

**REPORT OF PROCEEDINGS OF
TYNWALD COURT**

**Douglas, Tuesday, 16th June 1998
at 10.30 a.m.**

Present:

The President of Tynwald (the Hon Sir Charles Kerruish OBE LLD (hc) CP). In the Council: The Lord Bishop (the Rt Rev Noël Debroy Jones), the Attorney-General (Mr W J H Corlett), Hon C M Christian, Messrs E A Crowe and E G Lowey, Hon E J Mann, Messrs J N Radcliffe and G H Waft, with Mr T A Bawden, Clerk of the Council.

In the Keys: The Speaker (the Hon N Q Cringle) (Rushen); Mr L I Singer and Hon A R Bell (Ramsey); Hon R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Hon H Hannan (Peel); Mr W A Gilbey (Glenfaba); Hon D North (Middle); Mr P Karran, Hon R K Corkill and Mr G T Cannell (Onchan); Mr J R Houghton (Douglas North); Hon D C Cretney and Mr A C Duggan (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East); Mr J P Shimmin (Douglas West); Hon J A Brown (Castletown); Hon D J Gelling (Malew and Santon); Sir Miles Walker CBE LLD (hc) and Mrs P M Crowe (Rushen); with Prof T StJ N Bates, Clerk of Tynwald.

The Lord Bishop took the prayers.

**Dedication Of The
Manx National Standard**

The President: Hon. members, the Court will now proceed to the first item on our order paper which is the dedication of the new Manx National Standard. I call upon the hon. Mr Speaker to move the motion standing in his name.

The Speaker: Mr President, standing order 3.35 relates to the presence of strangers within this Court. I move:

That standing order 3.35 be suspended this morning to permit the new Manx National Standard to be carried within the Bar by the standard-bearer.

Mr Gelling: I beg to second the motion so moved by Mr Speaker, Mr President.

The President: I will put the resolution, hon. members. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Learned Clerk of Tynwald, will you please invite the standard-bearer to enter the chamber.

Policewoman Paula Gelling carried the new Manx National Standard within the Bar.

The President: Hon. members, please be upstanding for the national standard. I now call upon the Lord Bishop of Sodor and Man to dedicate our country's new national standard.

The Lord Bishop: We meet today to dedicate the Manx National Standard. Standards in former times were often carried to provide a rallying point for a common cause. In being carried they had to be looked at. This looking up to a standard created the connection with a call for the attainment of the highest elements of motivation and loyalty. We pray that this standard will symbolise for us the highest qualities in our Island life, that justice, truth, integrity

and humanity may be among the hallmarks of our government and community. Let these constitute our common cause.

Jesus said, 'You are the salt of the earth, but if the salt has lost its taste how shall its saltiness be restored? You are the light of the world. A city set on a hill cannot be hid, nor do men light a lamp and put it under a bushel but on a stand, and it gives light to all in the house. Let your light so shine before men that they may see your good works and give glory to your Father who is in heaven.' Let us pray.

God and Father of us all, graciously bless our nation, and send out your light and your truth to lead us in the paths of justice and peace. Give wisdom to those who exercise authority in our land. Remove all causes of contention and strife among us. Unite us in the service of your kingdom and people. Make us a God-fearing people, regarding your laws and living together in love and concord. Through Jesus Christ our Lord. Amen.

We give thanks, O Lord our God, for the peoples of many races, languages and cultures who are bound together with us in the Commonwealth of nations under our most gracious Queen, Lord of Mann. Deepen our understanding of one another's needs. Strengthen among us the spirit of mutual responsibility and service as members of one family and unite us all in the cause of justice, in the love of freedom and in the quest for peace and order. Through Jesus Christ our Lord. Amen.

So I say the prayer of blessing on the standard in English and Manx.

To the glory of God we bless this standard, to remind us of our heritage and our duty as dwellers in the Isle of Man.

Dys gloyr Yee ta shin bannaghey yn brattagh shoh, dy chur orrin cooinaghtyn er nyn eiraght as nyn gurrym myr cummaltee Ellan Vannin.

Amen.

The President: Thank you, my Lord Bishop, for dedicating the standard. Will the learned Clerk accompany the standard-bearer from the chamber.

The Clerk accompanied the standard-bearer from the chamber.

The President: Please be seated, hon. members.

Apologies For Absence

The President: Hon. members, we again have apologies for absence from the hon. Mr Delaney of the Council and the Venerable D A Willoughby who has recently undergone an operation and is, I understand, making steady progress. We have apologies also from the hon. member of the Council, Mr Kniveton, who was recently taken ill while representing the Island at a conference in Guernsey. We wish them well and hope they will soon be restored to us. (**Members:** Hear, hear.) We also have apologies, hon. members, from the member for Douglas West, Mr Downie, and the hon. member for Garff, Mr Rodan, who are away on departmental business.

Welcome To Mr G T Cannell MHK

The President: Now, this morning it is a pleasure to welcome to the chamber the new member for Onchan, Mr Geoff Cannell. We hope you will find your years here, sir, both rewarding and fruitful.

Mr Cannell: Thank you, Mr President.

Welcome To Visitors

The President: I would add, hon. members, it is a delight to welcome to the chamber this morning Mr Peter Crawford, the Clerk of the Standing Committee for the Scrutiny of Bills in the Australian Senate; also the chief constable: we are delighted to have you with us.

Papers Laid Before The Court

The President: I call upon the Clerk to lay papers.

The Clerk: I lay before the Court:

Charities Act 1986 -

Charities Act 1986 (Specified Sums) Order 1998 [*SD No 224/98*]

Brewers' Act 1874 -

Brewing (Exempt Beers) Order 1998 [*SD No 272/98*]

Customs and Excise Act 1993 -

Dual-Use and Related Goods (Export Control) (Amendment No. 2) Regulations 1998 (Application) Order 1998 [*SD No 259/98*]

Social Security Act 1982 -

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 1998 [*SD No 338/98*]

Social Security Administration Act 1992 (Application) (Amendment) Order 1998 [*SD No 339/98*]

Pension Schemes Act 1995 -

Pension Schemes Legislation (Application) (No. 3) Order 1998 [*SD No 340/98*]

Pension Schemes Legislation (Application) (No. 4) Order 1998 [*SD No 341/98*]

Health and Safety at Work etc. Act 1977 -

Health and Safety at Work Order 1998 [*SD No 155/98*]

Misuse of Drugs Act 1976 -

Misuse of Drugs (Notification of and Supply to Addicts) Regulations (Application) (No. 3) Order 1998 [*SD No 239/98*]

Misuse of Drugs (Safe Custody) Regulations (Application) (No. 3) Order 1998 [*SD No 238/98*]

Controlled Drugs (Substances Useful for Manufacture) (Production and Supply) Regulations 1998 [*SD No 309/98*]

Supply of Goods and Services Act 1996 -

Supply of Services (Exclusion of Implied Terms) Order 1998 [*SD No 190/98*]

Merchant Shipping Act 1985 -

Merchant Shipping (High-Speed Craft) Regulations 1998 [*SD No 260/98*]

Merchant Shipping Act 1995 -
Oil Pollution (Compulsory Insurance) Regulations 1998 [*SD No 331/98*]

Ecclesiastical Fees Measure 1986 -
Parochial Fees (Isle of Man) Order 1998 [*SD No 267/98*]

Church Act 1969 -
Sequestration Fees Order 1998 [*SD No 342/98*]

Medicines Act 1976 -
Medicines (Pharmacies) (Registration Fees) Regulations 1998 [*SD No 50/98*]
Medicines (Veterinary Drugs) (Pharmacy and Merchants' List) (Fees) Order 1998 [*SD No 197/98*]

Companies (Transfer of Domicile) Act 1998 -
Companies (Transfer of Domicile) (General) Regulations 1998 [*SD No 254/98*]
Companies (Transfer of Domicile) (Prescribed Investment Exchanges) Order 1998 [*SD No 255/98*]

European Communities (Isle of Man) Act 1973 -
Controlled Drugs (Substances Useful for Manufacture) Regulations 1998 [*SD No 376/98*]
Controlled Drugs (Substances Useful for Manufacture) (Intra-Community Trade) Regulations 1998 [*SD No 377/98*]

United Nations -
Federal Republic of Yugoslavia (United Nations Sanctions) (Isle of Man) Order 1998 [*SI 1998 No 1073*]

Council of Ministers Act 1990 -
Assignment of Ministers Instrument 1998 [*GC No 20/98*]

Appointed Day Orders -
Advocates Act 1995 (Appointed Day) (No. 4) Order 1998 [*SD No 366/98*]
Brewers (Amendment) Act 1998 (Appointed Day) Order 1998 [*SD No 269/98*]
Companies (Transfer of Domicile) Act 1998 (Appointed Day) Order 1998 [*SD No 253/98*]

European Communities -
European Communities instruments circulated during February/March 1998 [*GC No 16/98*]

Bills For Signature

The President: We have three Bills for signature, hon. members, and if you are agreeable we will continue our business while they are being signed. Is that agreed?

Members: Agreed.

Retired Senior Government Employees - Private Sector Appointments - Question By Mr Lowey

The President: Turning now to the question paper, I call upon the hon. member of the Council, Mr Lowey, to ask the question standing in his name.

Mr Lowey: I beg leave to ask the Chief Minister:

- (1) *Do you intend to introduce a code of conduct regulating the appointments which may be taken by recently retired senior government employees; and*
- (2) *will you raise, as a matter of priority, with the appropriate government advisory committees the inadvisability of offering directorships and similar private sector appointments to those employed by the government?*

The President: The Chief Minister to reply.

Mr Gelling: Mr President, I am happy to accept that this is an issue which requires some consideration. There may well be cases where the appointment of a recently retired senior government employee would be inappropriate. There will be other cases where someone of ability, retired from the public service, has something to offer and can make a valuable contribution to business life on the Island, and it would be wrong to the individual and contrary, I would suggest, to the interests of the Island to inhibit such legitimate appointments.

Personnel policies applied across the whole of government are matters for the Council of Ministers and what I have done is to invite the Personnel Office to prepare a report on this particular subject for Council's consideration. Now, we will review the question of whether guidelines or a code of conduct, or even legislation, is necessary once we have received this report. So therefore I would not propose to pre-empt the Personnel Office's review by raising the issue with the advisory committees in advance of the review's findings.

Also I would suggest a blanket arrangement under which anybody who had worked for government in any capacity should be denied private sector employment would be unjust, unfair and unacceptable and it would be wrong to suggest to the private sector that it was inadvisable in all circumstances to offer any such appointments.

Mr Lowey: Could I ask two supplementaries, thanking the Chief Minister for his reply? Would the Chief Minister not agree, Mr President, that regulators and those that they regulate should not only be kept at arm's length but they should be seen to be kept at arm's length, and would the Chief Minister also agree that the announcement of the recent appointment to a directorship by the financial regulator is insensitive in so much that the Edwards commission is looking into the financial offshore islands?

Mr Gelling: Mr President, as I suggested, I would not wish to pre-empt any review of the situation but can I say that the situation, I think, was quite obviously that a man with such experience would be sought after on his retirement and I suppose the question really was at the time, should it be announced at the time that he was approached or in fact if it had been announced later the question would arise as to when he had been invited and he might very well have been in post unknown to other finance sector people. So therefore it was a difficult situation but it certainly is a situation that has now been highlighted by the hon. member and, as I have said, I am quite prepared that we should look at this and see if there is something which can be learnt.

Mr Lowey: I thank the hon. minister.

Mr Cretney: Could I ask the Chief Minister would he agree with me that any such code that may be introduced with regard to the appropriateness of employment for civil servants should also apply to former members of the legislature?

Mr Gelling: This of course is an area that could not be reviewed by our Personnel Office. It is something that, again, I think we should take on board and perhaps think about that one from my hon. colleague who is on the Council of Ministers and I am sure it is something that he will raise in another place.

European Convention On Human Rights - Incorporation Into Manx Law - Question By Mr Karran

The President: Question 2, the hon. member for Onchan, Mr Karran.

Mr Karran: Eaghtyrane, I beg to ask the Chief Minister:

When will a Bill be introduced to incorporate the European Convention on Human Rights into Manx law?

The President: The Chief Minister to reply.

Mr Gelling: Mr President, on 8th December last year the Council of Ministers announced that it was proposing that the amendments to the European Convention on Human Rights be incorporated into the law of the Isle of Man. Now, the announcement said that the Constitutional and External Relations Committee of the Council had been given the task of considering the matter in detail and would be giving the relevant United Kingdom legislation consideration to see to what extent it could be used as a model perhaps for our own Bill. Now, the position remains unchanged. The United Kingdom Bill is still before the House of Commons and it will be considered once it has been enacted.

Now, if the Constitutional and External Relations Committee can complete its work in time, a Bill very well may be introduced then, in the 1998-99 legislative session. In the meantime of course the convention extends to the Island, as it has done since it was originally ratified in 1951.

Mr Karran: Eaghtyrane, would the Chief Minister not agree that this is a typical response from his administration of the fact that they cannot do anything on their own without trying to look to the UK or, as many perceive, 'the mainland', as far as their legislation is concerned, and could the Chief Minister give an assurance to this hon. Court, already scoring an own goal in not doing it in November 1994 when I asked for it, could he at least try to bring this legislation on our basis, not on the basis of some quango county council mentality of following the adjacent isle?

Mr Gelling: Mr President, I wondered from what direction the hon. member might come on this particular one, whether he would be pleased or whether he might be sad. In fact we announced at the very onset that we had the intention of actually putting in this amendment, and I must emphasise that the ratification of the actual treaty or the convention is there, this is an amendment purely to amend it to allow the hearings to be held in i.e. the United Kingdom or the Isle of Man and save people going to Strasbourg. That is one of the areas of the amendment.

So therefore this is something we certainly gave early indication that we would be putting into our own legislation after we had seen how in fact it had travelled through the United Kingdom Parliament. Now, this is something, I would suggest, that will be of benefit to us, to see what does happen as it passes through the Commons and therefore we could perhaps

use it as a model, but on the other hand, if it does not suit the Isle of Man and its people, it will not be in that shape.

Mr Karran: Eaghtyrane, could the Chief Minister give an assurance to this hon. Court in response to his reply that there will be no attempts to allow this piece of legislation, when it comes here, to affect the legal identity of the Isle of Man as far as its courts are concerned and that UK courts are totally independent of the Isle of Man courts and there will be no idea of weakening the independence of the judicial system in the Isle of Man as far as his reply is concerned over the bill of rights?

Mr Gelling: Absolutely, Mr President. That is the whole idea of us enacting this ourselves for the Isle of Man, and that has been accepted and the amendment has failed in the United Kingdom to have it extended to us, so it has also been accepted by them that we should do what is right in the Isle of Man for ourselves.

Retail Sector - Fair Competition - Question By Mr Karran

The President: Question 3, the hon. member for Onchan, Mr Karran.

Mr Karran: Eaghtyrane, I beg to ask the Chief Minister:

Do the policies adopted by your government facilitate fair competition in the retail sector?

The President: The Chief Minister to reply.

Mr Gelling: Mr President, the policies of government seek to encourage competition in the retail sector, as in other sectors of the economy, where it is considered to be reasonable to do so in the interests of the Isle of Man and its people.

Mr Karran: Eaghtyrane, could the Chief Minister tell this hon. Court, does his government support a fair and equitable policy as far as treating everybody the same for the retail industry or does he not, not try to give us some bluster in which no-one can work out which side he comes from?

Mr Gelling: I am a little bit. . .

A Member: Flustered.

Mr Gelling: - flustered there, Mr President, as to where the hon. member is coming from because, as I have said, the retail sector is a vibrant sector, it is very, very much dependent on market forces. We have seen it many, many times in Douglas how the importance of certain retail outlets from one end of the street to the other can be influenced by parking arrangements, bus stops, or whatever. All I can say to the hon. member is that we support all the retail sector on a level playing-field and that is the situation as far as I am concerned. As I have answered the hon. member, the retail sector is something that operates very, very much on its own volition. You can have good retailers and bad retailers and it is not always government's fault if one particular retailer fails.

Mr Karran: Eaghtyrane, so can the Chief Minister give us an assurance that no sweetener is being given to Tesco's coming to the Island, and can he also give an assurance to this hon. Court that his administration will not follow the same as the previous

administrations where we gave away sites for Marks & Spencer's, we gave cheap rents to Safeway and that we make sure that everybody is treated fairly and equally within this Island?

Mr Gelling: I know of no sweeteners being given to anybody, Mr President.

Mrs Cannell: Mr President, would the Chief Minister wish to clarify for the hon. member for Onchan that it is a fact, is it not, Chief Minister that the Department of Trade and Industry now have responsibility for the retail sector and, in so recognising such an industry, expands upon how important we regard this industry, and would the Chief Minister agree with me that he gives his blessing to the Department of Trade and Industry which is at this moment in time conducting and planning to undertake an Island-wide retail health check and that that is a good indicator that this government does in fact recognise retail as a vibrant and very important industry?

Mr Gelling: Yes, Mr President, I was not aware that they were being looked upon as anything other than a very, very important part of the economy of this Island, but the question being posed by the hon. member for Onchan is that there has been unfair advantage given to some. Now, the hon. member for Onchan has in fact now highlighted the situation where he believes that a certain retailer is being given an unfair advantage. I do not know anything about that, but, taking the point of the hon. member for East Douglas, yes, the Department of Trade and Industry is the responsible department for the retail trade, and that is the whole idea of a department of government having that responsibility, so that the retail trade do have an avenue into government with their problems, so be it unfair playing-fields or otherwise. So therefore I can agree with the hon. member that they are an extremely important section of our economy and a vibrant one at that.

Mrs Crowe: Would the Chief Minister agree that present legislation does not facilitate fair competition for all retailers and that the anomalous 1985 Shops Act disadvantages small Manx traders in favour of large multi-national stores and should be removed from our statute?

Mr Gelling: Yes, I can agree with the hon. member that we have coming forward a Fair Trading (Amendment) Bill and also possibly a Shops Bill, but I will wait for another place to discuss that, Mr President.

Mr Singer: Mr President, can I ask the Chief Minister, whilst he talks about encouraging competition, would he not agree that perhaps the words 'free-for-all' or 'market forces' are not acceptable within a population of 70,000 when major multiples are perhaps prepared to subsidise Manx operations, for tax or other reasons, against local businesses which have to produce a profit or close, and therefore does he not think that the retail sector should be more structured and more direction should be applied to it because it is certainly not a level playing-field at the moment?

Mr Gelling: Yes, as I said before, Mr President, it is a very difficult situation when the consumer is looking for competition, the consumer is looking for good value, so therefore it is being suggested perhaps that some kind of protection is built in there which, again, would be then declared as being totally unfair, but I am quite sure that the hon. minister and the member for East Douglas from the Department of Trade and Industry have listened very carefully to what the hon. member has said and will be addressing that issue.

Sir Miles Walker: Mr President, I wonder would the Chief Minister make it clear that the arrangement with Marks & Spencer's and the Market Street car park was in fact approved by this hon. Court after some lengthy debate and was not subject to a sweetener, as perhaps suggested by the hon. member for Onchan?

Mr Gelling: Yes, Mr President, I can agree with that. It came to this hon. Court and was approved and it was at that time, and still is I would suggest, looked upon as being an absolutely ideal situation for car parking for our consumers who wish to come to Douglas to shop.

The President: A final supplementary.

Mr Karran: Eaghtyrane, will the Chief Minister be providing car parking spaces for the retailers above their store and can the Chief Minister inform this hon. Court of what Marks & Spencer's actually got for their money as far as the deal is concerned?

Mr Gelling: Mr President, we are coming onto some specifics and I do not understand the start of the question, are we providing car parking spaces for a new store?

Mr Karran: Another new store.

Mr Gelling: Another new store. It will depend entirely on what the situation is at that time. If it warrants government getting car parking spaces a lot cheaper than they could if they built the car parking space themselves, or spaces, surely that is something we must consider, but we are now getting into specifics and I do not want to start quoting on specific stores or specific car parks. So therefore I say to the hon. member again, if he has got problems will he take them up with the DTI where they can be addressed.

Local Authority Tenants - Noise Nuisance - Question By Mr Duggan

The President: Question 4, the hon. member for Douglas South, Mr Duggan.

Mr Duggan: Mr President, I beg leave to ask H M Attorney-General:

What legal powers do local authorities have to deal with tenants who create a nuisance and disturb their neighbours?

The President: The learned Attorney-General to reply.

The Attorney-General: Thank you, Mr President. In answer to the question from the hon. member, I take it that the hon. member is concerned with tenants of local authorities who occupy unfurnished local authority property by virtue of a lease. Typically the lease will contain a covenant on the part of the tenant that the tenant will not do or permit anything to be done on the property which may cause a nuisance or annoyance to the local authority or the tenants of other dwelling-houses in the neighbourhood. The local authority may, therefore, enforce that covenant against the offending tenant.

The general principle is that every person is entitled, as against his neighbour, to the comfortable and healthful enjoyment of the premises occupied by him. It follows therefore that if, for example, a tenant makes such a noise as materially interferes with the ordinary comfort of neighbouring tenants when judged by plain and simple standards, that is an actionable nuisance and one in respect of which an injunction may be granted by the courts.

The lease will invariably provide that if the tenant is in breach of a covenant in the lease, then the local authority may re-enter the property and obtain possession so that the premises may be relet to other tenants.

It is a requirement of the Conveyancing (Leases and Tenancies) Act 1954 that the local authority do serve a notice under section 11 of the Act which must specify the breach of covenant and require the tenant to remedy the breach before any action can be taken to obtain possession of the property. If the tenant fails to remedy the breach, the landlord may bring proceedings in court to obtain vacant possession. The court has wide powers, for example, to award damages and to grant injunctions to restrain the tenant from continuing the nuisance. A breach of an injunction may result in contempt of court proceedings.

Mr Duggan: A supplementary, Mr President. I thank the learned Attorney-General. The problem is if members of, say, Douglas Corporation and the officers decline to take action against troublesome bad tenants, what line is open to the tenants when the councillors fail and also the officials fail down there to do anything whatsoever about it? So is there anything the tenants under law can do or pursue?

The Attorney-General: Mr President, certainly in those circumstances I believe that the local authority does have a duty to the tenants to carry out the enforcement of the covenants under the lease. If they fail to enforce those covenants they may well be rendering themselves liable to some action at the suit of the injured tenant.

I should also say that if the nuisance in question constitutes a statutory nuisance, then the person who is suffering may make a complaint to a summary court and the summary court can take proceedings. So in those circumstances the person who is affected may, as it were, leapfrog the local authority and take proceedings himself.

Mr Houghton: Mr President, does the learned Attorney-General also not agree that the current powers vested in the Department of Local Government and the Environment are indeed wholly inadequate and would he kindly agree to bring forward appropriate and effective legislation for promotion by this department which will surely address not only badly behaved tenants but any such vexatious behaviour which may affect any neighbourhood on this Island?

The Attorney-General: Mr President, it is certainly true that in England there are extensive powers vested in local authorities but we also have very extensive powers vested in local authorities under the Public Health Act 1990. I venture to say that the remedies are there, but the local authorities must take action to enforce those remedies.

Mr Brown: Hear, hear.

Mr Cretney: Mr President, could I ask the learned Attorney-General would he be good enough to transfer his response to my colleague the hon. member for South Douglas to Douglas Corporation so that they may benefit from that advice?

Messrs Houghton and Duggan: Hear, hear.

The President: Do you wish to respond to that?

The Attorney-General: I will be pleased to do whatever is necessary.

Mr Cretney: Thank you.

Mr Karran: Eaghtyrane, would the Attorney-General not agree that it is no use bringing in new legislation when we have the crazy situation where there is no weekend cover by the department responsible, the DLGE, for noise pollution in the first place and before we start looking at new legislation and more draconian legislation we should be looking at staffing what is already on the statute book at the present time?

The Attorney-General: Mr President, I venture to say perhaps that is a question which should be addressed to the members of the relevant department. I am not able to answer that.

Income Tax - Medical Insurance Relief - Question By Mr Lowey

The President: Question 5, the hon. member of the Council, Mr Lowey.

Mr Lowey: I beg leave to ask the Minister for the Treasury:

What is the estimated annual loss to government revenue of -

- (a) providing medical insurance relief to income tax payers; and*
- (b) making the Income Tax (Medical Insurance Relief) Regulations 1998?*

The President: The Minister for the Treasury to reply.

Mr Corkill: Thank you, Mr President. Income tax relief for private medical insurance premiums was introduced in 1991. It operated on a concessionary basis for several years until legislation was eventually introduced in the 1995 Income Tax Act. Basically, relief is given for premiums paid on an eligible contract in respect of a person resident in the Isle of Man who is at least 60 years old.

For the income tax years up to 1997-98 the amount of relief per person was restricted to a maximum of £1,500 per year. From 6th April 1998 the maximum was increased to £1,800 per year.

As stated in my budget of March this year, income tax relief was being given on over £700,000 of premiums. The cost before the budget increase was estimated to be approximately £125,000 per year. Following the budget it has been estimated that the cost will rise by approximately £10,000 to £135,000 per year.

Mr Singer: Mr President, could I ask the hon. Treasury minister has he considered the possibility of tax relief to all people who take out their own private medical insurance and would the tax relief not be more than compensated by savings to the National Health Service?

Mr Corkill: That is a supplementary question that one might have anticipated from a question such as this on the question paper, Mr President, but I think it should be borne in mind as to how this measure was first introduced back in 1990, which was at a time when the United Kingdom had introduced a similar relief and it was decided at that time that it seemed appropriate that people who had enjoyed benefits of tax relief through their employment in this respect should continue to have tax relief after the age of 60, and obviously this did reduce some of the burden on the National Health Service.

