Question standing in my name, sir.

400 **The Deputy Speaker:** Minister for Infrastructure to reply again, please.

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

405 The Town and Country Planning Permitted Development Order 2005 has undergone public consultation, which concluded in August 2011. The Department has published the results of this consultation and is presently preparing a document, which will set out the Department's response and its recommendations for the amended Order. I am very keen, whilst I am Minister for the Department of Infrastructure, that senior officer and political attention is concentrated on strategic policy issues, particularly those which will be of benefit to the economy, rather than more minor matters.

410 **The Deputy Speaker:** Supplementary, Mr Quirk.

Mr Quirk: Thank you, Mr Deputy Speaker.

In the last statement from the Minister for DoI there, does he consider that these Orders, these Permitted Development Orders, are minor matters?

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

The Minister: In some instances, yes.

420 **The Deputy Speaker:** Mr Quirk.

Mr Quirk: Thank you, Deputy Speaker.

Is the Minister not aware of the financial benefit to small business if some of these Permitted Development Orders were to come forward? Surely you do not have to be a planning officer to make sure that these things are done. They are quite easy; they are just Orders.

425 Would the Minister not agree with me that they should be a priority in your Department, sir?

The Deputy Speaker: Minister.

430 **The Minister:** I think the Member misunderstands me. What I am saying is I do believe that Permitted Development Orders, which will allow development to occur under a...

There will be some areas of development which will be allowed to proceed without going through the normal process and which, obviously, will benefit local businesses and will benefit those people who put such applications in and, at the same time, most importantly, freeing up the time of senior officers and politicians to concentrate on the strategic issues so important in terms of developing the economy of this Island at this time.

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The Deputy Speaker: Final supplementary, Mr Quirk.

Mr Quirk: Thank you, Mr Deputy Speaker.

440 Could I just ask the Minister, finally then, regarding the Orders coming to the House, I just wonder whether the Minister could give us an indication, what month it would be?

The Deputy Speaker: Minister.

445 **Mr Cretney:** As soon as I can.

ECONOMIC DEVELOPMENT

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TUPE

Review of legislation

6. The Hon. Member for Douglas East (Mrs Cannell) to ask the Minister for Economic Development:

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Whether the Department's review of employment legislation includes consideration of TUPE legislation?

The Deputy Speaker: Question 6 on the Order Paper, I call on the Hon. Member for Douglas East, Mrs Cannell.

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

The Deputy Speaker: I call on the Minister for Economic Development, Mr Shimmin.

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

The European Community Council Directive 77187 EEC, generally known as the Acquired Rights Directive, was adopted in 1977 to safeguard employees' rights in the event of transfers of undertakings, businesses or parts of businesses.

470 Member States of the EC were required to implement the directive in domestic legislation. In the United Kingdom the Directive was implemented by the Transfer of Undertakings (Protection of Employment) Regulations 1981, commonly known as TUPE. Both the 1977 Directive and the 1981 Regulations have now

been superceded. The 1977 Directive was replaced by a new Directive adopted in 2001 and the 1981 Regulations were replaced by new Regulations made in 2006.

475 The UK Department for Business, Innovation and Skills is presently reviewing the effectiveness of TUPE in protecting employees' rights and smoothing the process of business restructuring. The review is intended to address the concerns of some businesses that TUPE is over-bureaucratic and provides gold-plated protection, as it goes beyond some of the requirements in the EU Acquired Rights Directive 2001. Though it is likely that the Government would have undertaken a more wide ranging review of TUPE, if it was not constrained by this European Directive, at any rate, the Directive is not applicable to the Isle of Man and therefore there is no compulsory obligation to pass legislation to give effect to its provisions.

480 Mr Deputy Speaker, there are arguments both for and against introducing additional provisions similar to the UK's 2006 Regulations. However, the Department is of the view that the impact the new Regulations might have on otherwise normal commercial activity would need to be very carefully considered, particularly at this critical time. Furthermore, any decision as to whether to introduce TUPE-like provisions would have to take into account both the Department's resources which, at present, comprise one officer working in this area of work, as well as the Department's overall employment law priorities.

485 These priorities are to modernise the Work Permit framework through the introduction of the Control of Employment Bill into the branches this year and to simultaneously progress the Equality Bill, a long, complex Bill, which is presently being drafted. Whereas it is likely that the latter Bill will go beyond its main purpose of extending protection against discrimination to make some relatively minor amendments to some aspects of existing employment law, I do not at this stage anticipate the Bill as being a suitable vehicle to introduce TUPE, which is a highly complex and discrete area of employment law in its own right.