With regard to introducing such a measure on a much wider basis, it would have a greater impact on revenues and therefore it is something that the Treasury has not considered since I have been the Treasury minister because I would see it appropriate that resources are directed to the National Health Service where that is possible.

Mr Karran: Eaghtyrane, would the Treasury minister not agree that instead of us looking after the rich we should be looking after the ones who cannot afford private health care in the first place, and if his Treasury is short of money will he look at the possibility of the stop on national insurance contributions after you earn more than £480 a week and keep that going up as a tax for the health services and if he is looking at ways of saving money for the health services, do it that way?

Mr Corkill: The hon. member may be aware that there is a Committee of the Council of Ministers looking at certain issues which were as a result of the budget debate and commitments made at that time and those discussions are ongoing.

Planning Applications Re Onchan Schemes - Question By Mr Cannell

The President: Question 6, the hon. member for Onchan, Mr Cannell.

Mr Cannell: Mr President, I beg leave to ask the Minister for Local Government and the Environment:

At what stage of consideration are the planning applications in respect of the following schemes in

Onchan -

- (a) housing development at Groudle Glen;*
- (b) land reclamation at King Edward Bay golf course; and*
- (c) building development at the rear of Marine View Close?*

The President: The Minister for Local Government and the Environment to reply.

Mr Quine: Thank you, Mr President. I should first explain that the Minister for Local Government and the Environment must exercise care not to become involved in any way in the consideration of individual planning applications or commenting on sites which may become the subject of planning applications. This is because under the Isle of Man Planning Scheme Development Order 1982 initial decisions on planning applications up to the review stage are taken by the Planning Committee or in some cases by delegated authority to the director of planning. It is only where an appeal is lodged against the decision taken by the Planning Committee following a review hearing that I as Minister can become involved and I am required to take the final decision after considering a report from an independent planning inspector. For this reason I have no direct knowledge of individual planning applications until they are submitted to the minister for determination after the appeal stage.

The hon. member for Onchan has asked about three particular planning applications and in order to be helpful I have caused enquiries to be made to provide the answers to the hon. member.

The first part of the hon. member's question relates to housing development at Groudle Glen and here I can advise that there is a current planning application in respect of the development of the land immediately east of the Lakeside Gardens housing estate. This application was initially refused and that decision was confirmed by the Planning Committee on review. An appeal has been submitted and should be determined shortly.

The second part of the hon. member's question relates to the King Edward Bay golf course. I can confirm that in August 1997 an application for the creation of a driving range and extension to the rear car park was approved at the appeal stage. Additionally there is a current planning application for the repositioning of the third hole and creation of an access road from King Edward Road which was approved initially but is now subject to review by the Planning Committee. I understand that the result of the application has not yet been determined.

As regards the third part of the hon. member's question, concerning the rear of Marine View Close in Onchan, there is a current planning application for the erection of 13 dwellings on the land immediately to the west of Marine Close which would be accessed by Furman Close. This application was approved initially but that decision is now subject of a review at the request of local residents. I understand that a date for review has not yet been set by the Planning Committee.

Mr Cannell: Mr President, if I may be permitted a supplementary on each of the three parts of the question, while thanking the hon. minister for his comprehensive reply, which I am sure gives assurance to the Onchan constituents, but the appeal for the Groudle Glen scheme was heard as far back as April 28th and constituents are concerned that no outcome has yet been notified. Could he please assure me that that will indeed, as he has indicated, be imminent?

The King Edward Bay golf course - is the hon. minister aware that the district commissioners are concerned at the length of time to commence the final phase of this work, four years, rather than to complete the scheme, bearing in mind the unsightly appearance of the work and the grading operation taking place there?

And on Furman Close, is the hon. minister aware that the matter has been on the go now for 30 years and nearby residents, as he has indeed indicated, are opposing the scheme on the grounds of over-density?

Mr Quine: With regard to the Groudle Glen appeal, I am sure the hon. member is aware of course that I was indisposed for a period of almost up to a month, running from 23rd April, so I think that in part accounts for that, but at the same time I would point out that the consideration of appeals, particularly very lengthy appeals, does take considerable time and not infrequently requires some legal advice.

As regards the second item, King Edward Bay golf course, the period of four years - that of course was a matter which was determined through the full planning process and if there was any suggestion that that period was unreasonable I feel certain that would have been considered as part of the planning process through one of the three stages.

The Furman Close - I am not aware that there has been some development mooted for that area for 30 years, none at all, but the current application is of much more recent origin and we can only deal with the current application.

The President: A further supplementary, sir?

Mr Cannell: Well, not exactly, Mr President, but just to acknowledge that the minister's indisposition would of course have played a part in that and that is understood.

Lord Street Bus Station - Design Brief - Question By Mr Cannan

The President: Question 7, the hon. member for Michael, Mr Cannan.

Mr Cannan: Mr President, I ask the Minister for Local Government and the Environment:

(1) *Has your department completed the design brief for the Lord Street bus station site; and*

(2) *if so, when will the design brief be available to interested persons?*

The President: The Minister for Local Government and the Environment to reply.

Mr Quine: Thank you, sir. The answer to the first part of the hon. member's question is that the design brief for the redevelopment of the Lord Street bus station site in Douglas has not yet been completed. The department awaits further particulars from some of the interested parties as to their requirements for inclusion in the brief. Every endeavour is being made to secure the outstanding information as soon as possible.

In relation to the second part of the question I can report that it is my department's intention to make the development brief for this site in the heart of Douglas available to interested parties as soon as possible.

Mr Cannan: I thank the member for his reply. The minister is aware that this site has full planning approval on appeal for development of a design project. Why then is it necessary to have another design brief undertaken by his department instead of negotiating with those who have already designed and obtained full planning approval?

Mr Quine: Any person can put in a planning application in respect of land he owns or he may not own; that is entirely a different process. The situation with this site is that it is owned by the department, there are claims in respect of the use of part of that site for government and perhaps local authority purposes and for that reason it is necessary for a specific brief to be provided, and the third point I would make of course is that the mere fact that one party may have approval for planning on a site does not give that party any priority in relation to the ultimate disposal of that site by the owners, in this case the department.

The department will determine the appropriate brief, the appropriate use for this site. It will be contained in a brief and then all interested parties will be treated equally and fairly.

Planning Appeals - Acceptance Of Inspectors' Recommendations - Question By Sir Miles Walker

The President: Question 8, the hon. member for Rushen, Sir Miles Walker.

Sir Miles Walker: Thank you, Mr President. I beg leave to ask the Minister for Local Government and the Environment:

Since December 1996 on how many occasions have you not accepted the recommendations of inspectors appointed to hear planning appeals?

The President: The Minister for Local Government and the Environment to reply.

Mr Quine: Thank you, Mr President. Since December 1996 approximately 150 appeals against decisions taken by the Planning Committee have been processed. In each case an independent planning inspector has been appointed to conduct a hearing and has submitted a report to the minister. In that period I have accepted the conclusions and recommendations made by the planning inspector in all but four cases.

Mr Karran: Eaghtyrane, would the minister not agree that he is inconsistent from his days of being an ordinary member of this hon. Court to being a minister, when the APG's line was that they would never overrule an inspector's report only on national importance? How can the hon. minister make a planning application for a cottage on 75 acres an issue of national importance for him to overrule in that circumstance?

Mr Quine: Two separate questions, sir, but first I would point out I am not here to reply on behalf of the APG, but I am not aware of any such policy.

A Member: He has forgotten!

Mr Quine: Secondly, if he would wish to have particulars about any specific application I am sure if he would attend the offices we will give him all the information he wishes to have.

Sir Miles Walker: Mr President, of the four appeals where the minister did not accept the recommendation of the inspector, could he tell us on how many of those cases did the inspector recommend an approval and in fact he issued a notice of refusal?

Mr Quine: Yes, I think in each of these cases it follows of course that the inspector recommended approval, otherwise of course I would not have been overturning the appeal, and that is the case with each of these cases.

Looking at the brief very quickly, in three of these cases I think the bottom line was that there was concurrence by the inspector that the line taken by the department, by the planning process, was in accordance with policy but he felt that an exception could be made to the general policy in respect of those three cases. Having considered all the circumstances I decided that that should not be the case. I declined to exercise that discretion and stood by the policies.

Sir Miles Walker: Mr President, I can understand situations where there are issues of national importance, as perhaps was suggested earlier on, but can you understand the frustration felt by an individual householder, not a developer or speculative builder, who wishes to carry out a straightforward improvement to his or her home, who pursues all the planning stage with their attendant bureaucracy and costs, then goes to appeal, the inspector recommends in favour of the improvement, only to find the application turned down by the minister? Can you understand the frustration that an individual feels with that process?

Mr Quine: Of course I can understand the frustration, Mr President. That is inherent in the planning system where you are trying to strike a balance between the interests of different parties and sometimes in striking that distance somebody is going to be disappointed or frustrated. The best that I can offer is to look at each case in accordance with the report of the inspector, take cognisance of the law, take cognisance of the policy, approach my decision objectively and I will have to live with that. I am not there to seek to arrive at a decision by taking a populist line.

Sir Miles Walker: I thank the minister for his response, sir.

The President: Right. The hon. member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr President, a short one. Would the hon. minister not agree, though, that on many occasions planning appeals are rather pointless, especially when no

further or new evidence is offered by an appellant which has not already been considered at the review stage?

Mr Quine: That may be a view which some people hold but the fact remains that the law provides for a review, it provides for an appeal, and in each case of course the person who is calling for the appeal, and others, are invited to make further submissions. If they decline to exercise that option, that is entirely up to them, but as long as we have legislation, as long as we have a system that allows for these steps to be taken statutorily, then the department, or particularly of course the Planning Committee, must follow it.

Mr Singer: Mr President, could I ask the minister how his record of overturning only four out of 150 recommendations by the inspector compares to that of the previous government under the guidance of the original questioner?

Mr Quine: Quite honestly I have no idea, I have no idea at all, but I believe that the fact that I have only overturned four decisions out of 150 speaks for itself and I do not need to expand upon that.

Prison Development Officer - Remit - Question By Mr Houghton

The President: Question 9, the hon. member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr President. I beg leave to ask the Minister for Home Affairs:

What is the remit of the prison development officer?

The President: The Minister for Home Affairs to reply.

Mr Bell: Thank you, Mr President. The role of the planning and development manager is quite extensive but can be summarised as follows. The post holder will take lead responsibility for all non-operational activities and provide support to the prison governor and resources for the head of custody who is the other deputy governor.

The objective of the post is to provide proactive anticipation of future problems and creative planning for the effective administration of the prison. The post holder is required to manage and implement change and to supervise and lead the development of the prison regime.

The main activities of the post are (1) to manage and be accountable for the strategic planning of learning throughout the prison and develop an environment in which all employees within the prison will have their own personal development plan, supported at senior level and monitored by individual line managers; (2) to advise the governor on spending profiles throughout the prison and to provide management information, commentary and advice concerning performance and achievement measured against budget expenditure; (3) to have lead responsibility for the investigation and reporting of allegations or incidents out of the operational line; (4) to be responsible for an oversight of operations and staff details and for the assessment of future manpower and resource needs for reflecting the evolution of prison and penal policies; (5) to have responsibility and liaison with the head of custody for the assessment and response to health and safety risks; and (6) to be the prison's principal strategic planning officer, with the objective of minimising day-to-day operational pressures and enhancing the overall prison management regime; (7) to have lead responsibility for developing an audit programme for setting and mooting performance standards; and (8) to

implement, monitor and manage those areas of work which have been or will be in the future identified as issues requiring more detailed work, including the development of project work.

Mr Houghton: Mr President, I would like to thank the hon. minister for his answer but I would like to ask, where is the development officer going to find all the room to do all these development and strategic plans et cetera? But I do acknowledge that this appointment is not for the future redevelopment of the prison.

Mr Bell: He will have his own office, Mr President.

IRIS Scheme - UK Development Failures - Question By Mr Houghton

The President: Question 10, the hon. member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr President. I beg leave to ask the Minister for Transport:

Will your department, as an aspect of developing the IRIS scheme, examine the development failures at the new Blackpool sewage treatment plant?

The President: The Minister for Transport to reply.

Mr Brown: Thank you, Mr President. The department, as far as it is able, does keep abreast of developments in the sewage control and treatment as they are implemented and managed elsewhere in the UK. The department is aware that in particular, despite North West Water expending £200 million on the construction of a long sea outfall and secondary treatment, the beaches at Blackpool failed last year to meet the EC bathing water criteria. It is our understanding that North West Water have started a programme of addressing these failures by introduction of a number of UV plants.

In this regard it has always been the department's policy, endorsed by Tynwald, to implement full treatment on land and not expend moneys on long sea outfalls. Further, it is our policy to progress a UV plant on the outfall from the sewage treatment plants once the discharges through short sea outfalls into the Island's coastal waters at the towns and villages around the Island have ceased and all sewage is transferred to the sewage treatment plant at Santon.

My department considers that the problems experienced at Blackpool and other areas involving the construction of long sea outfalls fully justify the IRIS master plan strategy which was approved by Tynwald at the April sitting.

Mr Houghton: Mr President, I am not concerned about the long sea outfall, I am more concerned about the treatment plant, and can the hon. minister confirm that a serious error of judgement with regard to the insulation of the treatment process on the Fylde Coast, which will cost a further £100 million to remedy, is the responsibility in the main of the failure of consultants engaged in that project? So may I ask, therefore, have your department engaged the services of any of these same consultants on the Island to advise in such a specialised field, and if so, is he happy to continue to engage these people on our future project?

Mr Brown: Mr President, as the hon. member's initial question was not as specific as that I am unable to foresee what is in his mind. All I can say is that I shall certainly check whether or not the consultants are causing the problem in Blackpool, as far as we can determine, and if we are engaging similar consultants or the same consultants, whether or not that is still appropriate.

Road From The Peel Road, Douglas To Bank Circus - Question By Mr Cannan

The President: Question 11, the hon. member for Michael, Mr Cannan.

Mr Cannan: Mr President, I ask the Minister for Transport:

- (1) *Is it the intention of your department to construct a road from the Peel Road, Douglas through Hills Meadow and the coal yard to link with Bank's Circus;*
- (2) *of so, what is the estimated cost; and*
- (3) *what is the timescale for construction?*

The President: The Minister for Transport to reply.

Mr Brown: Thank you, Mr President. My department has no intention of constructing a road from the Peel Road, Douglas through Hills Meadow to Bank's Circus.

Mr Cannan: Can I therefore take the minister's reply that it is an unequivocal assurance that so long as Lake Road, Quiggin's Yard is in private ownership a new road from Peel Road to Bank's Circus will not, repeat, will not be constructed at public expense to facilitate private development of that site?

The President: I will permit it, but it has been answered.

Mr Cretney: Hear, hear.

Mr Brown: Yes, Mr President, all I can say is I have given an answer which I think answers the whole point.

TT Names - Protection Of Marketing Rights - Question By Mr Crowe

The President: Question 12, the hon. member of the Council, Mr Crowe.

Mr Crowe: I beg leave to ask the Minister for Tourism and Leisure:

What steps are you taking to protect such names as 'Isle of Man TT', 'Isle of Man TT Museum', 'Isle of Man TT Hall of Fame', in order that the Isle of Man can protect the very valuable marketing rights associated with those names?

The President: The Minister for Tourism and Leisure to reply.

Mr Cretney: Thank you, Mr President. My department is currently investigating ways of safeguarding names associated with the proposed TT museum as intellectual property.

With regard to the races themselves, the situation has already been addressed. Although my department does not hold the intellectual property, it does derive income from the licensing and franchising of the official logo.

Mr Crowe: Mr President, can I thank the minister for his reply, but just turning to the finance issue, would you agree that the TT museum project will require a substantial injection of capital and this will require private industry funding as well as government finance? Would you further agree that royalty income from the sale of branded goods would be a useful source of revenue to help pay for the TT museum?

Mr Cretney: Mr President, I would agree on both points. If we are to make progress in relation to the proposed TT museum, which I do hope we can, then that will require a substantial income. Any methods by which we can reduce the government input into that

requirement obviously we will be honour-bound to examine and obviously the TT museum, the TT Hall of Fame, these are all issues which into the future I think have a value and will continue to have a value and if we are able to provide a mechanism where articles are branded under that name and also the TT name, as is the case presently, I do believe that that is a route which we should follow.

Mr Crowe: Thank you.

House Of Manannan - Visitors - Receipts - Question By Mr Cannan

The President: Question 13, the hon. member for Michael.

Mr Cannan: I ask a member of the Manx Museum and National Trust:

In the period 1st June 1997 to 31st May 1998 what was -

(a) the total number of visitors to the House of Manannan; and

(b) the total amount of entrance receipts and shop sales receipts?

The President: Mr Speaker to reply.

The Speaker: Mr President, I would first like to thank the hon. member for Michael for providing the trust with an opportunity to update members on the success of the House of Manannan since it was opened last year on 24th May, and in answer to part (a) of the question I can advise hon. members that in the period from 1st June to 31st May 1998 60,764 people have visited the House of Manannan and that equates to just over 110 per cent of the originally projected total of 55,000 visitors for the full year.

Now, in answer to part (b), in relation to the income from the House of Manannan, I would equally advise this hon. Court that in the same period admission receipts totalled £154,808,46 and the shop receipts totalled £81,521,95, the total income therefore being to date, £236,330,41: in fact 121 per cent of the projected budget income for the House of Manannan for the 12-month period.

Once again I think members will see from the figures that the Manx National Heritage has provided a quality product on time, on budget and performing well.

Mr Cannan: Mr President, will Mr Speaker acknowledge that the House of Manannan has been an outstanding success and will he congratulate Manx National Heritage and those concerned with it for the good work that they have done, and secondly, will Mr Speaker agree that when the TT museum is established at Jurby and administered by Manx National Heritage it will be an equally successful institution?

The President: Question 14, the hon. member for Michael -

Mr Brown: Mr President.

The President: Sorry. Supplementaries?

Mr Brown: Yes, please, Mr President, if I may.

The President: I did not realise you could follow that one. *(Laughter)*

Mr Cannan: I have not had an answer, sir.

The President: Please do.

Mr Brown: I am sure I can, Mr President. Could I ask Mr Speaker can he explain to us why there is no written record or acknowledgement of the considerable feat undertaken by those who sailed from Norway to the Isle of Man in *Odin's Raven* in 1979, why there is now no recognition at all in the House of Manannan to identify that feat, and will he have a look at this with a view to correcting it, as people do believe that the *Odin's Raven* that is now there is just a replica of a boat that was made specially for that museum?

The Speaker: Mr President, I happily take on board the comments by the hon. member for Castletown and will raise that on Thursday afternoon at our next executive meeting.

Mr Karran: Eaghtyrane, could Vainstyr Loayreyder explain to this hon. Court? He talks of over 60,000 people going through the House of Manannan. How many of them actually paid to go through the House of Manannan, because there seems to be a shortfall in the income as far as that is concerned, if we are looking at the income towards persons who have gone through there?

A second point - can we have an assurance that now unfortunately we have purchased Rushen Abbey a year or so after I asked them to, at £200,000 more and without the inclusion of the car park, we will make sure that Rushen Abbey is done sensibly and of relevance to the site instead of what we have got there at the present time at Peel?

The President: The relevance of the question is not in evidence. The hon. member for Ramsey.

Mr Singer: Thank you, Mr President. Could I ask Mr Speaker whether he has the figures for the entrance split down into the holiday season June to September and then for the non-holiday season September to May and if he has not got them, could he possibly let me have them? And I would also, if I may, add my congratulations to Manx National Heritage on the success.

The Speaker: Mr President, I do not have those figures in split-down form which the hon. member for Ramsey has asked for, but I will certainly provide those to the hon. members and if other members would wish, I can see that they are circulated to other members as well.

The hon. member for Onchan, Mr Karran, did comment relative to the number of visitors and he was foreseeing a shortfall in the income from those visitors going through. I would just like to tell the hon. member that in fact that increase in the number of visitors above the 55,000 projected is largely because the success of the House of Manannan has been that it has brought a considerable number of national trust and English Heritage national trust members to the Isle of Man and those cards are actually being used and as they are reciprocal, that is the reason for the shortfall in relation to the income. Nevertheless the total income is still well above the projected income.

Mr Cretney: Could I ask Mr Speaker in this particular role, if, when he is getting a breakdown of figures, he would exercise some care because in particular we do not regard the holiday season to be June to September, and October in particular is an off-peak time where I do believe that this is a popular visitor attraction?

The Speaker: Yes, Mr President, I am aware of that and I was thinking in my own mind that they would probably be monthly figures so that members can judge for themselves.

Mr Karran: Eaghtyrane, will the Speaker inform this hon. House of the breakdown as far as those that go free and those that pay? I think self-praise is no recommendation.

Mr Cannan: It is an outstanding success.

Mr Brown: Would you give the same to the Museum?

The Speaker: Mr President, I cannot give the actual total number which has gone through as cards but I am aware that in fact there are an increasing number of card-holders going through, and again I would simply say to the hon. member that if he wants that breakdown I am sure that it could be provided. It means yet more bureaucracy to provide it.

Edwards Review - Terms Of Reference - Question By Mr Cannan

The President: Question 14, the hon. member for Michael, Mr Cannan.

Mr Cannan: Mr President, I beg to ask the Chief Minister:

- (1) *What are the terms of reference of the review of financial legislation and regulation in Crown dependencies which is being conducted by Mr Andrew Edwards;*
- (2) *were the terms of reference agreed by the Isle of Man Government, and*
- (3) *if so, when?*

The President: The Chief Minister to reply.

Mr Gelling: Yes, Mr President, I have, for the convenience of members, arranged for copies of the terms of reference of the Edwards review to be on members' desks this morning. Now, I am, of course, prepared to read through the terms of reference, but they are long and they have been circulated actually to members before and to save the Court's time, and if you, sir, and hon. members would be content, I would therefore prefer that part (1) of the answer be taken as read and I would move on to the answers to parts (2) and (3).

The President: Is that agreed, hon. members?

Members: Agreed.

Mr Gelling: Having said that, Mr President, could I draw the attention of hon. members and yourself to (b) over the page under 'Criminal Investigations'? Could I immediately rectify that? It should say 'the willingness or otherwise of the authorities to secure prosecutions', not 'persecutions' (*Laughter*).

The answer therefore - and I thank you and hon. members for that - is that to (2) and (3), as I believe we have made clear from the outset, the terms of reference of the review were not agreed by the Isle of Man Government but were determined by the Home Secretary. We have, however, agreed to co-operate with Mr Edwards who is undertaking the review, and indeed Mr Edwards is on the Island this week for discussions with appropriate officials.

We have, of course, welcomed the opportunity presented by the review for us to demonstrate the quality of our regulation arrangements and provided the review remains focused on that topic we look forward to a positive outcome, and, I would repeat: provided the review remains focused on that topic we would look forward to a positive outcome.

Mr Cannan: I thank the Chief Minister for his response but I would ask him what is the constitutional authority, the legal basis, for permitting Mr Andrew Edwards to investigate the finance industry in the Isle of Man?

Mr Karran: None.

Mr Gelling: Mr President, the reason I actually emphasised and repeated that last part, as long as the review remains within the remit, is because I think that this is something that as far as the Isle of Man is concerned we can use to demonstrate how well we are regulated in the Isle of Man. If by chance the reviewer, instead of mapping, as was stated was the case in this review, starts to encroach into things that are of constitutional danger or concern to us, this obviously is another matter and this is something that we would be certainly wishing to, as other questions have been asked, combine with our friends in the Channel Islands to make sure that actually our constitution is not therefore infringed by the United Kingdom Government.

Mr Cannan: Bearing in mind that the Chief Minister has agreed that to voluntarily allow the Edwards inquiry without any constitutional authority or legal basis, can I ask what experience has the inquirer, Mr Edwards, in the subject which he is reviewing?

Mr Gelling: Again can I say that it is not an inquiry, it is a review, and the experience of the hon. gentleman I think is well known to everyone. He is an ex-Treasury official who is operating on his own. He is not a regulatory man.

Mr Karran: Eaghtyrane, would the Chief Minister not agree that there is no constitutional reason why we should be allowing this man to do this, no more than they should be allowing us to do one as far as the City of London is concerned and would the Chief Minister go back to his Council of Ministers to see whether they are prepared to do an investigation into the City of London and their dirty money as far as that is concerned, and will the Chief Minister recognise the constitutional position is based on having a gun boat in our harbour as far as their legal requirements as far as interfering in the internal affairs of this government?

Mr Gelling: Yes, Mr President, we could in fact do exactly the same in the United Kingdom, in Jersey, in Gibraltar or wherever we wish to review their regulatory systems, and that is what is happening now. The United Kingdom wish to map out and review our regulatory systems of this Isle of Man. I have already said if the reviewer starts to inquire into things which concern us as regards our constitution, that is something entirely different.

But I would like to stress to the hon. member that this is something that was suggested would happen and we could have co-operated or we could not have co-operated. Well, I would suggest that with the remit that was put to us, if we had not co-operated, it would have looked very, very sad, I would have thought, from our point of view that we were in fact hiding something. We have nothing to hide. Our regulations in the Isle of Man, I would go as far as to say, are as good if not better than in the United Kingdom. Now, if that is the case and this review actually highlights that, that is a positive for us in the Isle of Man.