490 I would, Mr Deputy Speaker, however, be prepared to look closely at the case for TUPE, once these Bills have been dealt with.

495 **The Deputy Speaker:** Supplementary, Mrs Cannell.

Mrs Cannell: Thank you, Mr Deputy Speaker.

500 I thank the Minister for his open and transparent response. Would he agree with me, though, that if the UK are actually considering it, or reviewing it in terms of the impact that it has had on employers and employees in the UK, it would be prudent to consider that review when the findings are finally published?

The Deputy Speaker: Minister to reply.

505 **The Minister:** Absolutely, Mr Deputy Speaker, that is our intention.

We are aware that there is often criticism in this House about merely following and imitating legislation elsewhere. However, in the matter of employment law, there are areas where we do fall behind comparable jurisdictions. Therefore, we will be very keen to consider what the UK do come forward with, although it is likely that the current coalition government in the UK would, ideally, like to move further than they are proposed and able to within the European Directive.

510 We need to try and get legislation which is bespoke for the needs of the Isle of Man. It is a personal regret, Mr Deputy Speaker, that I am not able to move this item further forward, but when we have only one officer available, I have to prioritise his skills and services.

515 **The Deputy Speaker:** Further supplementary, Mrs Cannell.

Mrs Cannell: Thank you, Mr Deputy Speaker.

520 Would the Minister agree with me that, whilst there may not be a compulsion to adopt such legislation, there is a moral obligation, is there not, to ensure that our workers – public sector and private – do not fall behind other jurisdictions in respect of this, bearing in mind that other jurisdictions do, in fact, provide this type of legislation for their protection?

525 Did I hear correctly before, Mr Deputy Speaker, that the Minister did say that once the work permit legislation, the Equality Bill, has been dealt with, this one officer that has been assigned to consider these issues will then look at possibly bespoke TUPE-like legislation for the Isle of Man? If that is correct, when will we finally arrive at that point in time?

The Deputy Speaker: Minister to clarify and reply.

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

Unless the timetable changes due to further consideration of the UK's review on this matter, it is likely that a bespoke piece of legislation would not be able to be seriously considered and drafted until 2014 or beyond. Therefore, we will be looking very closely at UK legislation.

535 We are aware of the moral obligation that are sometimes used in order to introduce legislation; however, we will not blindly follow something (**A Member:** Hear, hear.) which we believe is not in the best interests of the Isle of Man. I do put on record my consideration of employment rights are an important factor, particularly in these difficult times; however, it is not a clear-cut argument that TUPE actually will benefit employees, which is the nature of the purpose of the questioning. There are actual considerations where it may be a disadvantage to business being... successfully moved from one area to another, sir.

540 **The Deputy Speaker:** I thank Hon. Members. That brings to an end our Questions for Oral Answer.

Hon. Members, there are five Questions for Written Answer and the ministerial replies will be distributed.

545 **Written Answers**

CHIEF MINISTER

550 **Promotion of retiring Government staff
Effect on pension liability**

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

- 555 (a) *How many employees in each Government Department have been promoted within 24 months of retirement date in each of the last 10 years; and*
(b) *what estimate he has made of the extra final salary pension liability this has placed on Government?*

560 **Answer:** (a) The following Table sets out the number of staff, by Department, who have been promoted within twenty-four months of retirement date in each of the last ten years:

	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
Agriculture, Fisheries & Forestry	0	0	0	0	0	0	0	0	0
565 Education	0	0	0	2	1	0	0	0	0
Health & Social Security	2	1	1	2	2	1	1	4	3
Home Affairs	0	0	1	1	0	0	0	0	0
Local Government & Environment	0	0	0	1	0	0	0	0	0
570 Tourism & Leisure	0	0	0	0	0	0	0	0	0
Trade & Industry	0	0	0	1	0	0	0	0	0
Transport	0	1	0	0	0	0	0	1	0
Treasury	0	0	0	0	0	0	0	0	0
575 Total	2	2	2	7	3	1	1	5	3

	2010-11	2011-12 to date
Community, Culture & Leisure	0	0
580 Economic Development	0	0
Education & Children	0	0
Environment, Food & Agriculture	0	0
Health	0	0

585	Home Affairs	0	0
	Infrastructure	0	0
	Social Care	1	1
	Treasury	1	0
	Total	2	1

590 (b) It has not been practicable to estimate the cost of lump sum and annual pension payments in respect of each of the individuals included in the above Tables as the administrative effort required to access data (some of which is held in manual form in archive) and to complete the necessary calculations would be considerable and would, potentially, detract from other pensions related priorities currently being pursued.

Nonetheless, it is relevant to note that:

595 (i) when a Public Service vacancy occurs, and an appointment is made by way of promotion, the successful candidate, irrespective of their age and, thus, proximity to their contractual retirement age will become subject to the relevant pay point or pay scale/range. Therefore, the cost to Government in pay terms and, therefore, in this context, future pension liability, is likely to be broadly constant irrespective of the age of the appointee;

600 (ii) the salient factors in the calculation of a public servant's lump sum and annual pension, on retirement, are reckonable service and final pensionable earnings (subject to the relevant calculation contained in the applicable Pension Scheme rules).

605 Therefore, while a promotion will, ultimately, impact on a jobholder's final pensionable earnings (which is the case irrespective of age), it is not, automatically, the case that a promotee within twenty-four months of their contractual retirement age would, at their contractual retirement date, have greater reckonable service than a younger appointee. It is, therefore, possible, depending on individual circumstances, that a younger appointee could have accrued greater reckonable service, at their contractual retirement date and, therefore, at that time would benefit from a larger lump sum and annual pension (excluding the possible impact of inflation or subsequent promotions) than an appointee within twenty-four months of their contractual retirement age;

610 (iii) the Isle of Man Government Recruitment and Selection Policy clearly sets out Government's commitment to recruit to public sector vacancies on the basis of fair and open competition, on the basis of merit and without discrimination;

615 (iv) in the context of the overall number of appointments made across the Public Service in any relevant year (recruitment and promotions aggregated) it is estimated that the number of promotions involving individuals within twenty-four months of their contractual retirement date does not exceed 1.2%.

For the purposes of the foregoing, the following is relevant:

620 (i) 'employees' is taken to include all employees of the Department concerned and those members of the Civil Service on the staff of that Department. The figures, therefore, incorporate teachers, medical and nursing staff, care staff, police officers, firefighters, manual and craft workers, administrative, managerial, technical and professional staff;

(ii) 'retirement date' is taken to be the contractual retirement date applicable to each distinct employment group. Retirement dates differ between employment groups and change over time;

625 (iii) data used in relation to the number of employees promoted within twenty four months of their retirement date is as recorded on the Government Oracle HR system, as at January 2012;

(iv) with the introduction of the Government Unified Pension Scheme (GUS) with effect from 1st April 2012, the calculation of final pensionable earnings will change and will be based on the annual average of the best three consecutive years' pensionable pay in the last 13 years, revalued by the increase in the inflation index.

630

HEALTH

635

**NHS Ambulance Service
Turnaround and response times**

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

What his recent assessment is of the performance of the NHS Ambulance Service regarding turnaround

640 *times and response times and what the turnaround and response times are in each of the past five years for all the relevant areas of the Isle of Man?*

645 **Answer:** In answering the Hon. Member's Question, I am assuming that the reference to turnaround times relates to those turnaround times at A & E which have been problematic in many parts of the United Kingdom and where delays have arisen in terms of ambulances being in a position to respond to other 999 calls.

650 On the Island, transport is provided to two treatment centres following a 999 call: Noble's Hospital A & E or Ramsey and District Cottage Hospital Minor Injuries Unit. Whilst turnaround times are not formally recorded, I am pleased to advise that, mainly as a result of the excellent communication and handover procedures in place, ambulance crews are rarely unduly delayed from attending another 999 call. Circumstances do, of course, arise when ambulance staff are required to assist hospital staff with severely ill or injured patients, such as cardiac arrest situations, and this will have an impact on the handover time. Arrangements for the holding of ambulance stores on the Noble's Hospital site so that staff can replenish consumables and gases immediately without having to return to the ambulance station has also contributed towards keeping the overall turnaround time to a minimum.

655 In relation to ambulance response times, I am pleased to report that the Isle of Man Ambulance Service measures well against UK targets which, whilst challenging for UK services, is used as a benchmark for the Island. The service does monitor the demand in the various areas of the Island on a continual basis and moves resources dynamically in an attempt to match those demands to maximum effectiveness.

660 The target response times have been to have a trained person on scene within eight minutes, 75% of the time for all Category A Life Threatening Emergencies and an ambulance to be on scene within 19 minutes, 95% of the time for the lower Category B and C calls. The results for the Isle of Man for the last five years is as follows:

Year	y/e 31.03.08	y/e 31.3.09	y/e 31.03.10	y/e 31.3.11	period 1.4.11 to 31.12.11
665 Cat A	71%	75%	71%	74%	75%
Cat B/C	95%	95%	94%	94%	95%

670 Whilst it can be seen that response times on the Island, particularly during the current year, are meeting or within range of the targets, they continue to be challenging due to the pressures caused by our geography, especially during the winter months, and by periods of road closures for sporting events.