Mr Cannan: Bearing in mind that the Chief Minister has said that the policy is to cooperate with this inquiry, is he then saying that we would co-operate with any inquiry into any aspect of government in this Isle of Man that the United Kingdom chose to inquire?

Secondly, the Chief Minister being aware that on Tynwald Day we celebrate our independence and national day, in the light of his response to questions regarding the Edwards inquiry, does the Chief Minister still regard our constitutional independence as authentic or is it beginning to become a little transparent?

Mr Gelling: No, sir, there is nothing different with our constitutional position, but as I have already tried to keep emphasising, this is not an inquiry, and in answer to the hon. member for Michael, no, we would not just accept any inquiry from the United Kingdom Government into the affairs of the Isle of Man. If it is interfering in the internal affairs of this Island, the answer would be no. This was a review of the regulatory systems, not just of the Isle of Man, but of the Crown dependencies and also of course of the overseas dependencies. This is something that they are doing for their benefit. It is something that they are reviewing, they are mapping. I have already said that if they step outside that mark, then we will be concerned and obviously we will have to take the necessary action.

I would like to say, Mr President, again coming on to other questions that have been posed, that the Home Secretary actually defended very, very well indeed the Island's position in the Commons when the suggestion was put forward about amendments. Now, this is the situation we have: the Home Office are our representatives in the United Kingdom to speak up for us when such things do arise that cause us concern. So therefore in co-operation with them we would wish the Home Office to know that our regulations in the Isle of Man are absolutely top class, and this is what we should use this exercise for.

Mr Karran: Eaghtyrane, would the Chief Minister then, if there is no debarment from doing so to the adjacent isle and that country, will his Council of Ministers look at the possibility of doing an inquiry into the City of London and their financial aspects of their capital as far as their finance is concerned?

Would he also not agree with myself that the situation is this is only a fishing expedition and it is a try-on in order to try to overrule this Island as far as its economy is concerned? What assurances can this hon. Court take, when he is prepared to wait around for UK legislation such as for bills of rights et cetera, that he will not roll over and play dead as far Mr Edwards and the imperial government of the adjacent island are concerned, coming along and destroying the economic base of this Island?

The President: I think if questions were put with a little more clarity it might enable the answers to be more effective in response. Reply, sir.

Mr Gelling: Mr President, all I can say to the hon. member is this. We had Lord Williams over on the Isle of Man last week where that specific question was put about hidden agendas and everything else and we had his assurance from the Home Office that that is not the case. Now, if we have suspicions that it is otherwise, that is what the Home Office representative who came to the Isle of Man stated to us in the Council of Ministers. We can only accept what he is saying, we can accept what we have read and the *Hansards* of how the Home Secretary has defended the Isle of Man's constitutional position. That is what he has defended and, as I say, in that certain case the amendments were not put.

All I can say to the hon. member is I am concerned that the Isle of Man comes out of this in an absolutely first-class manner. I am not interested in inquiring into the London finance scenes. That is there business. I want the Isle of Man to be better than the United Kingdom

and that is what we want for the Isle of Man. We are international people. We are international offshore. We want the world to understand that the Isle of Man is the right place to invest, with the right regulations, and that is what we want to concentrate on and I would hope that that would be the outcome of this particular review.

The President: The hon. member for Michael for the final supplementary.

Mr Cannan: A final supplementary, Mr President. In the light of all the answers that the Chief Minister has given, will he give a solemn undertaking to this Court that he will preserve the constitutional integrity of the Isle of Man and not allow it to be compromised?

Mr Gelling: Yes, sir.

Mr Karran: Eaghtyrane -

The President: I am permitting no further supplementaries. Hon. members, at the first part of the question the terms of reference which have been circulated will be included in the *Hansard* report of these proceedings to give a full picture.

The following text was circulated to hon. members.

Terms of Reference of the Review of Financial Legislation and Regulations in Crown Dependencies, which is being conducted by Mr Andrew Edwards

Objective

To review with the Island authorities their laws, systems and practices for:

- (i) regulating banking, insurance and financial services business and collaborating with overseas regulators;
- (ii) deterring, investigating and punishing financial crime, including money laundering and fiscal offences, particularly cases with an international dimension;
- (iii) registering companies;

with a view to assessing the contribution which they make to the economic and social well-being of the islands themselves and of the UK.

Areas to be covered

The review will cover the following main areas:

- (i) Financial Regulation and International Regulatory Co-operation
 - Description and assessment of the current legal and institutional arrangements for licensing, supervising and regulating the full range of financial business, including banks, investment banks, other credit institutions, insurance companies, investment services companies, bureaux de change, international business companies and company registration agents and accountants and lawyers carrying on financial business (e.g. providing custody services or investment advice);

- Examination of practical implementation of these activities and the resources devoted to them, in relation to the number and size of firms regulated and the nature of the business;
 - Arrangements for the regulatory authorities to share their own confidential information with overseas regulatory authorities, and vice versa;
 - Arrangements for the authorities to obtain other confidential information to assist overseas regulatory authorities with their investigations and vice versa.
- (ii) Financial Crime
- (a) Money Laundering
- each island's money laundering legislation;
 - the number of suspicious transactions reports received in each island each year and how these are dealt with;
 - Arrangements for collaboration between the Island authorities and overseas authorities including the sharing of suspicious transactions reports;
- (b) Criminal Investigations
- collaboration between the Island authorities and overseas authorities in investigating suspected financial crime (including fiscal offences);
 - the willingness or otherwise of the authorities to secure persecutions;
- (c) Asset and Confiscation
- collaboration between the Island authorities and overseas authorities in tracing, freezing or confiscating assets held by suspected or convicted criminals based overseas.
- (iii) Company registrations
- each island's legislation, systems and practices for registering companies.

Consultation and Comparisons

In undertaking these tasks :

- (a) to have regard to other examples of offshore regulatory laws, systems and practices, such as Gibraltar and other UK dependencies;
- (b) to consult HM Treasury and others as necessary.

The President: Now, the remaining three questions are down for written answer. The answers have been circulated and that concludes our scrutiny of the question paper.

**Chief Minister - Meetings With Jersey And Guernsey Counterparts -
Question By Mr Rodan For Written Answer**

Question 15

The hon. member for Garff, Mr Rodan, to ask the Chief Minister:

- (1) *When did you last officially meet your counterparts in Jersey and Guernsey;*
- (2) *when and where is your next meeting to take place; and*
- (3) *what will be the subjects for discussion?*

Answer

(1) Jersey and Guernsey do not have counterparts to the Isle of Man's Chief Minister. However, the latest official meeting with senior politicians from Jersey and Guernsey took place on 23rd June 1997. There have been a number of informal or unofficial contacts since that date, particularly in respect of the Edwards review.

(2) No arrangements exist for a further official meeting, although an invitation from Guernsey for the 1998 annual inter-island meeting is expected shortly.

(3) No agenda exists yet.

Low-Tax Areas - Protection Of Interests - Question By Mr Rodan For Written Answer

Question 16

The hon. member for Garff, Mr Rodan, to ask the Chief Minister:

In view of the European Commission's consideration that low-tax areas are an obstacle to the single market, will you consider a joint approach with the Channel Islands to lobby the British Government to protect the interests of British offshore finance centres?

Answer

We are closely monitoring developments in policy within the European Union and the OECD towards low-tax areas. We are also keeping in close touch with Jersey and Guernsey. A joint approach to the British Government is always an option and if the situation develops to a point where such a course of action is warranted, we would have no hesitation in conferring with our Channel Islands colleagues to that end.

OECD Taxation Report - Question By Mr Rodan For Written Answer

Question 17

The hon. member for Garff, Mr Rodan, to ask the Minister for the Treasury:

Do you view with concern -

- (a) *the fact that the recent OECD report on 'Harmful Tax Competition' fails to distinguish between tax evasion and legitimate tax planning, or self-proclaimed tax havens and low-tax areas;*
- (b) *the endorsement of that OECD report by the G8 finance ministers, meeting in London on 9th May under the chairmanship of the UK Chancellor of the Exchequer;*

- (c) *the reported comments of the UK Chancellor of the Exchequer supporting the 'OECD's vital work to curb the damaging effects of tax havens and preferential tax regimes'; and*
- (d) *the threat to the well-being of the Isle of Man finance sector posed by the foregoing; and what steps are you taking to counter that threat?*

Answer

Of course one must view any developments that upset a status quo as cause for some concern. Countries, acting independently or concertedly, will always be at liberty to act and legislate in ways which they think will protect and enhance their own interests. For many years now UK governments have been effecting measures designed to make investment in the Isle of Man, and the Channel Islands and elsewhere less attractive. Controlled foreign companies legislation and recent moves requiring non-UK-based insurers to appoint agents there are two more recent examples. In a world of increasingly mobile populations, productive and investment resources, and of liberalisation in trading and investment conditions such moves are to be expected. The OECD initiative is therefore not an altogether unanticipated development. Its significance is, of course, that the governments of the world's largest economies have signed up to an agreement that points an accusing finger at low-tax regimes and low-tax jurisdictions as explanations of what they see as their own diminishing powers in tax revenue raising.

The OECD is an organisation of 29 of the world's larger economies. It supports a secretariat and research groups in Paris and provides a forum for discussion and, on occasion, agreed co-ordinated actions. Such agreements are on a purely voluntary basis.

- (a) The report 'Harmful Tax Competition' is the principal product of discussions which go back a number of years. The report does at intervals (e.g. paragraph 94) distinguish between tax evasion and tax avoidance but does not dwell on the distinction, presumably because the focus report is on the resultant 'loss of revenues' to member nations, irrespective of the precise cause. For this reason too the report does not care to distinguish much between different kinds of low-tax areas. However, it does contain a list of factors which may be used to identify tax havens. I would consider that the Isle of Man falls foul of only one of these criteria - and that is the 'crime' of having low taxes! Arguably this is the biggest flaw in the report. It does not seek to understand why low taxes are a possibility for many, particularly small, jurisdictions. Instead it appears to equate high taxation with good government.
- (b) The endorsement of the report by the G7 ministers was to be expected but reinforced the impression that the matter was one which would be kept near the top of their agendas.
- (c) Gordon Brown's desire to combat both tax evasion and tax avoidance are well known and pre-dates his coming into office. Accordingly it would be a surprise should he not give support to the OECD efforts and, of course, the United Kingdom was one of those countries to agree the contents of the report. Furthermore, UK officials are clearly to the fore in the OECD's work in this area.

The announcement that an officer of the Inland Revenue's Special Compliance Office is to be assigned to the National Criminal Intelligence Service is a development that we must still assess the full implications of.

- (d) The threats to the Island are real and cannot be underestimated. They are not limited to the finance sector, even though the OECD report focuses on what are referred to as 'geographically mobile activities' only. If taken to their logical conclusion the proposals would deem, for example, our tax holidays to manufacturers as 'unfair'.

A number of observations may be made at this stage in respect of these, and indeed other, similar moves on taxation being made within the EU.

1. Although the subject of your question is the OECD, as with the EU voluntary code on business taxation our focus, I would suggest, must be on the UK Government and their responses. It is ultimately the extent to which it takes on board the proposals that will determine the size of the difficulties the Isle of Man might face. Although our constitutional position is clear and unchanged and guards against the outside imposition of tax measures, we would feel vulnerable to other actions, such as the changing of, or abrogation of, current double taxation arrangements.
2. The signatories' own actions so far seem far removed from the words they have signed up to. In the UK itself tax-based initiatives have been announced recently for the film industry and for hi-tech companies - clear cases of what the OECD labels 'preferential tax regimes' and also contrary to the voluntary EU taxation code.
3. It is still unclear as to whether the Isle of Man would be placed on the OECD's 'tax haven' list. Indeed the UK's regard to the Isle of Man in this respect is not yet determined. Further, we are advised that there is still an absence of common understanding amongst OECD members on what constitutes a tax haven. Clearly we do have a number of preferential tax regimes. But I am not aware of an OECD country with a tax system that is not similarly characterised.

The questioner asks what steps are being taken to counter the threats to the finance sector. Again I would have to say that there is a wider, ongoing dimension here, not restricted to the finance sector. The Island's financial services industry itself is one which has always needed to stay competitive to retain its pre-eminence on the world stage. Clearly taxation is a key element of its success. But its prominence in attracting business to the Island is no longer so pronounced. This is not just because tax rates worldwide have fallen over the last decade. Rather it reflects the growing maturity of the sector and the development of the industry's professional infrastructure and network. The Island's success is increasingly a function of the excellence of its professionals and, of course, its regulatory standing. Accordingly, in seeking to maintain the success of the sector, commercial legislation is geared towards further enhancement of the operating environment and the opening up of market opportunities, such as with the redomiciliation of companies legislation, whilst our anti-money laundering legislation will doubtless further raise the Island's high profile in the setting of international regulatory standards.

As you will be aware, although a member of the OECD via its relationship with the UK, the Isle of Man was not counted as such in the OECD's tax discussions. The matter of the

extent and efficacy of the United Kingdom Government's representation of the Island in this and other fora is a cause for concern and is a matter which is currently being addressed with the Home Office.

The whole matter of our fiscal system, its tax levels and structures is one which is constantly under review. The attention now being paid to direct taxation by the OECD and the EU provides a new impetus to a wider, more strategic consideration being given to taxation by the Island government. Accordingly, the Treasury established earlier this year a taxation focus group consisting of a number of its own officers plus five financial and professional services practitioners. The remit of the group is to assess the whole of the Isle of Man tax system and to determine options for its development given both the need to encourage further economic development and to take cognisance of tax developments within groups of nations, such as the EU and OEC, so as to retain the international acceptability of the Island's policies in such matters. It is hoped that this group will be in a position to report back to the Treasury by the end of the year. Within its deliberations the group is seeking to establish a rigorous defence of the Island's tax system in response to the OECD report. The arguments will be marshalled and impressed upon the UK Government and others at all opportunities and through all available channels.

Southern Division Police Station - Construction - Expenditure Approved

The President: We turn now to item 4 on the order paper and I call on the Minister for Home Affairs to move the resolution.

Mr Bell: Mr President, I beg to move:

That Tynwald approves of the Department of Home Affairs incurring expenditure not exceeding £1,084,900 on the construction of a new southern division police station on land at Station Road, Port Erin.

This motion seeks approval to my department constructing a new police station on land owned by the department in Station Road, Port Erin at a cost not exceeding £1,084,900.

Hon. members who were members of this Court in 1994 will recall a motion being moved for approval to construct a divisional headquarters for the southern division of the Isle of Man Constabulary on land opposite Ronaldsway Airport. That motion was narrowly defeated, one of the reasons for which was a concern by members over the location of the proposed building. Members felt that any police station should be part of the community that it served and for this reason should be close to the centre of a town or village. The department at that time took on board the comments of members and set about investigating other options. A number of options were considered and it was eventually decided that a new police station should be built in Port Erin and in October 1996 this hon. Court agreed to my department purchasing the land in Station Road.

The role of the new police station will be different to that of the building which had been proposed for the Ronaldsway site. That building would have been an administrative headquarters for the southern division rather than an operational police station. The building we are proposing for Port Erin will be first and foremost an operational police station to serve the needs of Port Erin and the surrounding districts.

Port Erin has been without a police station since the residential police station in Strand Road was closed in 1991 because of the condition of the premises and the cost that would have been incurred in bringing them up to an acceptable standard. Since then the only police facility available in Port Erin has been a small enquiry office within the commissioners' offices and whilst we are grateful to the commissioners for providing this facility, it is not as satisfactory as having our own premises.

The new police station will also act as a subdivisional headquarters. The opportunity is being taken to divide the southern division into two subdivisions. The eastern section will cover the town of Castletown and the parishes of Santon and Malew, and the existing Castletown police station will be the base for policing this section. The western section will cover the villages of Port Erin and Port St Mary and the parishes of Rushen and Arbory, and the new Port Erin police station will be the base for policing this section.

The building itself will be a two-storey building of traditional design with an underground car park and an enclosed yard at the rear. As well as a reception facility and administrative offices it will have four cells, a charge room, a medical room and two interview rooms. The building will contain 485 square metres of floor space including attic storage and a plant room.

It is intended that the contract for the construction of this police station should be awarded to Charles Brand Limited who have submitted the lowest tender in the sum of £947,186. Registered contractors were invited by public advertisement to apply to be included on the selected list of tenderers, as a result of which four firms were invited to tender and all did so.

The lowest tenders for the electrical services and mechanical services subcontracts have been submitted by Ardern and Druggan Limited and Manx Plumbing and Heating Limited respectively.

The total estimated cost of the scheme is £1,136,786, of which £52,000 has already been voted for design fees, pre-contract. Professional fees are estimated at £74,600; plant and equipment, £46,000; and furniture and fittings, £30,000. The balance remaining between the construction cost and the total cost is made up of client's contingency and miscellaneous and preliminary expenses.

If approval is granted today to proceed with this work, work will commence in July and will take approximately 12 months to complete.

Port Erin has the fifth largest population and number of households out of all the town, village and parish districts on the Island, it being exceeded only by Douglas, Onchan, Ramsey and Peel and it has the largest population and number of households in the south of the Island. It therefore deserves and needs its own police station and I would reiterate that the main role of the proposed police station is to serve as an operational police station for Port Erin and the surrounding area. Its role as a subdivisional headquarters is very much a secondary role.

Mr President, having said that, I beg to move the motion standing in my name.

Mrs Crowe: Mr President, I wish to second. I am delighted about the new police station, I hope. I think it will be most effective for efficient policing in the south of the Isle of Man.

Mr Karran: Eaghtyrane, I am very sad today. I would like the hon. member to tell us in his summing up does this include the site purchase as far as the costs for this item on the agenda today?

It saddens me today as a former member of the home affairs department, before my demise, because the sale of Port Erin police station was sold for something in the region of £50,000, which I fought against because of the crazy policy of wanting to put one at the Four Roads, and I am glad to see that we have not gone for that where we would have had one at the Four Roads that would have ended up serving neither community, and I thank the hon. minister that at least it has been put into one of the villages.

It saddens me that we have a situation, and I believe this highlights the situation we have, that there is not legislation to make the chief constable and the police force accountable to the Department of Home Affairs. I do not want the police force ever to be controlled by any politician or any MHK, but I do believe there is a role where there should be accountability, and I think the reason we have got this on the agenda paper today is that they did not get their preferred site on an industrial estate, which would have been madness.

I believe what concerns me again today is that when we say we talk about the southern division we must remember that the southern division went as far as my old sheading of Middle to the top of the Richmond - it may have changed by now - but there were good reasons why it should have been in Castletown, because of response times of being in the centre of the southern division, and I understand there is a legitimate argument of putting the southern police station in Port Erin as far as numbers is concerned, but people have to remember that that area of the southern division is a very large area which means now that we have the police station at one end of it. All right the Isle of Man is very small, and you could argue that if we were talking in UK terms it would not be an argument, but we are not in the UK, we are in the Isle of Man.

I will support this proposal because at least it will be in a community, which it was not going to be in the first place if they had had their way and it would have ended up in an industrial estate.

It saddens me greatly that my £50,000 police station that I fought to save is now being replaced by a £1 million-plus establishment. I admit that there were improvements that would have had to be done to the Port Erin police station, but at the end of the day it saddens me that we have ended up with a big bill because of bad policy decisions beforehand and I believe that one of the reasons why we have this proposal here today is the fact that we should have a mechanism to make sure that the running of the police force should always be the responsibility of the constabulary, but the policy as far as these things is concerned should be in the hands of the department.

I appreciate that the hon. minister has inherited this situation but at the end of the day I think the taxpayer is having to foot a very large bill and I do hope that this will not happen in the future as far as this issue is concerned because if we were being truthful about it, Castletown was a more central place for a southern divisional police headquarters for the south of the Island, and I believe that whilst the principle of putting it in a community is right and I will support the proposal, I am disappointed that we have ended up footing such a large

bill when there was no need for it, only the fact that the then minister would not agree with his department colleagues but went with the flow as far as this is concerned.

Mr Cannell: Mr President, I have no qualms about building a new southern police station, although the cost of it does seem to be rather excessive for what is required, but no doubt that is the modern way of things.

But I believe that we should not compromise the position of the districts of the Isle of Man, small though they are. I believe things started to go wrong for this Island as regards its constabulary when they centralised things into a southern, northern and central valley type of operation. I believe the people of the Isle of Man are looking to this Court to restore their individual police stations in the districts. (**Mr Houghton:** Hear, hear.) The cost, of course, is something else when each station has to be individually manned, but I believe there is a mandate from the people to actually have all the district police stations restored. The cost of that is probably extreme as well, but I think it is nothing less than we owe the people, and to go further, besides the claim of of course for Onchan station, I think we need to reconsider reopening some of those stations which have not been constantly manned and actually not only consider further centralisation but, further, to actually add more officers in the places where there is trouble, particularly at weekends with the youngsters.

I think there is certainly plenty of room for community officers to be placed on the larger of the estates of the Isle of Man rather than having a centralisation where we had someone from Onchan perhaps dealing with matters from Peel and vice versa. So the confidence that the people of the Isle of Man need can only come by seeing a constant police presence and I believe that comes from having their own officer who knows their own patch, knows the villains, knows the ways and is seen around constantly, particularly at trouble times.

Mr Lowey: Mr President, I rise to support the resolution that is before us and I do think there is a tendency today to look back and we should really be looking forward. This is an investment in law and order, long overdue. I was the minister responsible for bringing the original proposal for the industrial estate, which, by the way, was the airport, that has been referred to in this Court. So I think we should not rewrite history. But for goodness' sake stop looking backwards.

As far as I am concerned this is an investment, it is an investment in the well-being of the good policing of the Isle of Man and however much we hanker for what I would call the good old days to return, the simple life, I think those days are gone. We are dealing in a professional way with a very major problem. I believe the police do need this investment. No matter how much the police station at Port Erin can be described, it can not be described, as the hon. member for Onchan described it, as the local police station. It was a Victorian two up, two down and it was not big enough for two policemen to live in, never mind operate a police force and proper policing for Port Erin.

As far as I am concerned the cost of this particular building is about right, it is the going rate for the job, it is not a palace, it is a practical building designed for practical purposes. It is another further investment, I would suggest, in the proper policing of the Isle of Man.

Castletown police station, nostalgic though it may be, is still an adjunct of the castle. It has a cell that would have done pride built into the rock face of Castletown. I would have loved the police station to have gone to Castletown, if we are reminiscing in the past, but there was

no land available. My word, I tramped; my feet are still sore from tramping Castletown trying to look for a site for a police station. However, this Court decided it was not to go there in the approved place, it needed to go in an appropriate place, and I think Port Erin is an appropriate place.

I welcome this investment, I think this Court should welcome this investment and I believe the people of the Isle of Man will be reassured and the minister will be reassured that this investment is welcome by the people and particularly in the south of the Island.

Mr Corkill: Mr President, I will not be long because I would just like to echo the comments of the previous speaker who at one time in his political career was responsible for the Department of Home Affairs, as I was, and this is a subject that has been around and around for some time and we had the debate on the Ronaldsway site which Tynwald determined should not go ahead, and I would ask hon. members today to fully support this motion because we should be looking to the future.

What I would also like to state is that all along during this debate there have been cast-iron guarantees for the future of Castletown police station, and I would just like to reiterate that that is certainly something that I am in favour of. This is not an either/or situation, and my hon. colleague from Onchan, Mr Karran, has painted the picture whereby this new police station is at the wrong end of the area for policing purposes. That is not the case because what is being created is two police stations, one at a great cost, which is going to be super-modern, going to have all the facilities that modern policing requires, plus the police station in Castletown which will continue. That has to be a great improvement for the ability of the police to cover the south of the Island, and what upsets me about this is the whole delay in the process because whilst I was at the Department of Home Affairs we had to find a site and in the end we forced the situation where we got the site right in the middle of the community in the middle of Port Erin, and as the hon. mover has said, this is a large area of population now and therefore that is a good place to put police property. But what it has done is held up what I believe is also required in other parts of the Island which is an upgrading of police properties in other parts of the Island, and until this debate regarding the southern part of the Island is finished with, then other parts of the Island are having to wait for their improvements, and I think that that is rather disappointing.

So the guarantees are there, the finance is there, the site is there and I hope the willingness is there to provide police premises for the future. Thank you.

Mr Houghton: Mr President, I also rise to support very strongly this motion today, for everything that past speakers have said, but to paint a picture of the situation that is going on at the moment in the southern divisional police station in Castletown where prisoners are associating with members of the public and police officers freely, whilst they are waiting for courts in Castletown. It is wholly unacceptable, (**Messrs Duggan and Cannan:** Hear, hear.) wholly, wholly unacceptable. As the hon. member for Castletown alluded to, the cells are unable to be used, there is no electric in there, it is a dire situation and the sooner we get this police station built and up and running and operational the better.

But may I also ask the hon. Minister for Home Affairs if he would then quickly consider Ramsey police station and Peel? Peel is very inadequate. Ramsey has had a lot of work done on it but it still needs to be really redeveloped in some way, there in the middle of Ramsey.

But apart from that the sooner this station is built the better. Thank you, sir.

The President: Does any other hon. member wish to speak? Reply, minister.

Mr Bell: Thank you, Mr President. First of all can I thank hon. members for their general tone of support for this project. It is a scheme, I know, which I am sure will be welcomed by the majority of people in the south of the Island and indeed as a statement of confidence, I think, by the department and by Tynwald in the commitment to upgrade and improve the level of policing in that part of the Island and indeed elsewhere.