675 Whilst fully recognising the value of early response times for ambulance calls, the Department is also keen to look at outcomes, which is in line with the direction being followed by other jurisdictions. Work is underway on the production of clinical indicators that will measure patient outcomes so that, in addition to the speed of response, we will measure how effective we have been in delivering care. The Department will be auditing how many patients that have suffered a cardiac arrest arrive at A & E with a recordable pulse and how soon patients are administered clot-busting drugs following a heart attack which, for some patients, can now be delivered by trained paramedics before they are conveyed to hospital. Audits are also being carried out on early recognition and transport for stroke patients so that these patients can be fast-tracked for treatment and their progress monitored until day of discharge.

680 To assist with the provision of a comprehensive and effective service, the Department has been working closely with St John Ambulance in the recruitment and training of Community First Responders (CFRs) across the Island, who can respond to an incident in their own community whilst an ambulance is on route. The CFRs really do make a difference, not just in terms of target response times but also in improving patient outcomes.

685 Finally, I can advise that plans are being developed to look at alternative responses to that of an ambulance for patients who can be treated and cared for at home. We will continue to promote the 'Choose Well' Campaign so that people are aware of what other services are available on the Island, which will hopefully assist with keeping valuable ambulance resources free for the life threatening 999 calls. To enable this to happen, an effective workforce plan is important which includes providing local people with the opportunity to train with the ambulance service and work as 'bank' staff in readiness for full-time employment. This initiative has already been employed successfully and will be repeated as further opportunities arise. For existing staff, development is ongoing to ensure that the highest level of skills are maintained for delivering patient care. This is supported by ensuring that the necessary management skills are also in place for shaping the service to meet future challenges through vision and forward planning.

HOME AFFAIRS

700

**CCTV in Douglas area
Use in prosecution and prevention of crime**

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

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- (a) *How many recorded crimes were committed in Douglas in the years 2009, 2010 and 2011;*
- (b) *in the Douglas area, how many CCTV systems are deployed by both the statutory bodies and the local authority and how many cameras there are in each system;*
- (c) *how many Police requests for footage from these systems were requested in the years 2009, 2010 and 2011;*
- (d) *in how many of all reported crimes in the years 2009, 2010 and 2011 CCTV evidence formed part of the prosecution's evidence presented in court;*
- (e) *whether there were any cases in which CCTV evidence alone led to a successful prosecution; and*
- (f) *how many crimes were prevented by CCTV cameras in Douglas over this three-year period?*

715

Answer: (a) 1st April 2008 – 31st March 2009 – 1882*
1st April 2009 – 31st March 2010 – 1581*
1st April 2010 – 31st March 2011 – 1558

720

(b) This information is not held by the Department or the Police. However, it should be explained there are differences between public systems and systems employed by authorities that may provide coverage of public spaces. Douglas Corporation has a public system. Departments, such as the Department of Infrastructure and the Department of Education and Children, have systems that may cover public areas.

725

- (c) This data is not kept.
- (d) This data is not kept.
- (e) This data is not kept, although many cases have relied exclusively or mainly on CCTV evidence.
- (f) The number of crimes that did not take place as a result of CCTV in Douglas is unknown.

730

* It is important to note the Douglas Neighbourhood Policing Team boundary changed in 2010-11 to match that of the boundaries of Douglas Corporation. The figures, therefore, quoted for the three years have been amended, in comparison to previous Chief Constable's reports, to take account of the fact that the Douglas NPT boundaries have been altered. The figures quoted therefore reflect the recorded crimes over the last three years as would have occurred in the present Douglas NPT boundaries.

735

INFRASTRUCTURE

**Undersea cables, pipelines and structures
Contractual details**

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

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- (a) *If he will list the cables, pipelines, structures etc situated in Isle of Man territorial waters, other than those owned by the Isle of Man Government; and for each give details of –*
 - (i) *the legal owner and ultimate beneficial owner, and their nationalities;*
 - (ii) *the purpose for which it is used;*
 - (iii) *the operator, including information about nationality and ultimate beneficial owner of the operator and details of the licensing and monitoring of the operation;*
 - (iv) *who benefits from it;*
 - (v) *the annual revenue to the Isle of Man Government for permitting its installation and use;*
 - (vi) *the duration and/or notice periods of any permission and revenue agreement; and*

750

(b) to the extent that the information is available, if he will give the same information with regard to cables, pipelines, structures etc, existing or planned, outside Isle of Man territorial waters but up to the median lines between the Isle of Man and the neighbouring islands; and

755 (c) how much was obtained in or around 1993 as the single capital payment for the lease of easement for the first UK to Ireland gas interconnector pipeline?

760 **Answer:** Having received clarification from the Hon. Member for Onchan and as there are no other structures within the Isle of Man's territorial waters other than submarine pipelines and cables, the relevant details held by the Department are as follows:

Mercury Cable (Lease of Easement)

765 (i) Legal Owner – Mercury Communications Ltd, British: Beneficial Owner – Cable & Wireless PLC, British

(ii) Purpose – transmission of data

(iii) Operator – Mercury Communications Ltd

(iv) Those who benefit from this cable will include the owner, operator, shareholders of these and any related companies and users of the services provided. Within these categories will fall both Isle of Man residents and Isle of Man based companies.

770 (v) No annual revenue, however the revenue obtained by the Department for permitting this cable to be installed and used was a one-off lump sum paid in 1992 amounting to £550,000.

(vi) Duration – 25 years from 30th June 1992 to 29th June 2017.

British Telecommunications PLC (Peel to Northern Ireland) Cable (lease of Easement)

775 (i) Legal Owner –British Telecommunications PLC, British: Beneficial owner as above.

(ii) Purpose – transmission of data

(iii) Operator –British Telecommunications PLC, British

(iv) Those who benefit from this cable will include the owner, operator, shareholders of these and any related companies and users of the services provided. Within these categories will fall both Isle of Man residents and Isle of Man based companies.

780 (v) Annual revenue – £68,014.79

(vi) Duration – 21 years from 22nd June 2000 to 21st June 2021.

British Telecommunications PLC (Groudle to UK) Cable (Licence)

785 (i) Legal Owner –British Telecommunications PLC, British: Beneficial owner as above.

(ii) Purpose – transmission of data

(iii) Operator –British Telecommunications PLC , British

(iv) Those who benefit from this cable will include the Owner, Operator, Shareholders of these and any related companies and users of the services provided. Within these categories will fall both Isle of Man residents and Isle of Man based companies.

790 (v) Annual revenue –£56,822 (to be reviewed by MRPI 1st January 2012)

(vi) Duration – 12 years and 3 months from 1st January 2007 to 31st March 2019.

Hibernia Cable

795 (i) Legal Owner – Hibernia Atlantic (UK) Limited , British (Lease of Easement): Beneficial owner – Hibernia Atlantic

(ii) Purpose – transmission of data

(iii) Operator – Hibernia Atlantic (UK) Limited, British

800 (iv) Those who benefit from this cable will include the owner, operator, shareholders of these and any related companies and users of the services provided. Within these categories will fall both Isle of Man residents and Isle of Man based companies.

(v) Annual Revenue – £136,611.16

(vi) Duration – 21 years from 1st October 2004 to 30th September 2025.

805 **Bord Gais Interconnector I Pipeline (Lease)**

(i) Legal Owner – Bord Gais Eireann, a statutory corporation established under the Gas Act 1976 (an Act of the Oireachtas) Irish: Beneficial owner as above

(ii) Purpose – transmission of natural gas

(iii) Operator – Bord Gais Eireann, Irish

810 (iv) Those who benefit from this pipeline will include the owner, operator, shareholders of these and any related companies and users of the services provided. Within these categories will fall both Isle of Man residents and Isle of Man based companies.

(v) Annual revenue is not applicable as the Department received a one-off lump sum of £1.86M in 1993.

815 (vi) Duration – 99 years from 12th February 1993 to 11th February 2092..

Bord Gais Interconnector II Pipeline (lease of Easement)

(i) Legal Owner – Bord Gais Eireann, a statutory corporation established under the Gas Act 1976 (an Act of the Oireachtas) Irish: Beneficial owner as above.

820 (ii) Purpose – transmission of natural gas

(iii) Operator – Bord Gais Eireann, Irish

(iv) Those who benefit from this pipeline will include the owner, operator, shareholders of these and any related companies and users of the services provided. Within these categories will fall both Isle of Man residents and Isle of Man based companies.

(v) Annual revenue – £147,215.44.

825 (vi) Duration – 99 years from 2nd June 2002 to 1st June 2101.

Turkeyland Recycling and Waste Management Limited (Deed)

(i) Legal Owner Turkeyland Recycling and Waste Management Limited

830 (ii) Purpose Storm water disposal

(iii) Operator Turkeyland Recycling and Waste Management Limited

(iv) Those who benefit from this pipeline will include the owner, operator, shareholders of these and any related companies and users of the services provided. Within these categories will fall both Isle of Man residents and Isle of Man based companies.