If I could just briefly, though, comment on one or two of the points raised by members, the hon. member for Onchan, Mr Karran, that is, has asked whether the purchase price of the site is included in this figure. It is not. The purchase price of the site, as the hon. member will know, was £125,000 and this was approved by Tynwald a year or two ago. I just forget when the time was now. That is quite separate.

The hon. member also is critical perhaps of the fact that the Port Erin police station is at one extreme end of the district. I think we have got to be realistic. We are talking about a small Island in policing terms and all we are talking is a handful of miles away from Castletown. The Castletown police station will continue. We have given a categorical assurance that there is no intention to close Castletown. It will continue as a joint administrative headquarters for the southern region. There is no intention to reduce the number of policemen based in Castletown, so the police presence will still be spread evenly across the south of the Island. All we will have as a result of this is a much better facility and a replacement facility for the village of Port Erin which I believe has been long overdue.

The hon. member also has really gone back over history again by referring to the arguments which prevailed when the previous Port Erin station was sold. Now, this whole exercise, as most hon. members will remember, has really been dragging on now for a number of years and indeed I think it actually goes back nearly some 10 years now to when it was first proposed. We can all rake over the ashes and go over the arguments time and time again. The point has come where we have got to make a decision. Do we continue with the situation as it is at the moment, which I believe is quite unacceptable, certainly to the people of the south of the Island, and I believe also to the police themselves? If we are expecting them to do the job that we are demanding of them which is to contain crime, to reduce crime, to raise the police presence in the south of the Island they have got to have the tools and the facilities to be able to carry out that requirement, and I believe the measure we are putting forward today will provide just that sort of facility.

We can go back over old arguments ad nauseam but it is not going to move us forward one jot. Mistakes may have been made in the past. I honestly cannot comment on that because I have not been involved in it and I would not really wish to make comment one way or the other. All I can say to the hon. member is this this the proposal that I am putting forward today, based on a reassessment of the situation by the police and by my department as to what the best way forward is, and I hope hon. members will recognise that without constantly now referring back to past arguments which have gone on in the past.

The hon. member also comments that because we, as part of that argument, failed to listen to him at the time the taxpayer is now footing a large bill for building a new facility in Port Erin, and I would simply say that had a site been found in Castletown for a new police station

at the time the taxpayer would have had to pay the same Bill because it would be the same scale of facility we would have had to provide in Castletown. So it is no different whether it is in Castletown or Port Erin: it is the same facility that we are talking about.

The hon. member for Onchan, his colleague Mr Cannell - first of all could I congratulate him on his maiden speech in Tynwald. (**Several Members:** Hear, hear.) I am glad to see that he is showing a healthy interest in law and order and the operation of my department. His main point, I think, rather than actually relating to the Port Erin police station itself, is a plea to restore the individual district police stations on the Island and have them fully manned again. Well, perhaps in an ideal world that is possible, but I have to say we cannot police by nostalgia. We have to move on. We have to adopt modern policing methods and accept that times have changed and that it is not always practical or indeed financially viable to have every small unit which used to exist in years gone by fully manned and fully open 24 hours a day. We have to make best use of the resources that we have made available to us and that is what we are trying to do at the moment. I have to say I do not think we are there yet. There is still some work to be done on identifying the most effective way of deploying our forces throughout the Island, but that is an ongoing exercise and one that I hope ultimately will show that we can police the Island in a more effective manner perhaps than we have in the past and certainly one which is more relevant to present-day needs.

The hon. member of the Council, Mr Lowey, also based on his previous experience, argues that we should not look back at previous arguments, and I agree with him completely and I hope hon. members will bear that in mind. We have gone over all that old ground, we have gone over those arguments, they are exhausted now, we have got to look to the future and make a decision based on that, and as I say, this is what we are putting forward in this resolution and I thank him for his support. I know he had a difficult time over this subject himself and perhaps appreciates the situation we are in at the moment.

The hon. member for Onchan, Mr Corkill, also has reiterated, again through his previous experience as Minister for Home Affairs, the cast-iron guarantee as to the future of Castletown police station. I can only reiterate that there is absolutely no intention whatsoever to downgrade or close or reduce the police presence in Castletown or Castletown police station. I will be looking in the future at ways of upgrading it and improving the quality of that facility as best we can.

Finally, the hon. member for North Douglas, Mr Houghton, refers again to the unacceptable condition of Castletown police station, particularly in its handling of prisoners. That has been noted, obviously, by outside observers and we will be doing our best to improve that situation in the time ahead.

He also refers to the state of the other police stations on the Island, particularly Ramsey and Peel. I can give the hon. member the assurance that we will shortly be initiating feasibility studies on both of these buildings. The difficulty, I think, to date, the main problem, has been the indecision as to the future of the courthouses in both Peel and Ramsey as to what is going to happen to those buildings. I am hopeful that a decision on that will be made in the not-too-distant future and at that time we will be able then to carry forward, I hope quite vigorously, redevelopment schemes for both Ramsey and Peel to upgrade them and give our officers serving in those areas the standard of facilities that hopefully they will now enjoy in Port Erin

but that they deserve anyway if we are to support and encourage their fight against crime on this Island.

So I think those are the main points which were raised. I would simply like to thank hon. members for their support on this. It is a step forward, particularly in the south of the Island towards improving the quality of policing and the quality of police facilities and I hope it will be welcomed by the community in the south of the Island and in particular Port Erin. I beg to move.

The President: Hon. members, I will now put the resolution set out at item 4 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Charities Act 1986 (Specified Sums) Order 1998 - Approved

The President: Item 5, the Minister for the Treasury.

Mr Corkill: Mr President, I beg to move:

That the Charities Act 1986 (Specified Sums) Order 1998 [SD No 224/98] be approved.

The Charities Act 1986 permits small charities to expend their endowments as income or, subject to the Attorney-General's written consent, transfer its entire property to another charity with similar objects. In both these cases a certain criterion has to be met and the criterion relates to the sums specified for the value of the endowment and the gross income of the charity.

Treasury has the power to vary the figure specified and this was last exercised in 1991. Since that time the retail price index has increased by 18.8 per cent. This order increases the specified sums by 20 per cent.

In a recent case in the Chancery Division the First Deemster indicated that in his view the Treasury should give consideration to increasing the figures again in line with inflation and I beg to move.

Mr Radcliffe: I beg to second, sir.

The President: I will put the resolution, hon. members, set out at item 5 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Brewing (Exempt Beers) Order 1998 - Approved

The President: Item 6, the Minister for the Treasury.

Mr Corkill: Mr President, I beg to move:

That the Brewing (Exempt Beers) Order 1998 [SD No 272/98] be approved.

The purpose of this order is to exempt from the operation of the Brewers Act 1874 bottom-fermented beers, commonly called lagers. Amendments made to the 1874 Act by the Brewers (Amendment) Act 1998 allow, in section 18A(1)(b), for the Treasury to exempt from the operation of the original Act any beer specified in an order to be approved by Tynwald.

By prescribing lager beers from the operation of the Act Island brewers will be permitted to produce such beers without any infringement of the 1874 Act. At the same time the control

of materials used in the brewing of traditional Manx ales is left unaffected and I beg to move the resolution.

Mrs Crowe: I beg to second, Mr President, and I would like to just add that this order enables the brewing of varieties of lager-type beer which use cereals other than malted barley to produce diverse and interesting brews which form such a large part of the market today. Manx ales will not be affected in any way by this order, and once again I would like to correct an article in the Manx press: no artificial sweeteners will be added to these brews.

The Speaker: Mr President, this order on the order paper actually creates me a little bit of a problem. I would not know whether it is a top-brewed beer or a bottom-brewed beer. I would not know what is the difference between a bitter, a mild or a lager. It is a different language to myself in that regard. However, I am concerned because when we were debating this in another chamber in fact there was considerable concern expressed in regard to the question of the need to protect Manx beer. I think that was effectively behind the argument. It was a need to protect Manx beer and to protect the brewing industry to that extent on the Island. Now, if there is concern in that regard and as it is only a few short weeks since that concern was being expressed, I have to say that I am even more concerned, when this order comes forward so speedily, as to whether or not there were properly expressed troubles at that time when we were debating it because the query was raised as to whether or not all the brewing industry were actually at one with the possibilities of this particular order coming forward. Now I am faced today on the order paper with a Brewing (Exempt Beers) Order. I would have thought it should not have been beyond the wit of Treasury or beyond our own wit to have come up with something which was explicit in its own form so that what we are telling the industry here on the Isle of Man is that we can divorce it entirely from the business of Manx beer, as was given the indication and what is effectively, according to the explanatory memorandum of the Treasury, a lager.

Now, it strikes that what we ought to be doing in this is using differing terminology so that there is no possibility of mixing what we are going to brew here as a beer being at odds with what we were told was a Manx beer. I have to say, as members know, it is a different language to me but the problem here is that I have an order which relates to beer and on the other hand I have got the need to protect Manx beer and this is providing something different, so why don't we be up front and call it something different? That is the query. Why haven't we got sufficient common sense, as it were, to call it lager instead of beer, as simple as that? Tell me.

The President: Reply, sir.

Mr Corkill: Thank you, Mr President. First I would like to thank the hon. member for Rushen, the consumer affairs chairman, for seconding the motion.

I think it is true to say that because of the debate on the primary legislation that occurred quite recently the issue is probably more clearly in members' minds today than it would have been if it had been perhaps left for some months to come or even years to come.

Moving on to Mr Speaker's points, I noticed recently, when looking through a university handbook, that there are a number of institutions which offer degrees now in brewing and having read some of the briefing notes I perhaps would have been better briefed if I had done such a degree instead of pharmacy. But the term 'bottom-fermented beers' is used as it is

more precise and apt term than 'lagers'. The term denotes beers made differently from beers such as Manx ale, being brewed more slowly and with the fermenting yeast below the liquid in the fermentation vessel. Manx ale is a top-fermented beer, that is, the fermenting yeast is on top of the liquid. Indeed the term 'ale' itself denotes a top-fermented beer.

During the passage of the amending Act it was made clear to members that the intention of the changes was to allow for the continued viability of Island brewers by permitting the production of branded lagers and other products that might be demanded by the marketplace but which were not permitted to be made in the Island, and of course those beers would be imported in their prepared form. It was also made clear that no exemption granted would affect the status of traditional Manx ales or lessen the control on the ingredients used in their production.

I think the primary legislation was done in such a way that in fact all aspects of the brewing industry were to be encouraged. In other words the small breweries, the traditional Manx ale producers, some of which are quite recent in their arriving, are able to brew under the 1874 Act, advertise that quality to their consumers, but at the same time this exemption enables, as I have described, the brewing of lagers which is the more modern version of beer, but of course the way that these are described and technically differentiated upon is quite complex and I have done my best to actually describe the two.

So I believe that this order actually helps all the brewing industry because the niche market of Manx ales and the small breweries is protected by the way that the legislation has gone through but this order protects the volume producers of lager and prevents that importation because the marketplace can be met from within the Island, and that certainly has an economic benefit, I would suggest, to the Island.

Therefore I would ask members to support the order and hope that my clarification has not actually clouded the beer too much.

The President: Hon. members, I will put the resolution set out at item 6 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Dual-Use And Related Goods (Export Control) (Amendment No. 2)
Regulations 1998 (Application) Order 1998 - Approved**

The President: Item 7, the Minister for the Treasury.

Mr Corkill: Mr President, I beg to move:

That the Dual-Use and Related Goods (Export Control) (Amendment No. 2) Regulations 1998 (Application) Order 1998 [SD No 259/98] be approved.

The purpose of this order is to apply in Island law regulations which themselves amend the principal regulations, the Dual-Use and Related Goods (Export Control) Regulations 1996, and I beg to move the motion in my name.

Mr Radcliffe: I beg to second, sir.

The President: Hon. members, I will put the resolution set out at item 7 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Contributions And Benefits Act 1992
(Application) (Amendment) Order 1998 - Approved**

The President: Item 8, the Minister for Health and Social Security.

Mrs Christian: Mr President, I beg to move:

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 1998 [SD No 339/98] be approved.

This order and the following order on the order paper are both concerned with the same issue and are of a purely technical nature.

The amendments tie in the family income supplement and the disability working allowance provisions with standard regulations dealing with the administration of benefits. There is no change to the conditions of entitlement or the rates of these benefits. This exercise merely brings the administration of the benefits under legislation governing the majority of all benefits for consistency purposes.

Hon. members should note, however, that the department intends to submit a new set of family income supplement regulations to the July sitting which will consolidate all existing legislation and include a number of enhancements to the scheme.

I beg to move.

Mr Houghton: I beg to second, sir.

Mr Lowey: Mr President, I must confess when I read the regulations I had to read them about four or five times and then I read the helpful notes which the minister's department always issues on these things. I am still a little bit confused. Can I have an assurance from the minister that nobody will be worse off in consolidating these regulations, in other words disabled people and lone families will not find themselves not qualifying for the benefits that they qualify for now because we have consolidated these into two sets of regulations which are described? Because I have got a feeling at the heel of the hunt this is the first step in a tightening of regulations on those who are in receipt of these benefits.

The President: Reply, minister.

Mrs Christian: Mr President, I did, in my introductory remarks, state quite clearly that this does not represent any change in the conditions of entitlement. I also said that we will be coming to the Court next month to consolidate existing legislation and include a number of enhancements to the scheme. It does not represent any deterioration in terms of benefits available to anybody.

The President: I will put the resolution set out at item 8 on the order paper, hon. members. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Administration Act 1992
(Application) (Amendment) Order 1998 - Approved**

The President: Item 9, the Minister for Health and Social Security.

Mrs Christian: Mr President, I beg to move:

That the Social Security Administration Act 1992 (Application) (Amendment) Order 1998 [SD No 339/98] be approved.

I refer hon. members to my comments concerning the previous order. This order is also of a purely technical nature. The amendments tie in the family income supplement and disability working allowance provisions with standard regulations. They do not affect the conditions of entitlement or the rates of benefit. I beg to move.

Mr Houghton: I beg to second, sir.

The President: I will put the resolution, hon. members, set out at item 9 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Pension Schemes Legislation (Application) (No. 3) Order 1998 - Approved

The President: Item 10, the Minister for Health and Social Security.

Mrs Christian: Mr President, I beg to move:

That the Pension Schemes Legislation (Application) (No. 3) Order 1998 [SD No 340/98] be approved.

This order applies to the Island two statutory instruments of the United Kingdom Parliament containing orders dealing with occupational and personal pensions. It will be seen that the instruments being applied are concerned in ensuring that specific elements of occupational and personal pensions are increased annually. Further details of the provisions have been circulated to members via a memorandum for their further information. I beg to move.

Mr Houghton: I beg to second, Mr President.

Mr Waft: Mr President, whilst agreeing with this resolution I wondered if the minister would look at the situation and review perhaps those schemes which are not of a reciprocal nature which give with one hand and take back with the other. For instance, an 80-year-old receives a £2 weekly increase in his pension on achieving his octogenarian status, only to find that his wife of 75 who receives her premium pension has that £2 taken off her. The officers have to explain that situation to a gentleman of this age, and for the numbers involved it is hardly worth the explanation and it is unworthy in the true sense of the philosophy of our care of the aged. (**A Member:** Hear, hear.)

I am sure there are a number of anomalies which are of a minor nature which could be cleared up with regard to the officers who are concerned with the situation and perhaps the minister could review the situation and see what can be done.

Mr Cannell: Mr President, at the risk of perhaps being found wanting on this I wonder if I could request the hon. minister to elucidate on the revaluation percentage of this item at 3.6 per cent but the period under review only 3 per cent, whichever is the lesser. It would seem to me that it would be more prudent to have perhaps whichever is the greater in these times when there is more importance being placed upon pension rights and the move away from the state prop-up to pensions.

The President: Reply, minister.

Mrs Christian: Mr President, with regard to the comments made by the hon. member Mr Waft, this is an issue which was raised not that long ago in this hon. Court. There are fairly complicated reasons why these mechanisms are operated in the way that they are. I would be happy to discuss those with him and explain the situation to him. Part of the reason is that people are treated as individuals in these circumstances and their individual rights are regarded as paramount.

As far as the hon. member for Onchan, Mr Cannell, is concerned, these UK pension provisions which are adopted in the Isle of Man are broadly driven by the UK legislation and we under our reciprocal agreement do follow their provisions. To examine why they adopted 3 per cent or the other figure, depending on which is the lower, is a matter which is not open to us to vary, given that this is part of the reciprocal agreement. That is not within our power whilst we still are a signatory to the reciprocal agreement.

The President: Hon. members, I will put the resolution set out at item 10 on the order paper. Will those in favour please say aye; against, no. The ayes have it.

A division was called and voting resulted as follows:

In the Keys -

For: Messrs Gilbey, Cannan, Quine, North, Sir Miles Walker, Mrs Crowe, Messrs Brown, Houghton, Cretney, Braidwood, Shimmin, Mrs Hannan, Messrs Corkill, Cannell, Gelling and the Speaker - 16

Against: Mr Duggan and Mrs Cannell - 2

The Speaker: Mr President, the motion carries in the House with 16 votes cast for and 2 against.

In the Council -

For: The Lord Bishop, Messrs Lowey, Waft, Dr Mann, Mrs Christian and Mr Crowe - 6

Against: None

The President: In the Council, 6 votes have been cast in favour of the resolution, no votes against. I declare the resolution carried.

Pension Schemes Legislation (Application) (No.4) Order 1998 - Approved

The President: Item 11, the Minister for Health and Social Security.

Mrs Christian: Mr President, I beg to move:

That the Pensions Schemes Legislation (Application) (No. 4) Order 1998 [SD No 341/98] be approved.

This order applies to the Island five items of subsidiary legislation of the UK Parliament concerned with occupational pension schemes. Again a memorandum has been circulated to hon. members explaining in detail the purpose of the regulations which are being applied by the order.

The UK legislation falls for the most part within the terms of the reciprocal agreement with the UK and needs to be applied to the Island to keep the relevant legislation of the Island in line with that of the UK.

Hon. members will recall that after consultation with the Insurance and Pensions Authority and the UK DHSS the department here agreed to apply to the Island only those parts of the Pensions Act 1995 and any subsequent regulations necessary to maintain reciprocity with the UK in connection with state scheme and contracting-out arrangements and to leave all other matters not linked to the state scheme or contracting-out arrangements for the consideration of the Insurance and Pensions Authority.

The regulations being applied by this order relate to protecting a member's interests when he or she contracts out of the state scheme and therefore falls under the remit of the department.

I beg to move.

Mr Houghton: I beg to second, sir.

Mrs Cannell: Mr President, I will be very brief on this. I find myself with a bit of a dilemma in that whilst we have a select committee who is actually looking in at the whole issue of pensions, the whole future of pension policy for the Isle of Man and the equalisation aspect of men and women retiring, I happen to be on that particular select committee. I do not, with regard to pensions, retirements and all of this follow with approval with regard to the reciprocal agreement that we have and I find it appears to be to me a little bit of a nonsense in that whilst we have a committee that is looking at all of this for the Island and the Island's needs and the people of the Island's needs, we are having month after month reams and reams of legislation appertaining to the UK and the UK situation with regard to pensions placed before us for simply nodding through and I find that I am unable to support anything appertaining to this particular aspect, particularly as this committee has not concluded or made any kind of report or recommendations yet.

I find that if I were to go along like a nodding donkey and approving everything that goes through in relation to the reciprocal agreement, some time in the very near future I may live to regret that, that I have actually approved it, voted for it and am on record as having voted for it whilst at the same time fighting for a better deal for our people, and so I am afraid I will have to vote against it. I have very strong principles in regard to this and I will be sticking to my guns. Thank you.

The President: Reply, minister.

Mrs Christian: Mr President, Mrs Cannell, the hon. member for East Douglas is of course entitled to pursue whichever policy she feels appropriate. I would point out to hon. members, though, that if they do not support this particular issue, given our current situation and our agreements with the United Kingdom, it will have a consequentially detrimental effect on those people who are currently in receipt of or paying towards pension schemes. The whole principle of involving ourselves in a reciprocal agreement is to offer what we consider to be the best options for people within the Island who have, through that agreement, a flexibility to move to and from the Island to the United Kingdom. I think it has to be recognised that many people living and working here now have not spent all their working lives in this environment and vice versa: Manx people who have gone from this Island to the UK may at some point wish to return and would seek to protect their pension position in doing so.

Now, if this committee which is currently looking at the issue comes forward with proposals which suggest in future that breaking the reciprocal agreement would be to the advantage of Manx people and its flexibility in employment and so on, that will be a matter for the Court to decide at that time. I would simply state today that I would ask members to bear in mind our current agreement, the current position and the consequences of not supporting the order today for those people who are contributing to their pension schemes under the auspices of the current agreement. I think it would be a betrayal of them not to pass this order.

The President: Hon. members, I will put the resolution set out at item 11 on the order paper. Will those in favour please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Gilbey, Cannan, Quine, North, Sir Miles Walker, Mrs Crowe, Messrs Brown, Houghton, Cretney, Braidwood, Shimmin, Mrs Hannan, Messrs Singer, Bell, Karran, Corkill, Cannell, Gelling and the Speaker - 19

Against: Mr Duggan and Mrs Cannell - 2

The Speaker: Mr President, the motion carries in the House with 19 votes cast for and 2 against.

In the Council -

For: The Lord Bishop, Messrs Lowey, Waft, Dr Mann, Mrs Christian and Mr Crowe - 6

Against: None

The President: In the Council 6 votes have been cast in favour of the resolution, no votes against. I declare the resolution carried.

Health And Safety At Work Order 1998 - Approved

The President: Item 12, the Minister for Local Government and the Environment.

Mr Quine: Thank you, Mr President. I beg to move:

That the Health and Safety at Work Order 1998 [SD No 155/98] be approved.

This order replaces the Health and Safety at Work Order 1995 which applies parts I and IV of the Health and Safety at Work Act 1974 of Parliament to the Isle of Man. It brings about in substance two changes which are, firstly, that work in agriculture is brought within the scope of the Act and, secondly, it excludes offshore installations which are now regulated by legislation having effect under the Petroleum Act of 1986.

In 1993 the Department of Agriculture, Fisheries and Forestry, concerned with health and safety matters in the field of agriculture and associated industries, held the view that there was inadequate protection and they commissioned a detailed survey of current safety standards in the Isle of Man agricultural industry. This was carried out by Mr G J M Manson, Her Majesty's Principal Agricultural Inspector, Health and Safety Executive. His assessment was that health and safety standards in Manx agriculture were generally below those practised by the agriculture industry in the United Kingdom and that much of the existing Isle of Man safety legislation is not being complied with. In his opinion these omissions give rise to an elevated

level of risk to employees, the self-employed, their families and the general public, and Mr Manson recommended that the Manx Government should consider the need to place agricultural health and safety on an equal footing with health and safety in other industries on the Island.

At present the Department of Agriculture, Fisheries and Forestry are the enforcing authority for health and safety in agriculture under the Agriculture (Safety, Health and Welfare Provisions) Act of 1974 and subsequent regulations but the department does not have trained staff for this purpose. Mr Manson proposed that responsibility for enforcing health and safety in agriculture should be transferred to the Department of Local Government and the Environment. The Department of Agriculture, Fisheries and Forestry have agreed with this proposal which will consolidate all mainstream work activities on the Island under the Department of Local Government and Environment's health and safety at work inspectorate and subject to the Health and Safety at Work Act 1974.

The need for change has been reinforced by a number of accidents on farms in the last year or two and of course members will be aware of two particular fatal accidents.

The Health and Safety at Work Act 1974 has applied to all other industries in the Isle of Man since 1982. It is the principal enactment and provides for securing the health, safety and welfare of people at work and for the protection of other people against risks to health or safety arising from the activity of people at work.

Under the general duties laid down in the Act employers, employees and self-employed will be required to ensure, so far as reasonably practical, not only the health and safety of people at work in agriculture but also others who may be affected by what they do or fail to do. These will include, for example, contractors, neighbours, family, the public and other people.

The Act will also provide for the main provisions of existing agriculture health and safety legislation to remain in force but the method of enforcement and the powers of inspectors will be based on the arrangements provided for under the Act rather than being different for agriculture as for other industries, as has been the case in the past.

The inspectorate is aware that initially the agriculture industry will require a large input of advice, education and assistance. Farm inspections will not be confrontational. They will involve a healthy exchange of information and guidance between the inspector and the farmer. They will be designed to create a greater awareness of safety matters and to give advice on any problems. The aim will be to reduce the rate of accidents on farms and in agriculture generally.

A total of 77 organisations representing the industry and employees had been advised of these changes and invited to submit comments. Only two replies have been received and no objections have been made regarding the order.

I beg to move the motion standing in my name.

Mr Braidwood: I beg to second, Mr President, and reserve my remarks.

The Speaker: Mr President, if I may can I first off say to the hon. minister that I welcome indeed the consultation which has taken place in regard to this particular order and the openness in the manner in which the officers actually attended meetings and were prepared to discuss it. For that I think we should all be grateful and I think generally it was very helpful.

But I am concerned when we get a health and safety at work order in front of us this morning in the manner in which it is, and I acknowledge that health and safety is of paramount importance in the workplace. I do not think any member of this hon. Court would dodge that one. However, we are dealing this morning with an order which is based around the 1974 Act which in 1(3) tells us that it means the Health and Safety at Work Etc. Act an Act of Parliament. So what we are dealing with is an Act of Parliament, and in part 2 of this order we are told it is the application of parts I and IV of the 1974 Act and the following provisions of those four, in other words a series of sections, and we are then faced with a series of sections - 1 to 10, 13 to 28, 33 to 38 - and if we turn the page, including a number of schedules. Now, this particular order applies and will apply, as part of our law, these sections of the UK Act. Now, we are going to do that effectively without the back-up of the practicality of it having been debated in some form of detail through our particular branches, and whilst I accept that we have had wide discussion on it and accept the openness of the officers prepared to go and meet those who will be involved, I think it is that particular measure which causes me some concern.