(v) Annual rental £430.00

835 (vi) Duration 21 years from 1st October 2011 to 20th September 2032.

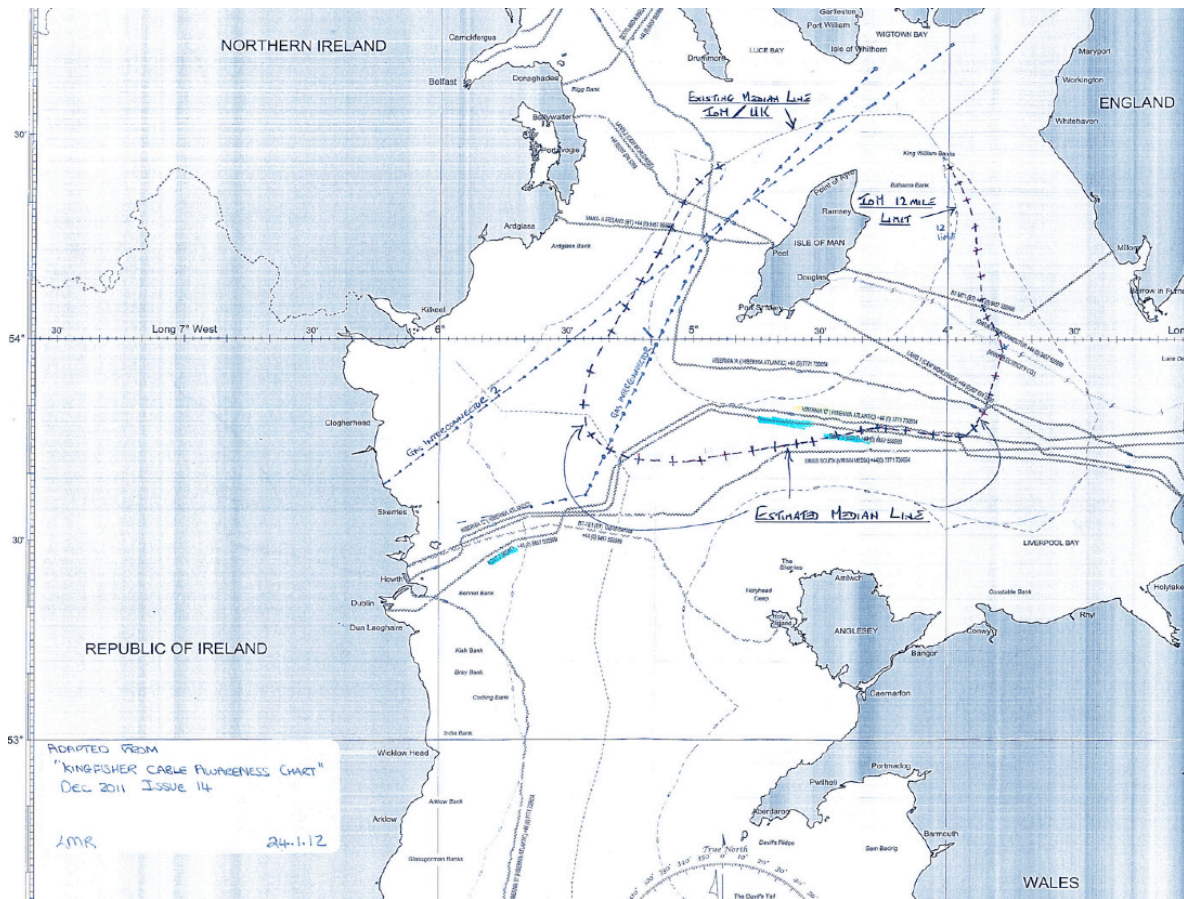
In all case the agreements are subject to the terms of the relevant legal documentation including legislation which requires the owner or its agent to notify the Department of any proposed works to the cable or pipeline.

840 (b) Below is a plan (Plan 2.4A) showing the cable and pipeline infrastructure in the North Irish Sea and also relevant national boundaries. Shown to the north of the Isle of Man is the formal median line between Scotland and the Island which defines the Island's territorial waters where a 12 mile limit cannot be established. Also shown is an estimated median line to the west, south and east of the Island. This estimated median line lies approximately halfway between the Isle of Man's 12 mile territorial limit and the 12 mile limits of England, Wales and Ireland.

845 Within the formal and estimated median line boundary there are only two submarine cables not included in part (a) above. These cables are the Hibernia 'C' cable used for the transmission of data and owned by Hibernia Atlantic and the Sirius South cable also used for data transmission owned by Virgin Media. As these cables lie outside of the Isle of Man's 12 mile limit the Department has no other information available to it.

850 (c) In respect of the first UK to Ireland gas interconnector pipeline, the Department received a one-off lump sum of £1.86M in 1993 for the Lease of Easement to enable the installation and operation of the pipeline.

Plan 2.4A



855

SOCIAL CARE

860

**Fuel poverty
Number of households**

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

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*How many households in the Isle of Man were in fuel poverty in –
(a) 2005; and
(b) 2010?*

870

Answer: There is not an accepted definition of fuel poverty in the Isle of Man, hence it is not possible to answer the Question, as stated. However, the Department does pay out winter bonuses to certain persons who receive Income Support or Income-Based Jobseeker’s Allowance to assist them in paying their winter heating bills. Only one winter bonus is payable per person or couple.

(a) In winter 2004-05 the Winter Bonus was £200 and this was paid to 1,817 households.

875

(b) In winter 2010-11 the Winter Bonus was £300 (a rise of 50%) and this was paid to 2,227 households (a rise of 23%).

In the UK the commonly-used definition of ‘fuel poverty’ is where a household needs to spend more than 10% of its income to maintain an adequate heating regime. However, the Island’s energy and other costs, household incomes, taxes and benefits all differ significantly from those of the UK. So while energy costs on

880 the Island are typically higher than those in some parts of the UK, the income of many Manx households is substantially higher than their UK counterparts due to lower income taxes and more generous benefits (for example, the Manx Pension Supplement for pensioners). As a result, the UK definition cannot be meaningfully applied to the Island.

885 The Department remains committed to helping those on lower incomes to ensure they can enjoy adequate affordable heating. In addition to the support available through Social Security, the Department's House Improvement and Energy Conservation Scheme includes specific measures to assist investment in energy efficiency, helping to insulate homes and so reduce energy costs. The Cosy Homes initiative undertaken a few years ago substantially improved the energy efficiency of not only the Island's public sector housing, but also hundreds of private homes, particularly those identified through Social Security as being in need of such support.

890

Orders of the Day

895

Bill for Second Reading

Gambling Duty Bill 2012 Second Reading approved

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3.1. Mr Henderson to move:

That the Gambling Duty Bill 2012 be read a second time.

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The Deputy Speaker: We move on to Item 3 on our Paper, Bill for Second Reading, the Gambling Duty Bill 2012.

I call on Mr Henderson.

Mr Henderson: Gura mie eu, Lhiass-loayreyder.

910

This Bill is being introduced by the Treasury with the intention of consolidating and updating the law relating to the excise duties on gambling to simplify administration, improve flexibility and to enable the law to better cope with anticipated development affecting an industry that has been a continuing success for the Island.

915

A single gambling duty will replace the general betting duty which is paid by local bookmakers, online gambling duty and pool betting duty, which would be paid by pools promoters, of which there are currently none in the Island. It will not replace the lottery duty charged on sales of National Lottery games, nor will it affect gaming machines, which are subject to licence fees levied by the Gambling Supervision Commission, land-based casinos or bingo.

920

Since the advent of online gambling and the passing of the Online Gambling Regulation Act 2001, the gambling sector in the Island has developed considerably. Experience has shown that the present legislative structure governing gambling revenues is both unwieldy to use and difficult to adapt to constantly changing regimes. Not only was there insufficient flexibility in being able to adapt the 2001 Act to fit developments, evolving technologies and industry trends, but the interaction or possible interaction with other gambling revenue law has caused problems. For example, was online gambling that involved a pool of some sort then automatically pool betting, liable to a much higher duty rate and revenue shared with the UK, or was it primarily online gambling? Did someone engaged in such betting have to apply for both a licence and a permit from different offices, or just a licence? Did they have to comply with additional requirements attached to pool betting, such as funding an independent auditor to verify receipts and returns to customers?

925

One has to remember that much of the Island's gambling legislation still dates back to the 1960s and 1970s. Difficulties encountered have been addressed partially by legislative changes and partly by administrative decisions involving commonsense interpretations of the law in the light of how the industry now operates. The Bill would replace a number of existing Acts and parts of other Acts. The replacement provisions are designed to be clearer and to be more easily adapted or added to, as and when required. It ensures the administration has the legal *vires* to govern existing and new gambling products.

930

935 The Bill also incorporates provisions to allow the exchange of information with authorities in other jurisdictions and for double duty relief. Both of these are permissive in nature, allowing for the Treasury to bring forward the necessary secondary legislation as and when required. The provisions allowing the exchange of information are, in part, designed to facilitate bilateral or multilateral agreements to allow access, or continued access, to markets for Island operators and to ensure transparency, and that control of the sector will comply with any requirements of international and supranational bodies such as the IMF and the EU.