On part I, health and safety in connection with work - the minister's papers coming round - if you turn to the second page in the general duties of employers to their employees, in (3) there it says, 'Except where he carries on an undertaking in which for the time being he employs fewer than 5 persons'. Now, the hon. member, the minister in charge, when moving this, in his brief comments to us, commented that it would encompass neighbours, family, contractors. I think that was the way he rounded this up: neighbours, family, contractors.

Now, if we take the agricultural industry in the Island, there are now very few farmers on the Isle of Man who on a regular basis employ five people, never mind more than five people, very few indeed. But there are a considerable number of farms. We may no longer have thrashing days but we do still have harvest days and silage days where contractors and neighbours and everybody else is drawn in at that particular time.

Now, in (3) it says, 'it shall be the duty of every employer to prepare and as often as may be appropriate revise a written statement of his general policy'. Hon. members, this is the sort of measure which I think to some extent begins to draw an element of concern. If a farmer out there employs part-time labour for two or three days during the year is he likely to be caught up in that particular net? And if we turn further through that paper to page 11 and the health and safety regulations, we discover there that 'the Department shall have the power to make regulations under this section (in this Part referred to as "health and safety regulations") for any of the general purposes'.

Now, I have no particular qualms over the introduction of health and safety and I think it is right and proper that we should be introducing health and safety. My principal concern on this one is that it has not had the wider political discussion within the branches to have enabled the debate to flow across the chamber and maybe have ironed out some minor difficulties which have been no doubt assimilated in another parliament but not within the parliament here on the Isle of Man, in relation, for example, to this business of employing five or more. I do not know and I have not checked the legislation to find out. It may be the minister will be able to inform us whether that five is a figure which has been put in particularly for the Isle of Man or is it a figure which is relative to the 1974 Act in the UK and applies throughout

the UK? That is an example, I think, of a difference which might have been made had we been progressing our own legislation.

Mrs Cannell: Mr President, I shall not be as long as the previous speaker. Mine is a relatively short question really but I would like to ask the minister with regard to the noxious or offensive substances and the harmless and inoffensive substances that may be omitted. How is this going to be enforced? I have looked through all of the paperwork on several occasions and the only type of explanation is in a section where it refers to the Local Government and the Environment under the statutory nuisance Public Health Act 1990, but of course that is in relation to an emission which will be deemed to be harmful. It seems to me when reading this that, regarding the likes of noxious or offensive substances, an offensive substance can be offensive to anybody without necessarily posing any kind of harm or threat to life. Is it sweeping? Does it cover those substances which are not harmful to individuals or plant life or living animals? You can have silage, for instance, which can be very offensive - not to my own nose, I might add, I quite like the smell of good old-fashioned silage, but it is quite offensive to some people, although I regard it as a good earthy smell.

I would just like some clarification on that. Is it just designed for those noxious substances which are harmful or will it leave it open for others to complain, and if so, who will then establish what is noxious or offensive and what is not and what qualifies as an offence under this and what does not? That is all. Thank you.

The President: Reply, minister.

Mr Quine: Thank you, Mr President. The approach taken in dealing with this matter in an order in this fashion is of course precisely the same manner in which we frequently get orders coming forward from the Department of Health and Social Security, in other words where we apply UK legislation, and we simply say, 'Here is the UK legislation', specify which sections of that legislation will apply and then on a section by section or a part by part basis we state specifically whether we are going to accept that in whole or in part, and if so, what we are going to modify. So there is no difference in the approach that is taken here than the procedure which we apply in many other instances.

Now, Mr Speaker of course says that he would have been happier if the members of this hon. Court had had an opportunity to debate the content of this order. But again, all I can say is that we have had a very wide and very extensive consultation exercise. I am sure, had any of the parties who have been consulted, all 77 of them, had felt there were matters that needed to be injected into the political arena, I am sure one of us would have been acquainted with it long before now and very strongly. So I do not see that as a disadvantage at all. I think it has gone through a proper process, that consultation has been provided for. What matters is ultimately - and I suppose this is the ultimate question - whether we can continue to allow the present situation to run as it has in the immediate past and put ourselves in a very difficult situation when we have to candidly recognise that we have been largely unable to enforce the existing regulations, and here I think it would be timely to just remind hon. members that it is not a question of a whole packet of new rules and regulations which have been brought in through this order. There is already in existence a whole series of regulations which apply to agriculture, that is, the Agriculture (Avoidance of Accidents to Children) Regulations 1975; the Agriculture (Ladders) Regulations 1975; Agriculture (Tractor Safety Cabs and Frames) Regulations 1977; Agriculture (Circular Saws) Regulations; power tools. There is a whole list

of them. The problem has been we have not been in a position to enforce them and what we are doing now is transferring this responsibility from the Department of Agriculture, Fisheries and Forestry over to the Department of Local Government and the Environment where we have the ability to apply these regulations in the form that they should have been applied in the past but for resource reasons were not and at the same time to provide and bring into force the general legislation provided for under the 1974 Act with the amendments. That is the substance of the change here.

I would just make two further points which I hope to some extent will ease Mr Speaker's concerns and that is that of course there is provision for a code of practice, an advisory code, to be produced. That is already in draft form. We are going through the same expansive consultation process to put that together and that will become in many ways the reference for the farmers in terms of their day-to-day activities. That code is being produced and I am sure that will be helpful to them, and as I said, again we will have maximum consultation and have already started consultation in relation to that code.

Mrs Cannell raises a point about the question of odours from what we would normally refer to perhaps as middens and silage and that sort of thing. We are not applying any different standard to farms than we apply to any other undertaking. The fact will remain that we will be dealing with any complaints under the existing provisions which deal with a statutory nuisance under the Public Health Act of 1990. It is those. That will be the process. It is the existing process. There will be no more exacting standards imposed upon the agricultural industry.

There is one more point raised by Mr Speaker and that is he asked me whether this figure of '5' exists in the UK legislation. I cannot tell you, sir, but I will find out and let you know.

With that I beg to move.

The President: Hon. members, I will now put the resolution set out at item 12 on the order paper. Will those in favour please say aye; against, no. The ayes have it. They ayes have it.

Announcement Of Royal Assent

The President: Now, hon. members, I have to announce that in accordance with standing order 10(6) the Criminal Justice (Money Laundering Offences) Bill, the Agriculture and Fisheries (Miscellaneous Provisions) Bill and the Police Powers and Procedures Bill have been signed by quorum of each branch and that Royal Assent has been given to these Bills this day.

Hon. members, the Court will now adjourn and the adjournment will be until 2.30. Thank you.

The Court adjourned at 1.00 p.m.

Misuse Of Drugs (Notification Of And Supply To Addicts) Regulations (Application) (No. 3) Order 1998 - Approved

The President: We turn, hon. members, to item 13 on the order paper. I call upon the Minister for Local Government and the Environment.

Mr Quine: Thank you, Mr President, I beg to move:

That the Misuse of Drugs (Notification of and Supply to Addicts) Regulations (Application) (No. 3) Order 1998 (SD No. 239/98) be approved.

This department has responsibility under the Misuse of Drugs Act to regulate the treatment of addiction. In order to achieve this we have previously applied with modifications legislation applicable in the United Kingdom. Following the revocation of the 1984 regulations in the United Kingdom, the Advisory Council on the Misuse of Drugs and the Department of Health and Social Security recommended that the regulations should continue in force on the Island to provide information on the level and type of addiction encountered by medical practitioners.

The restated and revised regulations circulated to members require practitioners to notify the community physician - that is, the chief administrative medical officer, director of public health, when they treat a person who is addicted or they suspect is addicted to certain specified substances, which are listed in these regulations.

The regulations also require that only medical practitioners licensed by the community physician can treat addiction with either cocaine, diamorphine or dipipanone? Currently four medical practitioners are licensed on an annual basis, but these regulations revise and restate existing legislation regulating the treatment of addicted persons and fulfil our obligations under the United Nations Vienna Convention on Narcotic Drugs and Psychotropic Substances. Mr President, I beg to move, sir.

Mr Lowey: I beg to second, sir.

The President: Hon. members, I will put the resolution set out at item 13 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Misuse Of Drugs (Safe Custody) Regulations (Application) (No. 3)
Order 1998 - Approved**

The President: Item 14, the Minister for Local Government and the Environment.

Mr Quine: Thank you, Mr President, I beg to move:

That the Misuse of Drugs (Safe Custody) Regulations (Application) (No. 3) Order 1998 (SD No. 238/98) be approved.

This department has responsibility under the Misuse of Drugs Act to ensure the correct usage and safe storage of medicinal products controlled under the Misuse of Drugs Regulations. In order to fulfil the requirements of our international obligations under the United Nations Vienna Convention on Narcotic Drugs and Psychotropic Substances, we have previously applied, with modifications, legislation applicable in the United Kingdom. These revised and restated regulations regulate the storage of certain medicinal products capable of abuse in pharmacies, hospitals, nursing homes, prisons and other institutions.

The regulations which are applied to the Island specify the security precautions which must be taken in great detail. If the exact requirements of the regulations cannot be met there is a licensing system for alternative arrangements which meet or exceed the standards specified, and powers are given to the chief constable to issue annual exemptions from the requirements of the regulations. The restated regulations remove references to the Governor

and replace this with joint responsibility for this department with the DHSS. Mr President, I beg to move, sir.

Mr Braidwood: I beg to second, Mr President, and reserve my remarks.

The President: Hon. members, I will put the resolution set out at item 14 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Controlled Drugs (Substances Useful For Manufacture) (Production And Supply) Regulations 1998 - Approved

The President: Item 15, the Minister for Local Government and the Environment.

Mr Quine: Thank you, Mr President, I beg to move:

That the Controlled Drugs (Substances Useful for Manufacture) (Production and Supply) Regulations 1998 (SD No. 309/98) be approved.

These regulations, along with other regulations which have been laid before at this sitting of this hon. Court, introduce a scheme of control for chemicals which can be used to manufacture substances controlled under the Misuse of Drugs Act. These chemicals are listed in the regulations and are collectively known as chemical precursors.

The Island is obliged to introduce legislation to regulate the sale and supply of these substances under the United Nations Vienna Convention on Narcotic Substances.

It is thought unlikely that any trade in chemical precursors will occur on or through the Island. However, these regulations will prevent the Island becoming a back door for the trade in these substances into and out of the United Kingdom and the European Community. The regulations require that factories and suppliers of chemicals listed in the Act will have to keep records of sale or supply of these substances for a period of two years from the date of supply. Mr President, I beg to move, sir.

Mr Braidwood: I beg to second, Mr President, and reserve my remarks.

The President: Hon. members, I will put the resolution set out at item 15 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Supply Of Services (Exclusion Of Implied Terms) Order 1998 - Consideration Of Motion Adjourned

The President: Item 16, the Chairman of the Board of Consumer Affairs.

Mrs Crowe: Mr President, I beg to move:

That the Supply of Services (Exclusion of Implied Terms) Order 1998 (SD No. 190/98) be approved.

All hon. members should have received an explanatory paper from my board on this order, which included a detailed memorandum from the learned Attorney on the background and need for this measure.

Section 22 of the Supply of Goods and Services Act 1996 provides that, in a contract for the supply of a service, where the supplier is acting in the course of a business there is an implied term that the supplier will carry out the service with reasonable care and skill. Section 21 enables the board to provide by that order that section 22 shall not apply to any services of

a description specified in the order. In this order those services are described and restricted to the services of an advocate in court or before a tribunal, inquiry or arbitrator, and in carrying out preliminary work directly affecting the conduct of the hearing. If this order is approved today advocates may still be sued for professional negligence if they negligently deal with conveyancing matters, probate matters, company or trust matters, but in this case the board has decided, following lengthy consultation with the Law Society and discussions with the Attorney-General's Chambers, that it is appropriate to make such an order on public policy grounds.

Now, the order might be viewed by some as granting special privileges to the legal profession. There are very good reasons for doing so in these limited circumstances, and the learned Attorney has highlighted certain case precedences which help explain the need for the apparent immunity for advocates, namely the advancement of public justice. Without this immunity a disgruntled client could sue his advocate for what he believed was mismanagement of his case by the advocate. If such a case was to take place, then the witnesses would have to be called again before a different judge. Now, the original judge might even have to be called as a witness and the material on which the advocate had made certain decisions in court could not be reproduced in this retrial, so it would be extremely difficult to ascertain whether the alleged negligent act or omission by the advocate had actually caused the wrong decision by the court. If a disgruntled client believes a court has come to the wrong decision he has the right to take his appeal to a higher court. To give him the right to sue his advocate would effectively allow a disgruntled client to prolong the course of justice indefinitely. This order brings about a finality of justice. The client may still make a complaint to the Advocates Disciplinary Committee or to the Law Society, and in this way we at the board feel that the consumers' rights are protected.

Mr President, I must point out that there is a typographical error appearing in the heading to clause 2, where reference is made 'to the exclusion of section 13 of the Act.' The reference should be 'to the exclusion of section 22' as is made clear by the wording of clause 2 of the order. If approved and with the permission of this hon. Court I shall have the offending heading corrected and the order signed afresh. Thank you, Mr President.

Mr Waft: I beg to second, Mr President, and reserve my remarks.

Mr Singer: Can I say, Mr President, first of all that I am not at all happy with this exemption, nor am I happy with the explanation that has been given to me as a layman by the Chairman of Consumer Affairs. If somebody appoints an advocate to provide services for payment, then the advocate is taking on a responsibility, as is anybody else offering services for which they take payment in any other retail trade et cetera. Now, the chairman has been talking about good reasons for immunity and the advancement of public duty and that it would not be right for a disgruntled client to sue for mismanagement. What difference should there be if there is mismanagement and a person feels there is mismanagement in any form of business, that they should not sue the provider of that service if they so feel? I know it will go to a disciplinary committee, but in most disciplinary committees, of course, it is perhaps in this case lawyers judging lawyers, or it might be doctors judging doctors, which is not particularly acceptable to me.

Mrs Hannan: How about pharmacists?

Mr Singer: Yes, and pharmacists, perhaps - nothing wrong with pharmacists. I do not think that is particularly right either, and I thank you for your interjection. However, we only have to think back to last month when we discussed the petition of grievance on behalf of the Thompsons when it was quite clear that the majority of members of this Court were not happy with the legal advice that the Thompsons were given. Now, what the chairman is obviously saying is that under these circumstances the Thompsons or whoever it was at the time would not have the right to sue their advocates for giving weak or wrong advice. Therefore I am not at all happy with this proposal and I await to hear the response from the chairman before I make my mind up on whether I am going to support it or not. Thank you.

Mr Gilbey: Mr President, I am bound to say that I am afraid I very much agree with the previous speaker. If you look at the wording here on this briefing note in paragraph 1.2 what is required is that in a contract for supply of a service, where the supplier is acting in the course of a business there is an implied term that a supplier will carry out the service with reasonable care and skill. The words are 'reasonable care and skill' and I cannot see any reason why that should not apply to a lawyer as much as to a doctor or to an accountant or any other adviser, and one cannot help thinking that lawyers may produce clever arguments why it should not be the case and of course these are set out in this briefing document, where we are told on page 4 paragraph 3.2 that it is a matter of public policy. It says 'Immunity was based on public policy in that *inter alia* the administration of justice required a barrister should be able to carry out his duty to the court fearlessly and independently,' but you can be fearless and independent and still do something to the best of your reasonable care and skill. If you are asked to do something with reasonable care and skill, it does not mean that you are meant to lie or cheat or do something dishonest, so I cannot see why, just because the lawyer has to be fearless and independent, he still cannot use his best skills at all. It is interesting that in paragraph 3.4 Lord Diplock recognised that the general trend in the policy of law in recent years had been to extend rather than limit the concept of liability for loss or damage to others resulting from a failure to take care and by way of illustrating that broad trend reference was made to various other professions, the members of which had been held to be liable for negligence in their professional work, and he admitted he found it very difficult to accept that this general law should not apply to lawyers, but then he found this question about the working reports, and if you go to 3.9 it was claimed that it might lead to cases being retried. I cannot quite see why that should be. Just because a barrister was negligent I cannot see why that should necessarily lead to a retrial.

But I am not certainly at all happy about this. I feel that it is really something about which hon. members need to be much more persuaded than they have been so far, and it is probably very difficult to do it in this hon. Court. We really need almost to have a select committee or something similar looking at it to see if it really is right, because we are making a major exception for one particular profession when it seems to me that it is not proven there should be and that other professions could argue just as well that they should have the exception.

Mrs Cannell: Mr President, I shall be brief, but I have to concur with the words from the previous speaker and the previous speaker before him. I too have a concern about this, because I know that at present, if a client who seeks the services of an advocate is to have any kind of redress, then they have to be able to first of all perhaps lodge a complaint and be

able to do something about it if they feel that they have been let down or that the advocate in question has been negligent in making preparation for a case, whether it is for a court or an inquiry, a tribunal or whatever it is. I fully appreciate that when an advocate is on his hind legs in a court it is extremely difficult to pursue a case for negligence or any other matter if you are not happy with the conduct or the representation by an advocate in that type of situation. That is difficult enough as it is, but looking at this order, which excludes them altogether from being responsible in terms of any sort of preliminary work, which would affect the conduct of a hearing irrespective of where that hearing took place, to me is perhaps going a little bit too far, and I think the services of an advocate when engaged, like any other engagement of a service, whether it be engagement of the services of someone in the retail sector, whether it is a bank, whether it is any kind of other service - there have to be proper controls and there have to be proper mechanisms in place to protect the consumer. In this case, of course, if the hon. members here today support this particular order, then they are in fact letting the advocate out of his or her responsibility in many respects.

I have read all the notes that went with this order and I cannot really see a valid argument, to my mind, for actually coming forward with it today. I would have thought it might have been more appropriate, perhaps, for members to have had the opportunity to have a bit of a briefing on this, to be able to sit down and go through it and hear all the full explanations perhaps by the Attorney- General and be able to question him before being asked to consider this here today. I will concur with the comments made by the hon. member for Ramsey when he referred to the recent petition for redress of grievance report which was received by this hon. Court only a month or so ago, and of course one of the prime considerations in that was whether or not at that case that particular couple were served appropriately by the advocates in which they sought engagement at the time, and there were more than one - there were two or three - and of course the committee at that time found, in their opinion, that they had been let down to some degree by their advocates and indeed other people, including a government department as well. So, in considering that and having hon. members support the recommendations that were made in the report at that time with regard to the Thompsons, I feel it would be inappropriate for now hon. members to be supporting this order, because this would fly in the face of the findings of that particular select committee report which was unanimously approved by this hon. Court, albeit with some amendment.

Now, at that time, of course, the Department of Local Government and the Environment in an amendment were asked to consider certain ramifications which came out of that report and to come back to us, hopefully some time this year with some kind of conclusion, some kind of recommendation and their findings. So the matter still goes on, but let us not forget that had this particular couple - and this is only one example and there are many, many, others that one could refer to, but this is freshest in our minds, I think - with this particular case, had the advocates had done their job in the preliminary work - that is to say, in the initial stages with this particular couple - then one has to guess that they would never have got to the stage where they were seeking for redress of grievance. If they had been adequately represented, if the information and the guidance they sought had been appropriate at the time it would not have dragged on for the years that it did and would not have caused the unnecessary hardship and health suffering that it did, and I think we have to be mindful of that whilst we are looking at this.

I see no sufficient reason - I apologise for my lateness on returning from lunch, Mr President, but going through the notes and the papers of explanation there is not a case to my mind being made there for letting the advocates off the hook more than what they enjoy at present. I see no reason for this order. I see no good reason at all, and I feel that if we were to support this order today and to let it go through, we may well see more such cases like the Thompsons coming forward on Tynwald Day with petitions for redress of grievance. So I think I would ask that hon. members be very cautious before simply just approving this and really examine the issue in depth. I too would have preferred more of an opportunity to consider in more detail before today, but we have not had that opportunity and perhaps there is much merit in what the hon. member for Glenfaba has said, and so therefore I would like with your permission, Mr President, to move an amendment, if it is at all possible, that a select committee of three people -

The President: Sorry, it is not in order.

Mrs Cannell: It is not in order? Well, I thought I would try, Mr President, because if I had

Mr Gilbey: You can move the adjournment.

Mr Cannan: Move the adjournment.

Mrs Cannell: Well, whilst I am on my feet I will take the advice from the floor, Mr President, and I would like to move that we adjourn the debate until we have had time to further consider the item. Thank you.

Mr Cannan: I beg to second the adjournment, Mr President. I think members ought to be extremely cautious before they vote on this particular issue. What we are being asked to vote for is to give almost preferential treatment to advocates and lawyers, that they are not fully accountable in courts of law for their failures, errors and omissions. They would be tried by their own disciplinary bodies and, if there were found to be errors and omissions, would the identifiable damages be the same as they were in a court of law? Because here they are being excused. I believe that members need much more information on the implications of what they are being asked to vote for today and I think it would be inappropriate to simply go along with this, and instead I support that the adjournment. . . and I presume that the adjournment is until the next sitting of Tynwald. Is that correct, Mr President, or is it *sine die*?

The President: It is not correct at all, sir, because we are all assuming a lot here. 'I move an adjournment'. You support moving an adjournment. 'When will it be, Mr President?' Honestly, the Court has to come to its senses and state what it wants to do! If the adjournment is to be for a month, two months, the seconder does not ask me how long it is going to be for. (**Several Members:** Hear, hear.) It is time we got a little sense into the operation of this Court, hon. members. I am coming back to the mover to find out what the adjournment she proposes actually means.

Mr Gilbey: Say a month.

The President: Can you tell us, hon. member?

Mrs Cannell: Mr President, with respect, I move:

That debate be adjourned to the July sitting.

The President: Until the July sitting of Tynwald? That clarifies the point. You are seconding that, sir, the adjournment before the Court. I call upon the hon. member for Rushen.

Mrs Crowe: Mr President, in order to clarify the position, even though in my letter to all members of the Court I quite plainly said that if anyone had any queries they could contact either myself or my officers at any time for a full explanation of this. However, I will accept an adjournment for one month. I will also ask the Attorney-General to join me in briefing the members and I hope those members that have queries will make themselves available at the time we decide. Thank you, Mr President.

Several Members: Hear, hear.

The President: Now, does any hon. member wish to speak to the adjournment debate? If not, I will put that resolution, that Tynwald do adjourn this debate until the July sitting of Tynwald. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Mr Cannan: Well done.

Procedural

The President: Now, hon. members, you will all be aware of the expression *traa dy liooar*, and this afternoon, when the hon. member for Ayre got on his feet to move a resolution in his name, there were no fewer than 14 members of this Court absent. Their absence, I think, was deplorable. Time-keeping is becoming deplorable and it will have to improve - not only time-keeping, but the ability to nip out for a short space and return again. This is becoming, too, a feature of the operation of the Court and I say to hon. members, you have to pull your act together, please, in the future and observe the standing orders. Thank you, hon. members.

Standing Orders Committee - Member Elected

The President: We proceed to item 17, and it is to elect one member of the Council in the place of Mr Lowey. Mr Lowey is eligible for re-election. One member of the Council - nominations, please.

Mr Cretney: Can I propose the hon. member of the Council, Mr Lowey.

Mr Radcliffe: Can I second that, please?

The President: Are there no further nominations, hon. members? If not, I will put the name of Mr Lowey to the Court. Will those in favour of Mr Lowey's election please say aye; against, no. The ayes have it. The ayes have it.

Ecclesiastical Committee - Members Elected

The President: Now we turn to item 18 to elect two members in place of Mr Barton and Mr Luft to the Ecclesiastical Committee. Nominations, please, hon. members.

The Lord Bishop: Can I nominate Mr Crowe, member of Council, please?

Dr Mann: I second that.

Mr Braidwood: I would like to propose the hon. member for Ramsey, Mr Singer.

Mr Cretney: I would like to second that.

Mr Brown: I would like to propose Mrs Cannell, the member for East Douglas.

Mr Cannan: I propose Mr Waft, the hon. member of the Council.

A Member: Seconded.

Mrs Cannell: Mr President, I would like to propose the hon. member for Onchan, Mr Cannell.

Mr Karran: I second that.

Mrs Hannan: Can I second Mrs Cannell if she has not been seconded?

The President: Hon. members, are there any further nominations? If not, ballot papers will be circulated. The learned Clerk will read out the names of those nominated and you will vote for two.

The Clerk: Mr President, hon. members, the members proposed and seconded, in the order they appear on the ballot paper, are Mr Crowe, Mr Waft, Mrs Cannell, Mr Cannell and Mr Singer.

The President: Will Mr Lowey act as teller for the Council, please?

The Speaker: Will Mr Quine act as teller, please?

A first ballot took place.

The President: Hon. members, the result of the ballot: Mr Crowe, 13 votes; Mr Waft, 8 votes; Mrs Cannell, 8 votes; Mr Cannell, 20 votes; Mr Singer, 5 votes. I declare Mr Cannell to be the only candidate elected. The Court will ballot again on the remaining candidates for one seat.

Mr Cannan: Hallelujah! Praise the Lord!

A second ballot took place.

The President: Hon. members, the outcome of the ballot: Mr Crowe, 15 votes; Mr Waft, 5 votes; Mrs Cannell, 3 votes; Mr Singer, 2 votes. Mr Crowe I declare elected with 15 votes, and Mr Cannell and Mr Crowe will be the duly elected members of that committee.

Members: Hear, hear.

Mr Cannan: A fine body of men!

Mr Cretney: Sorry, Leonard!

Standing Committee On Constitutional Matters - Member Elected

The President: Item 19 on the order paper, hon. members, the Standing Committee on Constitutional Matters: to elect one member in the place of Mr Lowey, who is eligible for re-election. Nominations, please.

Mr Cretney: I would propose Mr Lowey.

Dr Mann: I beg to second Mr Lowey.

The President: Is that agreed, hon. members?

Members: Agreed.

The President: Thank you, hon. members.

**Standing Committee On Expenditure And Public Accounts -
Members Elected**

The President: Item 20, to elect two members to the Standing Committee on Expenditure and Public Accounts in the place of Mr Luft and Mr Crowe, and Mr Crowe is eligible for re-election. Now, can I have nominations for those two vacancies, please?

Mr Braidwood: I would like to propose Mr Crowe, Mr President, the hon. member of the Council.

Sir Miles Walker: I beg to second Mr Crowe, Mr President.

Mr Gilbey: I would like to propose Mr Shimmin, the hon. member for Douglas West, Mr President.

Mr Brown: I will second that.

Mr Crowe: Can I nominate Mr Braidwood?

Mr Cannan: I will second Mr Braidwood.

Mr Karran: I would like to propose the hon. member Mr Bell.

Mr Cannan: You cannot because he is a minister.

The President: Unfortunately that is not possible as standing orders preclude it. Now, are there any further nominations?

Mr Quine: Yes, may I propose Mr Rodan, sir?

Mr Cannan: I second.

Mrs Hannan: He is ineligible, isn't he?

The President: Are there any further nominations? If not, the nominations will now close and the Court will proceed to ballot. Learned Clerk, would you read out the names of those nominated, please? There are two vacancies.

The Clerk: The hon. members who have been proposed and seconded as they appear on the ballot paper are: Mr Crowe, Mr Braidwood, Mr Rodan and Mr Shimmin.

The President: Will Mr Waft act as teller, please.

The Speaker: Will Mr Karran act as teller, please.

A first ballot took place.

The President: Hon. members, the outcome of that ballot: Mr Crowe, 22 votes; Mr Braidwood, 9 votes; Mr Rodan, 11 votes; and Mr Shimmin, 14 votes. I declare Mr Crowe to be elected but we will have to re-ballot for the remaining vacancy from the three names that remain - that is, Mr Braidwood, Mr Rodan and Mr Shimmin. If you have got your papers, the learned Clerk will read out those name and confirm it.

The Clerk: Hon. members, the members in the second ballot, in the order they appear on the ballot paper, are Mr Braidwood, Mr Rodan and Mr Shimmin.

The President: One vacancy, hon. members. The same tellers, please.

A second ballot took place.

The President: Hon. members, the result of the ballot: Mr Braidwood, 5 votes; Mr Rodan, 7 votes; Mr Shimmin, 16 votes. (**Members:** Hear, hear.) So the committee will be made up with Mr Crowe and Mr Shimmin.

Select Committee On The Equalisation Of The Pension Age - Member Elected

The President: Now, we come to item 21 on the order paper, which is to elect one member to the Select Committee on the Equalisation of the Pension Age. Mr Crowe is eligible for re-election. Nominations, please.

Mr Brown: I propose Mr Crowe.

Dr Mann: And I second that.

The President: Agreed?

Members: Agreed.

The President: Thank you, hon. members.

Select Committee On The Minimum Wage - Member Elected

The President: Item 22, the Select Committee on the Minimum Wage: to elect one member in the place of Mr Lowey, who is also eligible for re-election.

Mrs Crowe: Mr President, in view of his invaluable input into this committee and the amount of work that we have already done and undertaken on the committee, and in view of the fact that we are due to present our findings to this hon. Court at the July sitting, could I propose Mr Lowey?

Mr Corkill: I beg to second that, Mr President.

Members: Agreed.

The President: Thank you, hon. members.

Select Committee On The Petition For Redress Of Grievance Of Mrs Joan Mann - Member Elected

The President: Item 23, to elect one member to the Select Committee on the Petition for Redress of Grievance of Mrs Joan Mann. Mr Kniveton is eligible to fill that vacancy.

Mr Lowey: I propose Mr Kniveton, sir.

Mr Gelling: I second that.

Mr Cannan: Agreed.

The President: Is that agreed?

Members: Agreed.

All-Island Speed Limit - Introduction Of Legislation - Debate Commenced

The President: Now we come to item 24 and I call upon the hon. member Mr Shimmin to move the resolution standing in his name.

Mr Shimmin: Thank you, Mr President. I beg to move:

That Tynwald is of the opinion that the Isle of Man Government should, as a priority, introduce legislation to establish an all-Island speed limit.

To all hon. members, I regret the timing of this motion; it was not of my choosing. However, it is the first opportunity that I am able to move this motion and therefore I would like to dissociate to an extent. It has nothing to do with this TT that has just gone, nor is it specifically related to TT affairs or any incidents that have happened this last fortnight.

Prior to my election to this chamber I had strong views on both breathalyser legislation and speed limit legislation. Therefore it was incumbent upon myself, when getting elected to this place, to follow through some of those strongly held views. This was confirmed last TT when there were two local people killed, one of whom was a constituent in my area, and members will be aware that following last year's TT the Chief Minister and the Council of Ministers appointed a sub-committee to do a report on road safety matters concerning the TT. Regrettably it took until April for that committee to come back and report and, when it did, that report was made available to members and to the public but at that time there was no forum for it to be actually debated by this chamber. That whole report contained many beneficial initiatives which, hopefully, will have taken effect this TT and future TTs. I commend and congratulate the members of that committee for the good works that they did do and those parts of it which I can unreservedly support.

However, the first recommendation which the report referred to was that there should not be an all-Island speed limit introduced. Now, I viewed the issue of road safety. I tried the clean sheet basis, putting aside any personal views. Although I hold strong views, I tried to look at this as objectively as possible, as indeed did the three previous ministers for tourism when they assessed, in their early stages, that they would look at it openly, fair-mindedly, to come to their conclusions. At the time of their appointment I challenged the Chief Minister about whether it was appropriate that the make-up of this committee of ministers should be the present and two previous ministers for tourism and whether this gave the right impression of an open committee. I accept the Chief Minister and the assurances of those ministers that they did an impartial job. However, I feel it brings into question the credibility of the report and I think it would have been beneficial to have had a wider grouping on that committee. However, all members have recently received a letter from the Atkinsons, the mother and step-father of Sabrina Jane Harding, who was killed last TT. I am grateful on their behalf for the number of members who have responded, expressing sympathy and concern about the events of her tragic death. But it is not my intention, although it is difficult to avoid it, to try and wreak out the emotional side of people's bereavement and loss.

If we are honest, most members have already decided where they stand with regard to an all-Island speed limit. I do not intend to get into specific details of figures and difficulties. The motion is a genuine attempt to get members to express their opinions, to try and avoid confrontation; I deliberately avoided a specific figure, because then opponents of an all-Island speed limit would harbour onto that particular issue. What I am after is the principle. To me, it is a fair principle that should be accepted, that there is a need in this day and age for an all-Island speed limit. Others will disagree - that is why we are here - but to me it is common sense that when we have an Island predominantly made up of rural roads, an ever-growing number of vehicles, risks to road users, hazards, road works, obstructions, I ask you to

consider your own driving around the Isle of Man and how many times it is safe and fair for you to get above any specified speed of your choosing without fearing that there is an obstacle around the next bend. We have so many construction vehicles on the Isle of Man now that never used to be here in this quantity that again it makes a greater risk and hazard to ordinary road users to be driving at speeds in excess of - you choose your own figure - 60 or 70 miles an hour. Agreed, there is a minority of people who enjoy the thrill of riding bikes or driving vehicles at fast speed. I am concerned not with them or their rights but the rights of the other road users whose lives are jeopardised by the actions of a small minority. It is up to this chamber or another place to introduce laws to the Island which are there to regulate the rights and the duties of citizens. It is to inform them of what those rights and duties are so that they know in advance of taking action. Dangerous driving is already an offence. What is lacking is any clear definition of above what speed it is safe to drive or it is dangerous to drive. In the absence of a clearly specified maximum speed limit, the police will always have the difficult job of attempting to define whether something is deemed to be dangerous or not.

We have developed on the Island an ethos that unrestricted speed is desirable, almost beneficial to the tourist industry, or it is necessary to maintain our unique status and our identity. Some members would feel it would be a backward step to fall into line with other countries worldwide, who have in their own nations speed limits. I find this argument nonsense. I now am aware that not many of you will have with you the report produced by the Council of Minister's sub-committee.

I do not intend to go through it item by item; I do not think that would benefit any of us. However, there are some salient points which I believe are worthy of refreshing your minds regarding. I will try and concentrate on those, as to do with this motion, which affect speed limits. In chapter 6, on page 30, it talks about law and order and this is a fair-minded, open assessment from three ministers as to the needs or desirability for an all-Island speed limit. I want to draw your attention to the language that is used. 'There is a considerable danger that this relationship [between the fans and the police] could be destroyed by what the fans could see as constant police harassment. . . if they were repeatedly stopped in large numbers. . . It would also be totally unacceptable to implement an all Island speed limit and then expect the Police to ignore infringements of the limit.' Read at face value, you could accept that. Indeed, much of this report referring to speed limits you can read and accept, but throughout it there is an undercurrent of language which I find to be bordering on the biased. The next section says 'Control and speed restricted areas'. Those 'who presently abide by the present speed limits in populated areas. . . may be more inclined to ignore all the limits out of frustration. . .' No evidence - it is a supposition. I could put a supposition on the alternative side of things. The ministers have come forward with their report and they have used supposition without justifying it.

It goes on to give a health services view, and it is worthy of reading and listening to the entire paragraph where it says, 'There are two distinct views held within the Island's Health Services that of experts in the field such as Doctor D Stevens consultant radiologist. . . who gave evidence to the Sub-Committee and believes that an all Island speed limit would make no difference to the level of accidents sustained, and the opposite view that benefits would result'. One expert with a proven loyalty and affinity with the TT - indeed, he is the chief medical officer of the Manx Organisation for Motorsport Medical Officers, and I do not question

his expertise and he has a legitimate right to be quoted within this report, but to try and say that it is balanced, to conclude that paragraph with 'the opposite view that benefits would result' - no expert opinion to that effect, just that there is an opposite view. It then goes on to say, 'The T.T. races attract thousands of fans. . . a danger that the introduction of an all Island speed limit will detract from this uniqueness and spoil the attractive nature of the Island and ultimately lead to the demise of the T.T. festival.' As Shakespeare said, 'Aye, there's the rub.' Inevitably, throughout here we have got factors which are not appropriate within this report on road safety but it is referring back to the impact that it might have upon the TT races themselves, and no doubt I will be accused later of kicking the sacred cow and being critical of the TT race - not at all; I do not see that the two are associated, but if we are going to have a balanced assessment of this, I would have expected greater balance from the report.

Paragraph 7 on page 32 says, 'Density of motorcycles on the Isle of Man paints 'the Island in an better light and actually show the expected fatality figure should be much higher. Which does perhaps suggest that the Island Authorities are in fact already effective in promoting improvements in road safety.' Again, you can legitimately put down comments like this in a report but it has to be challenged; there has to be a balance put in to counteract it, when the recommendations say, 'Having examined all the above factors and evidence we looked at the issue of an all-Island speed limit and consider a case has not been proven.' Now, others outside of this place have already raised with me the fact that three ministers writing this report had all publicly stated they were opposed to an all-Island speed limit. I have judged their impartiality as honestly and fairly as they would judge mine, but that is not everybody who would do the same thing.

I talked of bias before, which might sound quite strong language, but on page 35, when it talks about an all-Island speed limit, I want you to consider the impact on somebody reading this report, where it says, 'As regards the introduction of an all Island speed limit there were two schools of thought from within the Health Services.' Now, the health service advisers to this sub-committee were the Dr Stevens I talked about a moment ago and a member of the health services, the head of administration. What qualifications that person has to refer to this I do not know; I am not sure who was being quoted, but it says firstly - this is to do with the speed limit - 'its introduction would make no difference at all to level of accidents sustained during the T.T. period, and that a speed limit *should not be introduced*.' I want you to remember that, '*should not be introduced*'. 'With a view also being expressed, that there was also some *support* in favour of a speed limit.'

The next page, 'Isle of Man Constabulary. The Constabulary are in favour of the introduction of an all Island 60 mph speed limit.' No underlining, no bold highlights. On consecutive pages we have a health services view -

Mrs Christian: Not health services.

Mr Shimmin: The Minister for the Department of Health and Social Services has said it is not a health services view. Therefore, again I would refer to page 34, a chapter headed 'Isle of Man Health Services', '. . . met with representatives of the Health Service.' Those representatives were Dr Stevens and Mr J Wilson, head of administration of the health services division. Now, they might not have been representing the health services, but the report does not make that clear. They are two individuals who have been referred to, and the health services chapter underlines in bold. The consecutive page, 'Isle of Man Constabulary'

with an opposite view - no highlight, no bold, no underlining. If you are opposed to an all-Island speed limit there is absolutely nothing wrong with that. If you are in favour it is inappropriate and biased.

Now, I am sure that this report was read closely by the authors of it and also the Council of Ministers who have approved it. I do not understand why that level of questioning was not highlighted and there is an imbalance in the reporting of it.

We then had a whole chapter on the Department of Tourism and Leisure. Yes, we are talking about road safety during the TT. We are not doing an advertising plug of two pages of A4 on the importance of the TT races. We all know those. Neither I nor anybody I know who is in favour of an all-Island speed limit wants to jeopardise or run the risk of spoiling the TT. There is an assumption by those people within this chamber who will speak shortly that any risk, anything which imposes a risk or threat upon a speed limit on the Island will destroy the TT and anybody who dares kick that sacred cow must be totally opposed to the TT. I cannot convince you that you are wrong; nobody can. That is your belief. That is your bias once again. All I can state is that I believe that there is space for an all-Island speed limit and a successful TT festival on the Isle of Man which in many ways would be beneficial and an improvement of the sort of people that we might attract and a festival which we have to turn away business each year because the Steam Packet cannot get people over adequately at the times they wish or we have not got the accommodation available or the camp facilities are, after this year, going to be more questionable. If we are having to turn away business each year, the only way of getting these people to the Island at the moment to enjoy the TT festival is the successful home-stay arrangements. Are we honestly going to say that if we deter those riders or those tourists coming over to enjoy the festival they will not come because they are unable to ride along the mountain at speeds in excess of a speed limit which they have had in their country for many years? I maybe have more confidence in the TT and its ability to survive than some of those who will knock me in about three minutes' time.

The report goes on - lots of statistics, although it denies that there are statistics available. You will find some statistics and on page 66, recommendation number 1, 'Do not introduce an all Island speed limit at this time' - the case has not been proven. 'There is a concern that the limit would have little if any beneficial effect on road safety and may in certain circumstances lead to a reluctance to keep to the present speed limits in built up areas.' '. . . may in certain circumstances . . .' - who is talking here? That is something which is again unproven, unsolicited. It is an assessment, either by those people that I have already referred to from their own positions of starting. 'The Island's road accident record compares more than favourably' with the United Kingdom 'which questions both the necessity of becoming ever more like' the United Kingdom 'and cloning a restrictive legislative measure from the adjacent Island and the purpose of its introduction.' Now, we can all sign up to that one. We do not want to merely imitate and duplicate what goes on in another place. I am sure that nearly every one of us in this chamber have used that argument in the past to try and avoid something we do not want. We have used the same argument with the seatbelt legislation. People have used the same argument for the breathalyser and now, no doubt, we will have the same argument for an all-Island speed limit. The arguments can be used and applied to suit individual choices. I do it; the report writers do it. The difference is that theirs got the approval of the Council of Ministers. I am not, nor is any other non-minister, privy to the

amount of debate that took place and, if this had not been raised in this place at this time, this report would then have sat for three years within the departments responsible and no action would have taken place that could be attributable to the deaths and tragedies that have taken place on the Island.

It goes on within the report with other recommendations: '16. Reinforce the Road Safety message. 17. Enhance the annual road safety publicity campaign. 21. Promotion of road safety through the media.' Now, all hon. members are aware from the letter that they received from the Atkinsons that the offer was made for there to be a radio publicity campaign where the mother of a 14-year-old girl killed by a biker on the wrong side of the road, having just been doing wheelies at 70 to 80 miles an hour, in excess of 80 miles an hour when he hit her on the wrong side of the road. . . the impact of the mother's report, that we have all seen similar ones on the TV and heard them on the radio, are impossible to ignore, the emotional side. Response from the Department of Transport: we do not want a negative campaign. I am all in favour. Do not have purely a negative campaign but have a balanced campaign where you introduce different types of message for different types of personnel. We have got a system within the department where, before last year's TT, the road safety officer retired, so throughout the entire workings of this committee they were dealing with a deputy. Now, I have no knowledge about the expertise and training within media matters and health and safety messages within the department, but the advisers for the Department of Transport seemed to be the design engineer, the deputy road safety officer, and yet somewhere the combined abilities of the committee and the advisers are far better than all of the thousands, if not millions, of pounds worth of money going into other countries' assessments of what works with reducing road safety figures. We have seen before Christmas, we have seen at other times, advertisements saying 'Kill your speed: speed kills.' Campaigns done on national TV. Why? Because it works. Why? Because speed kills. We know it; we instinctively know it, yet we continue to disguise the need for it on the Isle of Man. So the offer of that mother being able to feel as if she was contributing, to pass on a message so that others would not suffer the same fate, was passed over.

There has been a constant throughout this and that is the police view, a constant view, that there should be an all-Island speed limit. It will be the defence, once again, of enforcement. Let us use that argument. It is impossible to enforce all laws stopping shoplifting. Let us take the law away. Burglary, there is a law there. Does it stop it? No. Let us do away with the law. It is a nonsense; the argument does not stack up. If you actually have a law, the vast majority of people will abide by it. The only ones who infringe are those which the law is designed to try and restrict their ability to damage the environment of others around them. In this context with regard to speed limits, those who ride in excess of an all-Island speed limit would be more easily identifiable and, no, we would not catch every one but we would have a law so that, when we did catch them, they could be punished, exactly the same as with every other law that we have. Who would have to do this enforcement? The police. What is the police view? From the second most important police officer on the Island, the deputy chief constable and the former inspector of traffic, they wanted a speed limit, but the combined knowledge and wit of the committee decided they knew better.

Statistics - it is great. I have used the argument myself; I will do again. If we do not want to make a decision, let us gain more statistics. I have done exactly the same thing myself with

CCTV. Hands up. There are not the statistics there to evidence and prove the case to substantiate it. It works elsewhere; let us bring it in over here. I am asking this Court to consider doing the same thing without statistical evidence. I do not believe that you need any more evidence than your own eyes and your own experiences. A former Chairman of the Road Safety Committee on the Isle of Man stated in March 1996 that the biggest statistic that we had was always one of speed. It is on-Island, going back to 1996. Those of you who have been here some time will remember in 1996 you passed the Road Traffic Bill, and there both Messrs Karran and Gilbey tried to introduce speed limits. I was staggered, reading through the Hansard a debate on speed limits on the Isle of Man, world-known for its TT, motor-bike racing, motor vehicles and cycling events, speed being a constant throughout it; all-Island speed limit, no debate. It was not in this chamber, it was in the House of Keys. It was moved, it was seconded, it was voted upon, no discussion - 14 votes against, 5 in favour.

What is the purpose of having a speed limit of any description? The main purpose is to reduce as far as possible the risk of accidents and serious injury from high vehicle speeds. We have them all around us. We have some which are nonsensical; you know it and I know it. Drive along Peel Road and it is a mish-mash of so many different speed limits in and out. You have a totally ineffectual 20 mph zone in Laxey. Why? Because the people that we represent feel safer when there is a speed limit there. But let us look a bit more closely at what that means. How do they work out, ignoring all those that we request as members of Tynwald when we put a degree of pressure upon the Department of Transport and try and get them and say, 'Look, I really want this and I am going to ask questions until you give me it'? If we look at the official reasons or grounds on which the Department of Transport would introduce speed limits into an area, they select it, quite rightly, according to mathematical formulae. They have what is called an 85th percentile where they will do road checks and, if they were to monitor - let us keep it easy - 100 vehicles, they would take 85 vehicles; ignoring the 15 fastest vehicles, the 85th percentile would be all vehicles up to 85 were at that speed or below. Why? Because we have a degree of common sense, and most of us do not batter around the Island at ridiculously enormous speeds. So the way they introduce the speed limit is by looking at what road users feel safe in that area. That is why Laxey does not work. If you did the 85th percentile in Laxey, the 20 mph zone, you would find that it would be 27-28 miles an hour. Nearly every car driver will go above that 20 mph speed limit not because they wish to break the law but because that is deemed to be an appropriate safe speed for that car user. So apply that same mentality, even on the one that is going to be cited in a few minutes, the Mountain Road: how many people in this chamber, or your constituents, drive at any length of distance on the mountain at speeds in excess of 70 miles an hour? Eighty-five out of 100. Think about the thousands of people you represent and how many of them enjoy the thrill of driving at speeds in excess of 70 miles an hour on the rural roads that we have around this Island. Certainly some people do, some people in this chamber do, but I would question whether it would be the policy of the Department of Transport if they applied their own rules on how they actually select appropriate speed limits to use that figure.

If you are honest, your gut instinct tells you that speed kills. If you are honest, you know that it is going to come to this Island at some stage. It is long overdue. Some people, for their own legitimate reasons, believe it would be a backward step. I choose to think of the rights of the innocent - not just the pedestrians but other road users. If I or any one of us are driving a car or riding a bike and somebody comes at speed towards us in a fashion which causes us

fear, that is the selfish actions of one individual imposing their will upon another. It is difficult to sign up to say, yes, we should have an all-Island speed limit. Over lunch today I was told by two of the dinner ladies that they want an all-Island speed limit. You judge for yourselves what your constituents would want you to do. Enforcement - yes, it is difficult. Some will get the opportunity of rubbishing the whole genuineness of the offer. I would urge people: think about this, think about the rights of the innocent. Do not attach it to the TT. Do not attach it to the fact that this is going to damage the TT. Look at it as something at 52 weeks of the year, where we have an ethos on this Island that speed is brought into our children who can pass their test at 16, go out on the TT course. We do not need to change the TT; we need to change the ethos and attitude of people in this room now who are the only ones who can actually change the law. I hope members will think that now is the time. I beg to move.

Mr Karran: Eaghtyrane, I would be delighted to second the proposal. It is so refreshing to hear the honesty and the conviction in this hon. House as far as the debate from the hon. mover. I think it is really nice to hear the hon. member saying as he believes it and saying it without any hidden agenda. And I think it is all right some members muttering over here saying, 'Oh, bringing the TT up.' The issue is, that is the reason why there has been no national speed limit on this Island, because we talk about. . . and it is very sad, because anybody who knows about the Isle of Man, who knows about the TT - it is like if you are into popes, you would go to the Vatican. If you are into road racing you would come to the Isle of Man for the TT, and I feel that there is a dilemma within the debate today and I think the hidden agenda for why they are so much against a national speed limit is to do with the TT. They are selling themselves short. They are selling the TT, short in my opinion, because we do not want people coming to our Island to go mad. We want people to come to our Island to see the best road race in the Island, and it is a disease unfortunately we have got of selling ourselves. It is just like the finance sector with the non-resident duty companies: we sell the Island short. We want quality. It is a sport and I believe that the hon. mover has summed it up well. There will be people who will say the statistics. Well, this debate is not about statistics, it is about common sense. There are only two places on this Island in my opinion where you can go over 70 miles an hour with any reasonable amount of safety.

If there is a problem as far as the TT is concerned and they want to, they could make an order over the Mountain Road on Mad Sunday if that is their problem, but let us have this debate kept on an honest and sincere basis like the mover has moved it. Let us have it on the honesty of why we will not allow the fact that the earth is round and we are trying to argue in this case that it is not, because that is what we are doing, because every sensible nation throughout the world has a maximum speed limit. Now, to be fair there were cases, likes of in America where they brought it in because of the oil prices, but even in America now, where there are no oil prices, they have seen sensible, logical reasons why a national speed limit has been brought in.

I second this proposal because I think it needs to be. I do hope that we will have a sincere and sensible response from the opposition as far as the hon. mover is concerned. Do not tell me that you cannot police it. If we cannot police a 70 mile-an-hour speed limit, how can we police a 30 mile-an-hour speed limit or a 50 mile-an-hour speed limit? How do we police other pieces of legislation? The fact is, we all recognise that people will go over the speed limit and this will happen, but what will happen with a national speed limit - it will be a matter of

people will be more responsible, they will be more vigilant that they are breaking the law, and I believe that case alone should help the road safety issue on this Island.

I second the proposal and I hope that common sense will prevail today and we will not allow road safety to fall in the way of us short-changing the stamina and the level of which the TT Races are. The level of the TT Races will be supported on the fact that it is the best road race in the world. It will not be sold on the basis of 'come to the Isle of Man and go mad', and I hope that the hon. members who stand up will argue the fact on logic, because the fact is, the medical people think that it is absolutely crazy. I remember the arguments that were being put about seat belts and 'Oh, well, if we bring seat belts in we will have this. . .' Overnight the oral surgeon's work has been cut to a fraction of what it was. The oral surgeon said that when he came to the Isle of Man before the legislation came in he had seen injuries that he had never seen for years until the legislation on seat belts. I hope hon. members will be as brave and as sincere as the hon. mover and support his proposal that is in front of you now.