940 The facility to allow relief from duty when an operator has borne foreign duty on the same transactions is also considered to be important as, increasingly, territories are looking to regulate their own markets. Being able to allow offset of foreign duties could prove vital in securing the continued success and viability of the industry in the Island. The ability to exchange information will also be vital in combating crime that could affect online gambling in particular, and to underpin the credibility and reputation of the Island's industry and the Isle of Man itself.

945 The Bill is not designed as a revenue raising measure. Duty rates incorporated in the Bill are those currently applied. Whilst flexibility is the key to the Bill, the Treasury will be able to make changes to definitions, exemptions, etc by regulations. Any change of duty rates require prior approval by Tynwald before taking effect. The contents of this Bill have been widely consulted upon in the Island. Indeed, two separate public consultations on such a Bill have taken place in the last four years, the last being on March... [Inaudible] 2011 last year.

950 The industry is broadly in favour of its introduction. Hon. Members have also been circulated with detailed notes on the subject. Treasury considers the Bill to be an important support for the continued success of an already successful industry, and I commend the Bill to this House, Lhiass-loayreyder.

955 I beg to move.

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

960 **Mr Teare:** Thank you, Mr Deputy Speaker.
I beg to second and reserve my remarks.

The Deputy Speaker: Hon. Member for Rushen, Mr Watterson.

965 **Mr Watterson:** I do not intend to speak at length. I obviously support the Bill. I just wanted to place on record my thanks to the officers of Customs and Excise, in particular Ray Todd, who have helped me through a lot of the issues raised by this Bill and have given me more than satisfactory answers. So I thank them for the time and effort they have put in early on to help me with this.

Thank you.

970 **The Deputy Speaker:** Hon. Members, the question is the Bill be read a second time.
All those in favour, please say aye; those against, no. The ayes have it. Division called.

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

975	FOR Mr Quirk Mr Hall Mr Karran	AGAINST Mr Anderson Mrs Cannell
980	Mr Ronan Mr Crookall Mr Bell Mr Singer Mr Quayle	
985	Mr Teare Mr Cannan Mr Cregeen Mr Houghton Mr Henderson	
990	Mrs Beecroft Mr Robertshaw Mr Shimmin Mr Cretney	

995 Mr Watterson
Mr Skelly
Mr Gawne
The Deputy Speaker

1000 **The Deputy Speaker:** Hon. Members who voted for – 21; those against, 2. The Second Reading then carries.

Bill for Third Reading

1005 **Dogs (Amendment) Bill 2011**
Third Reading approved

4.1. Mr Gawne to move:

1010 *That the Dogs (Amendment) Bill 2011 be read a third time.*

The Deputy Speaker: We move on to Item 4, Hon. Members, Bill for Third Reading, the Dogs (Amendment) Bill 2011.

1015 I call this time on Mr Gawne.

Mr Gawne: Gura mie eu, Lhiass-loayreyder.

1020 This Bill makes various amendments to current provisions governing dog licensing and the control of dogs in respect of dog fouling. The Hon. Member for Onchan raised a point concerning dogs being under control when considering clause 6 of the Bill. While clause 6 does not concern the control of dogs, other than in relation to fouling in churchyards, car parks and other areas to which the public have access, my Department has looked into the matter raised by the Hon. Member. I can advise that the issue of dog control was raised during the consultation and that legal advice received at that time was that the concept of the control of a dog is that of reasonableness and clearly requires the application of commonsense. For this reason, the definition of control is not contained within the Act itself, even though the term is used throughout the Act, examples of which include control of guard dogs, proper control and effective control.

1025 Should this question be put before a court, then no doubt that court would apply similar commonsense as to the determination of the use of the word 'control'. I hope this answers the Hon. Member's question. As previously advised, the changes brought about by this Bill were the subject of extensive consultation and were generally supported.

1030 Loayreyder, I beg to move this Bill be read a third time.

The Deputy Speaker: Hon. Member for Douglas East.

1035 **Mrs Cannell:** Thank you, Mr Deputy Speaker.
I beg to second and reserve my remarks.

The Deputy Speaker: The question is, then, Hon. Members, that the Dogs (Amendment) Bill 2011 be read a third time. All those in favour, please say aye; those against. Thank you, Hon. Members.

1040 Hon. Members, that concludes the business of the House today. The House shall now stand adjourned until the next sitting, which will take place at 10.00 a.m. on 7th February in this Chamber.

The House adjourned at 10.41 a.m.