Mr Brown: Mr President, first I would like to just clarify a number of points. From a starting point of view I came into this Court looking at what was on the agenda, which was to debate whether or not the Isle of Man should introduce an all-Island speed limit. I did not come into this Court prepared to debate a report of the Council of Ministers which looked into TT safety. However, whilst it is inevitable that partly that would be introduced into it, I think the depth on which the mover has gone into that report makes it somewhat difficult now to respond, whilst I suspect most members were of the view it was about that one issue, the all-Island speed limit.

I would like to make it clear that there is a considerable difference between what the hon. mover initially started with his discussion, which was that he did not wish to be tied down too much to the TT, but then went in to his make his whole case based on a report which was about only the TT (*Mr Shimmin interjecting*) and I think that it is important for hon. members to be clear: the TT report - if I can just quote the review of the committee, it was to review road safety issues during the TT period. That was the remit the committee had and the committee, I believe, worked to that remit. I think it is worth putting that on record because otherwise the inference is that the committee had a wider remit, which was about the whole of the Isle of Man all year round and about road safety. That was not what the committee was asked to do.

The hon. member also said that he put aside his personal views and he went to great lengths and kept emphasising that he was trying to avoid being biased. Well, I am going to say exactly the same as that because I did exactly the same, and I have to say I believe - it is clear the hon. member does not believe it - that the committee did put aside its own bias, the members of that committee. My views are quite clear: I do not support an all-Island speed limit. My views were known before I was put on the committee. My views at this stage are still the same. However, what I have said is I am willing to listen and to see whether or not it is a case to be made to introduce an all-Island speed limit.

The mover went to lengths when he made his case to say he wanted one, but again avoided, and he said he was avoiding, actually specifying a speed limit. I wonder why, because clearly, if you have strong views on your view that there should be one, what should it be? Where should it apply? Again that is a problem for us. If we introduce an all-Island speed limit we will have to assess all the other roads in the Isle of Man to see where the speed limit should be less than a maximum speed limit, and I presume in most members' views that

would be on a majority of the smaller roads, if not all of them. So where would a maximum speed limit apply? Where would it not apply? Where would a speed that is lower than that apply? For example, at the moment if you go on most of our small country roads there is no speed limit at all, but if we introduce a maximum speed limit - and it may be the thing to do and I am not saying it is not - then we will have to put restrictions on all the small roads to actually reduce the speed down, otherwise it means you can go to the maximum speed if you so wish. Now, to twist that argument round, of course, most people drive within their limits. They assess what they see as the road, and whether that is right or wrong is in the individual's mind. It is a responsibility on every driver in the Isle of Man, whether it be a person who lives here or a person visiting here. They have to drive sensibly.

I will touch on the report a bit because it has been raised and it is difficult, without going into great detail as to how the thoughts of the committee went, but I would make the point that as far as I am concerned the committee went to great lengths to give a balanced view of what went on, and I have to say that the vast majority of views that we have had back have been that it was a balanced report. Most people feel that it did try to strike a balance. Most people I speak to would rather that we just said there should be no speed limit at all, but that is not the view that the committee took. The view that we took was at this stage that we should not, and that was for the TT period. We also took the view that it would, if there was to be one, be more than the TT period, and that is why it was recommended that the Department of Transport, in its own right, look at this issue and that it should undertake an assessment and evaluation over a three-year period, and the reason for that is quite straightforward: there are virtually no statistics. Okay, we can all have a feel: 'I think it is a good idea to have this', 'You think it is a good idea to have that', but what is needed? What is the speed? What is the speed we want? Is it 40, 50, 60, 70? I can go to people and you can all go to them and there would be that range of views on what should be an all-Island speed limit, right through it. There will be people who say anything from 40 to 70 to 80 to those who say there should not be one, and that is the difficulty we have, and if you are going to introduce it, if you do not introduce a speed limit that the vast majority of the car drivers or motorbike riders will accept, whether you like it or not they will break the speed limit and they will break it not deliberately, they will break it because it does not seem right to them because of the nature of the road, and if I give you an example, one good example is the Old Castletown Road. Up to not so long ago it was 30 miles an hour all the way through Kewaigue School all the way through into Douglas, and constantly people were doing 40. It was not dangerous but they were breaking the law and they could be prosecuted by the police because they were going 40. So we lifted that to 40 miles an hour for a section of it where it seemed sensible. It has not caused a problem. Thirty miles an hour is where it should be by the school and by where most of the people live, but in between it is 40. I do not see it as a problem, but we have already got a situation where now people are driving legally at a speed they feel comfortable with, and we are here to represent the people outside, all of the people, and take on board the views that might be there, and we have to sometimes make decisions we know are not popular. We all do it, but the point I am making is, what is the speed? The member avoided that.

He was also critical of Dr Stevens and said there was one expert. One thing I do know is, you bring 10 experts into the room and you will have 10 different opinions, and the hon. member would bring in the experts who were in favour and the other one would bring in the experts who are against. And we did that; we had the police officers who said yes they wanted

it but accepted that it was not the answer to the problem, accepted that there were difficulties, and in fact recently the Chief Constable has been on the radio and said that he is not convinced that an all-Island speed limit is the right way forward. So he is not convinced. The difference with me is, I am not convinced either. I am against it, but I am willing to be convinced if there is a case to be made to have it, but what I want to know is, what is it going to do and what is it we are trying to achieve? The hon. member said you could have a speed limit of 70 on the mountain. It does not matter where it is - the mountain, Shore Road in Gansey, the main road out through Laxey, so on. If two vehicles hit at 45 miles an hour head-on the chances are they are both dead. So should the speed be 40? I do not know, and that is the difficulty we have. What we are trying to do is assess that.

The hon. member also mentioned the point that here we have this report and there will be no action by the department for three years. I have to say I am extremely disappointed, because I expected better from the member, because all the recommendations that have been put forward, the 29 of them, have all either been implemented or are being progressed in line with what was recommended in the report. I think what we achieved in a short time - because this report was about the TT week, TT period, not the generality of the whole issue - was achieved in a very fast period of time.

There are people who do not agree with speed limits. There are people who do not agree with what we have done at Glen Helen. Some think there was no need for a speed limit and some think it was too high, it should be 50. So where do we go? On the one section of road where we put a temporary speed limit - that is, the 60 miles an hour speed limit - up until the other day the only fatality was during the TT period in that speed limit area. Now, what the speed limit will not do - and I have to say we have to be realistic on this - is avoid dangerous driving; it will not avoid reckless driving; it will not avoid genuine accidents when we do not know the reason why somebody had an accident. The speed limit is a sign that indicates to people what we believe is a safe speed for that road. That is what it does, and we look to people driving at that safe speed, but really, do not believe that there are not going to be people driving down those roads still at speeds well in excess of a speed limit we put in. And the only thing that that does - and it may be that it is one we should say well at least it has done something - is mean that if a policeman happened to be there with a speed gun, he would be able to stop that person, book him and he may have got banned - if he was there, because the reckless driver is still going to be reckless for whatever reason; the dangerous driver is still going to be dangerous for whatever reason, and there are many reasons why we can all be a bit reckless in our driving: we are late for a meeting; the plane is going and we have been held up behind a JCB digger. I cannot believe any member here has not exceeded a speed limit and therefore we have to say, what is it we are trying to achieve?

Now, I do not have a problem. Road safety is very important. I have been one who has supported seat belt legislation for many years. I was fully behind it and the Isle of Man went further than the UK with its seat belt legislation and rightly so, but even a seat belt is no use after a certain speed. It does not matter you have got it on. And this is the problem where we can get ourselves into a false sense of security. We can convince ourselves and convince the people we represent that by introducing something we have cured the problem. That is not the case. By introducing something we may have helped ease the problem, but it will not have cured the problem because you do not know who is coming round the corner next, you do not

know what circumstances they are overtaking something, and you have a head-on crash in a 30 mile-an-hour speed limit. You can be killed in an accident at 10 miles an hour if you are unfortunate the way you fall or how you are hit or whatever. So I just make the point that there are many reasons why people may suffer a fatality or a serious injury in a car accident or a motorcycle accident. I am just trying to give an indication that we are not unaware of the dangers on the roads, whether they apply to children, pedestrians totally, people on push-bikes, people in vehicles. There are dangers, and we have to manage that danger as best we can, and we promote people, we promote road safety. What my department is saying and what the Council of Ministers have said - because the report that the hon. member latches to is about the TT - is that the TT is very important. I do not use . . . The report is about the TT period, (*Mr Shimmin interjecting*) and what we said was that an all-Island speed limit should not be introduced, but we did indicate - and this was after discussing it with the relevant officials - that maybe we should examine the issue for the whole of the Island in total. That was a different question and we supported that there should be an examination of whether or not an all-Island speed limit in its totality for the whole of the year should be introduced. That is what we have said, and we have said that before you make that step - because there is uncertainty from different officials and even from the police - let us assess what it is about and whether or not we can do it and what are the implications.

I think it is a matter for Tynwald. I have my views. My department's view is we should undertake an assessment. It is in the hands of members in this hon. Court. If they really believe that an all-Island speed limit implemented is going to cure the problem, then I am sure they will make their decision based on that. All we are saying is, and I say, I do not believe that will cure the problem. Now, the issue of whether or not and how we fix speed limits, yes, is taken on an 85th percentile evaluation, but that is a tried and tested system they use in the UK which is adopted in the Isle of Man, because you have to have something where you can actually say, 'The reason we did this is because of that'. My department gets requests virtually every week from people who want a speed limit outside their property, ranging from 20 miles an hour to 30 miles an hour, 40 miles an hour, 50 miles an hour, and in some cases there is a case for it. We continually introduce speed limits around the whole of the Isle of Man where we think a case has been made and it is appropriate. That process will continue whether or not we have an all-Island speed limit. That process will continue whether or not, as it is our intention to do, we evaluate whether or not we should introduce an all-Island speed limit. Yes, I can be criticised because here I am, the Minister for Transport, and I am actually making a case to say 'Just hang on, let us think about this'. It would be very easy for me, as Minister for Transport, to say, 'I agree, let us do it', because I would have no hassle tomorrow, but I do not believe that is my job. I believe that my job is to see whether or not, when we introduce something, it is actually something we need. There are people who say they want it. I respect their view. But there are also many who say we do not need it.

We had people from the Scottish islands down here last year and they had just introduced an all-Island speed limit, 60 miles an hour, and they had had it in for about six or nine months, I think they said. So I said to them, 'What is it like, how does it work?' 'Well, they said, nobody bothers with it. We all ignore it', and that was their genuine view. They said, 'It is just nonsense; people are used to the roads where we live' and therefore they take no notice. Now, I am not saying I agree with that, but that is, just out of interest, a comment that was made to us by politicians from that very same Island.

I do believe it is important that if we are to have an all-Island speed limit we hopefully can achieve it at the right level, and I can tell you now, and I will just make the point, that if Tynwald at some stage agrees to an all-Island speed limit, there will be as many people disagree with what we fix as there will be who support it - not the ones who do not want it at all, but those who say we have got the level wrong, and that is a view I think you will have to wait and see.

I wish to move an amendment to the motion on the agenda, and my amendment is to endorse the proposed three-year evaluation by the Department of Transport of the implications of an all-Island speed limit including extensive collection of data and analysis of accident statistics to enable the department to make an informed assessment of the need to introduce such a speed limit. I would say - and I just want to make this absolutely clear, and it will be on *Hansard* so it can be looked at - that if the case is made within three years and the department is satisfied that an all-Island speed limit should be introduced, then I am not going to sit back, if I am in that position, and just say, 'Well, I will wait three years because that is what the TT report said.' If there is a case to be made, then the case will be made, and if it is needed to be implemented, it will be implemented. But it is not a black-and-white issue, it is not even a straightforward. It certainly is one where we can hang our hat on and say we introduced this in the name of road safety, but I do not believe it will do what members may feel it will do. It may well bring comfort, but it does not necessarily mean it resolves the problem where people drive dangerously, irresponsibly or at high speed. Those are different issues, and how we deal with that is actually quite a difficult matter, whether or not we have a speed limit. The UK has two speed limits, one on the motorways and one on their main roads, and all I would say is, anyone who goes away and experiences how people drive in the UK will see the effectiveness of those speed limits, and I do believe that if are to have one let us be honest about it and make sure that it is one that is going to work within reason - because there will always be some who will ignore it - and at least is something that is acceptable by the people of the Isle of Man.

I have to say that my view, just to finally wind up, is regardless of the TT period, because the insinuation has been made that we are not in favour of an all-Island speed limit because of the sacred cow of the TT. If that had been the case, the chances are there would be no speed limits on the TT course at all. There would have been hardly any recommendations, and I would just make the point, my priority as far as I am concerned is to the safety of the people on the Isle of Man, whether they be people living here or visitors, during whatever period of the year, and if the Isle of Man needs an all-Island speed limit, then the TT has to accept that, and I believe that the majority of the fans and visitors to our Island will accept it if it is there. But that is not the argument I am making, I am making the argument, do we need it and what level should we set it at? We are being asked to be given the time to look at this issue properly, sensibly and to some degree impassionately. So I beg to move the amendment standing in my name:

“endorses the proposed three-year evaluation by the Department of Transport of the implications of an all-Island speed limit, including extensive collection of data and analysis of accident statistics, to enable the department to make an informed assessment of the need to introduce such a speed limit”.

Mr Cannell: I beg to second, Mr President. I am very gratified that the Court has given this matter such serious attention today. I did not think, as a new member to the Court, that I would be called upon to contribute to this, but I feel it is my duty and I would like to congratulate Mr Shimmin on what I deem a very brilliant speech, telling it as it is and not playing the emotion card too highly. Mr Brown, too, has made a valuable contribution, I feel, by putting forward his views in support of his amendment, which I am happy to second.

I shall not flinch a decision on this, despite it being what I feel is a very difficult one for me to call. I am a motorcyclist at heart, I am the Secretary of the Isle of Man Centre of the Auto-Cycle Union. My members say we do not want a speed limit. But as at least two previous speakers have said, we are not here to entertain that; we are here to entertain the views of the majority of the people of, firstly, our constituencies and, later, for the Island as a whole, including, as Mr Brown has rightly said, not only the resident population but the visiting population too.

If we were not talking about the TT and the Manx Grand Prix, which has not been mentioned but is equally meritorious in its consideration, I do not think we would have a problem with this one. We have a clash of interest here, we are slightly scared of alienating the visiting population of bikers who come by saying 'You will be restricted in your speed'. Certainly *Motorcycle News*, Britain's prominent newspaper, did a poll on it, and their straw poll came up in favour that the majority of TT fans would not come. I do not believe that was a properly taken poll; I think it was something designed to whip up some kind of interest in opposing a speed limit which was being talked about about two years ago. I do not believe, with my knowledge of motorcycling, that the real TT fans would not come to the Isle of Man because they would be restricted by an overall speed limit. The real fans will still come because they want to see top riders doing what they are not permitted to do and they wish to join in all the other events because the races are no longer the mainstay of the TT. Undoubtedly the whole appeal of the TT is the festival side of it; it is not just the races.

Now, I shall not win many friends amongst my fellow motorcyclists, and I do not deny that I have done 100 miles an hour over the mountain on a motorcycle, not very recently but not all that long ago either, and I do not flinch from saying it is one fantastic thrill to be doing it, but I know that above a reasonable speed I am using all my so-called expertise to control that machine, and I know that travelling at such speeds is dangerous. I do not flinch from that. When you get over 90 miles an hour on a motorcycle, unless you are a top racing motorcyclist, you are on the limit, and that totally ignores the views of any other road user. Even going up the mountain mile on a clear day with no other traffic, you are pushing your luck at 100 miles an hour.

As the previous speakers have said, any Island speed limit will not obviate all of the accidents, and many of the accidents which have unfortunately resulted in tragedy recently have been young riders on extremely powerful motorcycles meeting their death without colliding with other vehicles but just crashing because they are going too fast. Now, any tragedy, of course, is to be lamented, but some of the tragedies which have taken place have undoubtedly been caused by race fever. Others still belt round the TT course; most fine days, even in the winter, you will see the top local boys going hard round the TT course. It is something I am akin to. I do not knock them for it, but you try telling that to someone who has been involved in a fatal accident.

The biggest crash which I feel influenced opinion in recent times was the one which involved the driver of a small van heading over the mountain to Ramsey, innocently heading home from work during the 1997 TT Races, and he was struck at 100 miles an hour or more by a motorcyclist. The primary cause of that was not speed; the primary cause of that accident was that the rider was on the wrong side of the road. He could have been doing that speed and been on the correct side of the road and, if he had the necessary skill, have got round the mountain box corner, presumably, but he did not. That was caused by that. So we are not going to take that away, because if that rider would have hit that van at 60 miles an hour on the wrong side of the road, probably the same result would have happened. So that is not the be-all and end-all of it.

Now, what we need for this is evidence to show that it is worthwhile introducing a speed limit for the benefit of the whole Island, 52 weeks a year - not 4 weeks, neither 48 weeks. Many would say we have sufficient evidence, we have seen sufficient tragedy. Two riders lost their lives on the mountain mile last week - this week in fact, Sunday. They lost their lives there, one, I understand, to be a local, so it is not a case of lack of knowledge of the road. You would say, what more evidence do we need? But they were riding on the mountain road, they did not collide with other vehicles and presumably, when they were riding at that speed, they considered they were in control. You try telling that to the mother of someone, as we have heard from the Hillberry crash. Now, the Hillberry crash was a little bit different with the girl who was run over because she crossed a road there and, even at 60 miles an hour there, probably would have been killed by that motorcycle striking her, regardless of whether she happened to be on the wrong side of the road and the biker did. It is not particularly important which side of the road you ride down Hillberry, providing no other cars are coming. So let us get it in perspective.

Mr Brown in his amendment here endorses the proposed three-year evaluation. I would prefer it to be less, but rather than lose this immediately, today, I prefer to go along with it and, as Mr Brown has generously promised, if it can be done in less time, then it can be and we will come to it again.

The position of other islands is not similar to that of the Isle of Man; Guernsey and Jersey are considerably more populated and smaller - 35 miles an hour I think it is there, though I am not too sure, something of that order. The Isle of Wight also, perhaps nearer to the Isle of Man - 40 miles an hour overall, so it is not unprecedented, and a speech also should contain what has already been alluded to, that 60 miles an hour is the mandatory speed limit on all roads and motorways in the United Kingdom. If the bikers did not like that, no motorcycles would be sold.

Now, we know - and in my view it is totally irresponsible - certain magazines and newspapers are telling you how the latest machines will go 180 miles an hour and being sold in a country that restricts them to 70 on motorways and 60 on roads. Obviously, it is people riding them at considerable speeds, why they buy them. They spend £10,000 on a machine; they do not buy a 185 mile-an-hour machine at £10,000 to obey the speed limit. They find places where they can blow it. They think one of those places at the moment is the Isle of Man. They think if they come to the Isle of Man TT Races they can virtually do what they want. Are we, as responsible citizens, going to connive at that? I suggest humbly that we do not. We

do not mind them having a blast but we certainly do not want them to go out and endanger our citizens who are our responsibility here.

So that is the position at the moment. Rather than lose, if in fact lose it be, Mr Shimmin's original motion, I have pleasure in seconding Mr Brown's amendment. As I say, I would prefer it to be a two or even a one-year evaluation by the Department of Transport. I am aware that probably I shall be losing some friends in motorcycling who are totally opposed to an overall speed limit, but I ask them to consider the overall well-being of the Isle of Man to let us have evidence as it is such presented here rather than the evidence particular to the TT committee's report which was, as quite rightly has been said, specific to the TT period. This is for the overall period of the year for our citizens of the Isle of Man, and I have pleasure in seconding and supporting Mr Brown's amendment.

Mr Singer: Mr President, I support the amendment by the hon. Minister for Transport and, as a member of the Department of Transport, will probably be reiterating some of the minister's comments. I also came into this debate thinking we were going to be discussing an all-Island, all-year-round speed limit, and I must say first of all that I was not brought up in a motor-bike-orientated atmosphere so hopefully my views have been formulated by what I have seen over recent years.

I feel, first of all, that it is very important that we do not combine both the needs for speed limits during the TT with the need to introduce an all-Island, all-year maximum speed limit, and I do think that the mover of the original motion has, despite what he said, incorporated this TT report as perhaps the major part of his argument and that is something that I did not expect within this debate.

I and, I should imagine, most hon. members of this Court will have been approached by residents concerned at the accidents, serious injury and loss of life that has occurred over the years. There have been many family tragedies involving quite innocent people whose lives have been devastated by the - well, I will use the word - stupidity of others, mainly during the TT period, but you cannot, however, legislate for stupidity and that is a primary consideration for us today. The majority of drivers on our roads are sensible, who, irrespective of the absence of a speed limit in many areas, drive within their capabilities, they drive according to the road and the weather conditions and they drive with respect for other road users. These are also the drivers who do keep within the permitted speed limits. There is, however, a small percentage of drivers of cars and motor-bikes and, I must also say, heavy goods vehicles to whom speed limits are an irritant and speed limits are actually meant for others and not for them. Therefore I ask myself, if we had a maximum speed limit - and the obvious area which has been mentioned is over the mountain - would that road become a safer place throughout all the 52 weeks of the year?

Two months ago I was returning from Tynwald, I think it was round about 8 o'clock in the evening, on the mountain road, a clear evening in bright light. Twice I came round corners to be faced by a motor-bike, one with a pillion, coming at me on the wrong side of the road. Now, these were not foreign riders, but Manx bikers, taking chances. They were stupid, they were careless, they were frustrated racers, people who are convinced of their own personal invincibility and were prepared to gamble theirs and other peoples' lives. I would express the view again that this was not during the TT period, and I am sure that all hon. members in this Court will have been involved in similar incidents. But what I have to ask myself is this: if there

was a maximum speed limit, be it 50, 60 or 70 miles an hour, would these incidents be reduced or eliminated? If the answer simply was yes, the decision today would be easy to make. Unfortunately, in my opinion, the answer is no.

I feel it is also necessary to emphasise that it is not only the bikers who take these chances but you have the car drivers who are hopping along lines of traffic, overtaking near blind corners and who overtake on double white lines and, of course, there is a considerable problem of those who have too much to drink before they drive. An all-Island speed limit will make no difference to these people.

It is, I believe, briefly necessary to refer to the TT Safety Committee report because that report was attempting to identify ways of reducing risk to visiting bikers who are unfamiliar with the roads. I expect that the statistics that are obtained over the next three years will indicate the necessity for changes, and I am pleased that the DoT were able to introduce many of the safety committee recommendations for this year's festival and, whilst that was criticised by the hon. mover of the original motion, I would point to the speed restrictions that were from the Creg ny Baa, the new indicator signs that went up indicating corners to try and make the roads just that little bit safer for visitors at this year's TT festival.

There is no doubt in my mind that studies will indicate areas if and where permanent speed limits should be introduced, but this, however, is entirely different to introducing an overall maximum speed limit for the Island for the whole of the year. If I may briefly again refer to the original motion and the mover, the hon. member Mr Shimmin, he did talk about the Atkinsons; now, the Atkinsons did ring a lot of people, they rang me and I rang them back, and I did explain to them why I did not feel I should take up the offer of Mrs Atkinson to go on the radio, because after discussions within the department, I did explain to the Atkinsons that I thought that a TT safety campaign should be, as the minister said, more positive. But I must say to members, I also felt that even by using Mrs Atkinson, which would cause her a great amount of distress, that would not influence the irresponsible bikers that are the ones who are causing the problems.

Accusations have been made, and they are made generally, that the DoT are surreptitiously introducing an all-Island speed limit but, as far as I am concerned, that is totally untrue and I believe that the minister is of the same opinion. But what we are doing in the DoT is continually monitoring problems arising on the roads, investigating areas where problems are identified, introducing highways improvements and, where necessary, changing the speed limits. This has been done in several areas recently and the minister is, at the moment, making a final decision on certain recommendations that have been put to him on areas of the TT course. So the review of speed limits throughout the Island is an ongoing matter in conjunction with the liaison committees that the DoT have with the police and with further consideration taking place of these matters and others by the highways client team.

So, as I say, I do understand the reasoning behind Mr Shimmin's proposal but also I honestly believe that his proposals are more linked to the problems at TT time. An all-Island maximum speed limit would deter a few of the - shall we call them - nutcases who come to the Island to ride at 120 miles an hour, and those people maybe would not come and I would hope they would not come, and if they did not come they would not be missed. In fact, I would welcome the fact that they would not be here. But the problem is that those who do come and are encouraged by their friends, by beer, or just the adrenalin rush to behave rashly, an all-

Island speed limit will not stop their actions. Their actions have to be stopped - and it has been hopefully successful this year - by a higher police profile.

On balance I am of the opinion that under the present situation we should approve this amendment by the Minister for Transport for two reasons: one year's figures on the effect of the changes during the TT should be studied, and I agree that we should not wait for three years if those figures clearly indicate where permanent changes should be made, and I think that will be done. The Department of Transport will also continue their policy of continual review of all areas of the Island's roads, introducing changes where they are considered necessary. These, in my opinion, are the practical and sensible ways to make our roads safer without the need at this time to blanket the Island with an all-Island speed limit when it is at certain times, in the correct conditions, safe for a sensible driver to drive at a fast speed. If there is a dramatic increase in road accidents at times other than at TT and the DoT with the police are then strongly of the opinion that an all-Island speed limit should be introduced and can be monitored, then I would fully support its introduction. But I would, however, reiterate my personal view that an introduction of a blanket all-Island speed limit would not solve the problems caused by the irresponsible few. Thank you, Mr President.

Mrs Crowe: Mr President, I will not be supporting the amendment put forward by the hon. member for Castletown and the Minister for Transport, Mr Brown. How many more deaths in the next three years whilst the Department of Transport gather statistics like nuts in May? We all know, everyone in this Court knows, that excessive speed kills.

I wholeheartedly support the motion for an all-Island speed limit. I will not go over the comments made by the hon. member Mr Shimmin in the Council of Ministers report but I do agree with all those that he quoted. I also agree with the hon. member for Castletown Mr Brown, when he said we should be divorcing the Tourist Trophy race week from this debate. Now, I defer to the expertise of the hon. member for Onchan, Mr Cannell: I know nothing at all about motor-bikes, but I do know that the majority of motorcyclists that come to the Island for the Tourist Trophy festival come to soak up the atmosphere and this year they soaked it up till they were sodden (*Laughter*). I would say to you that I feel the effects of the weather during the past fortnight would have more effect on the attendance figures during the Tourist Trophy Races than ever a speed limit would do. The USA have a speed limit for the Daytona Races at 55 miles an hour and they have thousands more bikers attending that festival than we do -

Mr Corkill: There were nine dead last year.

Mrs Crowe: Well, whatever. On our Island's roads now there are 50,000 licensed vehicles. Now, that is an increase of nearly 50 per cent in the last 15 to 20 years. Shortly we are going to have more cars on this Island than we are going to have people. We have to have some kind of restrictions. Whether you are a passenger, a pedestrian, a driver there is no amount of statistics will disprove the fact that excessive speed kills, and we all know that. Every member of this Court knows that that is a fact.

I hope that the members of this Court will vote to protect the people of this Island as recommended by the Island's constabulary and vote to introduce legislation for an all-Island speed limit. I have no fears about suggesting a speed limit. I would suggest that all derestricted roads be restricted to 70 miles an hour. But then, once again I am not an expert and the Department of Transport has got - what have they got? - percentile road study

surveyors. Now, they can go out and check what a speed limit should be on derestricted roads and I would abide by their recommendation, but certainly I would feel that there would be a recommendation. I just know that we are here to do the best for the people of the Isle of Man and I think to do that we should be introducing an all-Island speed limit and not totting up statistics for the next three years whilst people are killed. Thank you, Mr President.

Mr Quine: Mr President, it is a matter of record where I come from on this matter. I have previously promoted the idea that we should have an all-Island speed limit and I just wish to make it clear that my views have not changed on that. But I suppose it is really a question of how one moves forward to achieve that, and in so far as the amendment before us seeks to move in what I believe is the right direction, albeit perhaps much slower than some of us would wish, and given the minister's undertaking that if the evidence is available in a shorter period of time he will act within that period of time, I will support this amendment, but I do so with serious reservations.

We have an all-Island speed limit. We have a number of all-Island speed limits. The only real issue is that we do not have an all-Island speed limit for private cars and for motorcycles, so let us see the problem in its proper perspective. These all-Island speed limits do not involve a proliferation of signs as far as the road furniture goes. Vehicles have a specific speed designated for them by class of vehicle. So in terms of the mechanics of applying an all-Island speed limit I do not see a problem there at all. We have already moved along the road; in fact, we have moved along two roads. We have speed limits applied to certain sections of road applicable to all vehicles and we have speed limits applied to certain classes of vehicle, which is what I referred to as the all-Island speed limit.

Now, the case for an all-Island speed limit, as far as I can see, is there. I do not believe that we really have to reinvent the wheel here in the Isle of Man, to draw conclusions. The basic scenario that we have on the Island can be matched against studies by the Road Research Laboratory and so on. I believe that that basic scenario has not changed, and indeed I find it interesting that some of the comments today have come at it really from the position of the seat belts. When there was a move afoot to get the seat belts accepted, what we were hearing in this hon. Court and elsewhere was, 'It is speed; you must have seat belts fitted because speed is what is causing these injuries and what is causing in some cases fatalities.' So I believe there was a general acceptance by this hon. Court and another place that speed can be the cause of serious injuries and indeed fatalities.

I think a starting point of my reasoning for the imposition of an all-Island speed limit is simply this: I think you have to start with a culture change, and I believe, if we had an all-Island speed limit - and we are, as I say, talking about private cars, we are talking about motorcycles - that that would bring about a different culture, a different approach in the sense that people would look towards speed restraint and the importance of restraining speed in a different light than they do now where we have this open-house culture, a culture where there is a lack of restraint. So I believe, from the point of view of making a start and getting a culture onto this Island, which recognises what can be the harmful effects of speed through motors, would be an important step forward. It is like putting a foundation in.

Secondly, I think that the question of enforcement is not the great mountain that we sometimes hold it out to be. I subscribe to the view of the hon. member for West Douglas that there is no difference. We are not really confronting any new principle here. Enforcing the law

in relation to an all-Island speed limit would put us in an almost identical situation to enforcing the law in relation to any other matter, and of course it is not feasible to have one hundred per cent enforcement; I accept that, but nonetheless, as has been said here today, the great majority of people would apply their common sense and would adhere to it and I think, therefore, without getting into draconian campaigns and large-scale prosecutions, there would be a benefit because the majority of people would go along with that. Certainly from my experience - and I can assure you I have picked up more spare parts of victims of traffic accidents than probably anybody here in this room - speed does kill, speed does maim, and I think it is foolish to suggest that that is anything but the case.

I believe we would see, albeit over perhaps a little period of time, a beneficial impact upon our traffic accident figures and traffic casualty figures, which is somewhat different again. I believe that would be with us if we had an all-Island speed limit and, not unimportant, if we had an all-Island speed limit, particularly in those areas where we do not have a restriction at the present time, if you had accidents you would have a considerable advantage in trying to construct a prosecution against those drivers, because we now live in an era where it is quite practical and quite feasible to reconstruct the scene of an accident and work out exactly what was the speed of the vehicle and, contrary to what has been said here this afternoon, the fact that a speed limit does not apply to a particular section of road does not invite or allow a person to go at any speed that he wishes. That is not the case. If you drive at a speed on an unrestricted road in a manner which is in any way dangerous or careless, having regard to all the circumstances, that is an offence in its own right and therefore, if you had an accident on an unrestricted road and you are able to indicate what the speed of that vehicle is, you are as good as there in making your prosecution stick. So there is an advantage.

Mrs Crowe: Unless you are dead.

Mr Quine: Well, if we have somebody that is dead, that would be very unfortunate, but it would not preclude a prosecution of any parties who were accountable for that accident. So I think we are perhaps too quick to brush aside the advantages that would flow from an all-Island speed limit.

No matter what is said, I think a number of members' views will be influenced by the fact that we have the TT fortnight and we have the MGP. I again subscribe to the view that has been voiced here today and I was particularly interested in hearing the hon. member for Onchan's contribution, Mr Cannell, because it was a very balanced contribution, but I subscribe to that. I do not believe that the fact that we imposed on this Island an all-Island speed limit by saying . . . Let us say, for argument's sake, we imposed a 60-mile-per-hour limit on private cars and a 70-mile-per-hour limit on motorcycles; you can take the variation of those, if you wish, but I have previously used those figures when we have been discussing this matter. I do not believe that that would materially affect the attractiveness of these motorcycle festivals that we have on the Island - far from it, I think it would, for the right-thinking people, be seen that we were being responsible, that we were being in step with reasonable standards and they would support us for taking those actions.

But I just wish to once again make it quite clear to this hon. Court where I stand on this issue. That has been my position before; that is my position now. I say I will support this amendment because it is a commitment we have got from the department that they are going to evaluate and move forward and, more particularly, we have the clear statement from the

minister that if the evidence is there, if it is marshalled in a shorter period of time, he will act in a shorter period of time. I sincerely hope that will be a very short period of time.

Mr Cannell: Hear, hear.

The President: Hon. members, at this stage I would like to ascertain how many hon. members would wish to speak to this resolution still. That is pretty decisive. The Court will take a break and we will resume at 5.20 by the Court clock.

The Court adjourned at 5.00 p.m.

All-Island Speed Limit - Debate Concluded - Motion Lost

The President: We will resume the debate. The first hon. member to speak will be the hon. member for Glenfaba.

Mr Gilbey: Mr President, the hon. member for Castletown said, 'Where should an all-Island speed limit apply?' I think that is quite easy to answer.

Mr Cannan: Foxdale.

Mr Gilbey: It should apply to all roads which do not have an existing lower speed limit. Now, to suggest that if we had an all-Island speed limit we would have to put even lower speed limits on all our lanes and side roads is not correct. He argues that without such lower limits people would and could drive up to the overall speed limit, whether it was safe to do so or not. Now, this just is not true, nor would it be a correct interpretation of speed limits.

In discussion on a quite different matter within the last four weeks, Mr Bruce Hannay of his department, whom all hon. members know, made it absolutely clear to me that any speed limit, whatever it was, did not give drivers a justification for driving up to that speed limit if there were other factors that made speed limits unsafe, and therefore if we had an all-Island speed limit it does not mean that people could drive at 60 or 70 or whatever it was down, say, the narrow lane at Brack-a-Broom and Poortown. Such an interpretation is totally and utterly wrong. But it is interesting that he admits that even a seat belt is no help above certain speeds. I believe that proves just what many hon. members of this Court are arguing about the danger of speed. But I am glad he agrees that the TT does not depend on the lack of an overall speed limit.

I am also glad that with his very great knowledge of motorcycle racing the hon. member for Onchan, Mr Cannell, also agrees that an all-Island speed limit would not end the TT, because in the past this has been one of the great arguments that has been trotted out against an all-Island speed limit and it is indeed encouraging that now so many hon. members seem to accept that if we had an all-Island speed limit it would not sign the death knell of the TT or the Grand Prix. However, the hon. member Mr Cannell admits that a speed of over 90 miles an hour on a motorcycle is dangerous. He mentioned their responsibility of firms producing motorcycles that go up to 180 miles an hour, and I would say that that irresponsibility also extends to those who produce motor cars that go to 190 miles an hour and those in this Island who buy such vehicles, very often leading to them crashing them, as happened over the Easter weekend at Ballacraigne and Ballig.

The hon. member for Ramsey, Mr Singer, was talking about an all-Island speed limit all the year round and not about speed limits just at TT time, nor about the problems caused by

the TT and I entirely agree with him about that. I was also glad he referred to lorries exceeding speed limits, which is going on all too often and about which I hope action may be taken regardless of the outcome of this debate or the imposition of an overall speed limit.

I totally accept that an all-Island speed limit would not entirely stop the dangers to which he graphically referred on the mountain road and other places. However, I believe and I believe many other hon. members believe that it would reduce them, and of course in this connection I am certain that the hon. member for Ayre, Mr Quine, is correct in that an all-Island speed limit would change the whole culture regarding speed.

Now, in the past, years ago, I was opposed to the introduction of an all-Island speed limit. However, some years ago I changed my mind on this. Why? The reasons are: the steady build-up of traffic on our roads; the higher speeds at which so much of that traffic is constantly travelling; and the increasing accidents due to speed. There is no doubt that speed is one of the major causes of deaths and injuries on our roads. We do not need a three-year evaluation to prove this: it has been proved. That is why so many publicity campaigns rightly use the slogan 'Speed kills: kill your speed.'

Regarding accidents, injuries and fatalities, a UK Department of Transport accident analysis showed that of all injury accidents 29.7 per cent were caused by excessive or inappropriate speed. The Manx police force also attribute many accidents, particularly serious ones, to speed and they have been quite clear in wanting an all-Island speed limit, as the hon. member for West Douglas, Mr Shimmin, has said.

A pedestrian's chance of survival in a 40-mile-an-hour impact is very slight. At 30 miles an hour nearly half are killed, whereas at 20 miles an hour 95 per cent survive. Comparable figures for serious injury to vehicle occupants are 80 per cent who will survive, 80 per cent, 50 per cent and 16 per cent, and in such a small Island driving at 10 or 20 miles an hour less surely makes very little difference to our journey times, only a few minutes. Is this extra speed for these few minutes really worth the dangers involved?

But it is not only on account of accidents and the dangers caused but the effect of speeding vehicles on people walking on pavements with vehicles roaring past, particularly the elderly and parents with young children. Indeed I do not think it is till we ourselves walk on the pavements that we really know what it is like to have heavy vehicles, cars, motorcycles roaring past you at great speed.

Most countries in the world have speed limits, even on their motorways or whatever is equivalent to their motorways. Yet we in this Island have no overall speed limit on rural roads which are not built for and not fitted out for high speeds. This is surely an absurdity.

Now, I know it will be said and has been said, 'We cannot even enforce the speed restrictions in built-up areas, therefore how can we do so in respect of an all-Island speed limit?' I would argue, as other members have argued, that we could do this as much as other countries do it. Also, as the hon. members Mr Shimmin and Mr Quine have said, we cannot totally enforce any law we bring in, but that does not stop us having those laws. If we only brought in laws which were a hundred per cent enforceable I doubt if we would have any laws whatsoever, and therefore I believe we need an overall Isle of Man speed limit, not just for the TT, that is not my argument, but for every day of every week of every year.

Mr Cretney: Mr President, I think, following on from the hon. member and others who have referred in particular to the TT, and indeed the hon. member who introduced this resolution whilst doing so said that he was not speaking specifically about the TT period but then went on in some great depth to discuss the situation, I would want to take the opportunity to answer some of the points which have been raised by members and some of the things which I consider not to have been helpful during the debate.

First of all, certainly during my time and I know during the previous ministers who were on this TT Road Safety Committee with me, the TT has not been sold by any responsible authority on the basis that motorcyclists can come to the Island and ride at stupidly excessive speeds. Nobody in any position of authority would do that whatsoever. That is not the way the activities have been sold to the general public who want to come here to the Isle of Man, indeed quite the reverse. There have been quite vigorous Department of Transport campaigns and I do believe that this year the Department of Transport campaign, combined with the police action, has been effective. Indeed in last year's message to TT fans from myself I suggested that if they wished to ride motorcycles at very fast speeds, the only way to do so was by obtaining a racing licence from the Auto Cycle Union or whatever their national organisation is, because the best way to ride motorcycles fast and the safest way to road motorcycles fast is by doing so on closed roads, because for anybody who has participated in that, there is nothing else so exciting for the participant or the spectator.

Now, we have gone out of our way to try and encourage motorcyclists to participate in the many festival activities which are promoted away from the course and we will continue to do so with the co-operation of many other statutory and private organisations, and again this came out of an initiative where concern was expressed about the activities which were occurring on the course the Sunday between practice week and race week and so by the various statutory bodies getting together it was agreed that we should do whatever we could to try and encourage people to consider other activities, and I believe that that has been successful and I would agree with others in this debate that the festival atmosphere itself is one of the major attractions for people who come to the Island.

Now, it appears to me that in the present situation there have been frustrations felt by inconsistent speed limits in some areas and I do believe on an ongoing basis this should be monitored, because if it is not, it can in itself lead to accidents and my feeling is that some of the consistency that has been introduced in some areas has perhaps been at a lower speed than could be appropriate, but again these are things which should be monitored on an ongoing basis, not just as part of a one-off road safety report, but it is an obligation on the Department of Transport, with their obligation for road safety, and other agencies on an ongoing basis.

I think it is disappointing for some to suggest that the only honest members in here are those in favour of an all-Island speed limit and that this would prevent future tragedies, because it certainly would not. We all require to discourage senseless and dangerous driving and to support the police in taking prosecutions against such offenders and we need to examine ways in which to do so by further empowering the police to target such offenders. We must not, however, ignore the many initiatives already introduced and the effectiveness of them. These should be monitored, modified and improved where needed, and for these

reasons I believe it would be right for the Court at this stage to support the amendment in the name of the hon. member for Castletown.

Mr Bell: Mr President, I think most of the points which need to be made on this particular issue really have already been well aired and I am quite sure that whatever is said now by other members will not influence the voting at the end of this debate, but I do just want to put a couple of points on record as to my view on this, as a member of the committee which was set up by the Council of Ministers to look at road safety during the TT period.

I have to say to begin with that, like other members, I was expecting the debate to be purely on an all-Island speed limit today, rather than the debate which seems to have settled more round the report of the Council of Ministers. It might have been perhaps more of an effective debate if we had actually initiated a debate on the report itself so we could have got into some of these details in a bit more depth rather than skirting round some of the issues.

The hon. mover of this resolution made mention at the outset two points which I think need some clarification, or three points perhaps, but firstly he regretted the length of time it has taken the committee to report back with its findings, that it did not report until April. Now, I can tell the hon. member that the reason they did not report until April was because of the vast amount of work that had to be done to try and put this report together in the first place and a great deal of research in particular, to try and find valid statistics to actually come to a positive conclusion one way or the other. It was not because we were flippant in any approach to this or that we had preset ideas on this particular issue. It was simply the volume of work that was required and commitment, I think, which went into this report which delayed its publication, and as the hon. member well knows himself, this was a report of the Council of Ministers. He states that there was no opportunity for debate in Tynwald. Well, it was quite within the realms of any individual to raise this matter on the floor of Tynwald if they wished to have a debate on it, but it was never intended to bring back this report to Tynwald in the first place. So there is nothing underhand being carried out by the members of the committee, we did what we were requested to do and I believe, from the reaction we have had from all the authorities I have been in contact with anyway, they feel that the report came back in a balanced manner and put forward some positive suggestions most of which have been implemented or operating over this last TT period.

I have to say that my views perhaps were trimmed somewhat during the debate which went on in the collation of this document. I, from the outset - it is well known on record - have not favoured an all-Island speed limit because I do not believe it is the panacea that everyone seems to think it is, that it is not the simple solution that people are looking for when we are talking about dealing with traffic problems. There are arguments, though, which were put to us, I think, during the course of our deliberations which may ultimately persuade me to change my mind, but I have to say, the almost total absence of any statistical information to base a well-thought-out and argued case, either for or against a speed limit, were just not in existence. I think all my colleagues will agree that we were quite surprised, when we came to collate the information on this report, just how few statistics were available in any area of government, whether it be the Department of Transport or my own Department of Home Affairs through the police or in any other source. So it is quite difficult to actually come forward with well-argued and statistically supported arguments on such matters as the speed limit with such a paucity of information available. The best we would have come up with is what may motivate a lot of

other suggestions, both in this Court and outside, which would be suggestions based on an emotive field rather than on a logically and statistically based conclusion, and this is really why I will be supporting the amendment today, and I would urge hon. members to support the amendment, because I believe if we are going to come to any conclusion on this, it has to be a conclusion which is workable, which will have some meaningful effect on accident statistics on the Island and will prevent, hopefully, us as a body deluding ourselves that by simply introducing a speed limit we have tackled the problem once and for all and therefore the problems of controlling traffic on the Island and the accidents that flow from that will be resolved once and for all.

It may be frustrating that we are not recommending that we make the grand gesture now and we simply bring in a speed limit and we are asking them to wait up to three years to actually collate that information, but I believe if you are going to have any meaningful figures at all these figures have to be assessed over a period of time and not just on a snapshot which we would be taking otherwise. That is not the way, I believe, that we should be going.

As I say, most of the main points of debate have been raised and I really do not want to waste time going over ground which has already been covered. I would simply perhaps like to just comment on a couple of points further to that.

The position of the police has been raised, and this is really where my concern has been all along. Certainly there is one element in the police force which strongly recommends a speed limit be brought in as from now, but I can say that that view is not unanimous in the police force, there are mixed views as to how effective a speed limit might be, and again I think, in the absence of accurate statistics, it is very difficult for one side or the other to state that they are right in this particular argument. So there is a problem within the police force of unanimity of view on this. There is also, and it is something which cannot be dismissed easily, a resource implication in this, because if you do bring in a speed limit, it is going to be expected to be policed. It is quite wrong and unfair on the police themselves to bring in a speed limit. The hon. member for Glenfaba may well be right when he said we do not expect it to be a hundred per cent policed, but the fact is that the very day that we have a speed limit in, in the Glenfaba area where cars are seen to be speeding over that limit, you can be sure there will be a call for police to be on duty in Glenfaba, and that will happen all round the Island. There is no question of that. Once you bring it in the public, quite rightly, will expect this to be fully enforced and you have to decide then what is the best deployment of police resources? Do we want them out on traffic patrols constantly? Are we going to give them more resources to enable them to respond to what the public want or are we going to take a more sensible approach and recognise that there are limitations in this particular area?

The other issue which I think should be just borne in mind, which does concern me in the perceptions which have developed through this debate, is that there seems to be some confusion between dangerous driving and driving fast and they are not necessarily the same thing. I probably am subject to more instances of speeding than most other members, coming over the mountain every day in to town, and there are far more dangerous drivers that I have come across driving along at 40 or 50 miles an hour over the mountain than there ever are at higher speeds. The one thing which does happen where there are restrictions on speed is that these restrictions, particularly on the mountain, although there is no speed limit, are frequently caused by large vehicles where the speeds are artificially depressed and convoys build up and

frustration builds up out of that, and this is where the real dangers develop, because people will take risks where otherwise they would not do, because of the slowness of the traffic. Now, in those instances they are artificial, it is because there is a slow-moving vehicle on the road, but if we were to put a 50-mile-an-hour speed limit, which has been spoken of, on all roads on the Isle of Man, you are going to have this bunching constantly and given the nature of the roads on the Isle of Man, people will take risks in areas where they should not do and far from solving the problem you may well be causing more problems than you solve because of this, and this situation can be seen almost every day on the mountain. It is not something that I am inventing, it is something I will probably see again tonight going home. It happens quite frequently.

I really am only standing tonight to lend my support to the amendment which has been put forward by my hon. colleague, the Minister for Transport.

I fully recognise and appreciate the emotional drive behind the original resolution and I do not doubt for a moment the sincerity of the mover in his intentions in moving it. It is perhaps unfortunate he seems to doubt the sincerity of the three members of the committee who drew up the report in the first place, but I can assure him that our sincerity in trying to find a proper solution to this problem is just as real as his own in moving this particular resolution and so I commend him on the presentation that he has made.

It is probably appropriate that we do have a debate on this particular issue, but I would urge hon. members, before we jump in on this and believe we have found a panacea, the answer to all our problems, that we simply stand back and recognise that decisions like this should not be made on an emotive basis. There are other problems which may well develop by taking premature action and simply imposing an all-Island speed limit. We should be aware of them. We need to know exactly how serious the problem is in real terms on the Island, with speed, not just individuals' perceptions and I think once we have that basis of information to work on - and information, I should add, which I understand the Department of Transport has already started to collate and is well advanced with it - once we have a clear picture developing there, then I think we are in a far better and more informed position to take the relevant decision, whatever that may be, and if at the end of the day the information that we have indicates that a certain course of action should be taken which might conflict perhaps with my views, then I am quite open to persuasion at that stage. But in all other debates which we have in this hon. chamber members look for accurate information before they come to a conclusion on whatever that issue is. I would simply ask hon. members to take the same approach to this particular issue: support the resolution, let us take a period of time to step back from this problem to see exactly what the true picture is and then with more mature reflection debate this again and make our decision on that basis.

Mr Lowey: Mr President, this is the fourth Chairman of the Tourist Board. I feel left out somehow. Three existing members of the Tourist Board and you see before you somebody who really, at the end of the day, is a simple country lad at heart without a prejudice or a preconceived idea in his head. Not half!

Mr Brown: He can't drive! (*Laughter*) I know: I have been with you!

Mr Lowey: Shut your eyes and pray!

Most members know where I come from on this and I have not changed my mind either. I believe in a speed limit. I am always ahead of my time. I was in favour of seat belts. That was almost a sure-fire guarantee that it would fail. It did. Helmets for drivers - sure-fire. We lost, but eventually it came and now everybody but everybody would not dream of going on a motorbike without a helmet. Ninety nine per cent of people now do not go into their cars without a seat belt. No matter how much persuasion we did with our advertising, it was not till the law came into being that everybody then actually did it.

We have listened to the debate this afternoon, but I would remind members yet again that when you vote you will be voting for what is on the paper, not what you have heard, not what is said, what is actually on the paper. The resolution of the hon. member for West Douglas is quite clear: 'That Tynwald is of the opinion.' That is what you are being asked to support: 'Tynwald is of the opinion that the Isle of Man Government should, as a priority, introduce legislation to establish an all-Island speed limit.'

Now, today we have heard about health and safety legislation being brought into farms and Mr Speaker said it was paramount, health and safety was paramount. I think most of us in this Court, all of us in this Court, not most, all of us in this Court would say that road safety is a priority, so I do not think any of us really can take issue with the hon. member for West Douglas.

The amendment - all the amendment says in effect is 'endorses the proposed three-year evaluation by the Department of Transport of the implications of an all-Island speed limit, including extensive collection of data and analysis of accident statistics, to enable the department to make an informed assessment of the need to introduce such a speed limit', and the minister has added to that half a promise, 'if it comes in earlier we will act more speedily,' but regarding that embellishment, I cannot see you are going to get any statistics on a yearly basis and bring them in much more speedily than three years, and to that my answer would be that we already do have statistics.

Mr Bell: No, we don't.

Mr Lowey: The hon. member for Ramsey says, 'No, we don't.' The statistics that are available from every other car, bike, country in the world can be applied statistically to the Isle of Man and in traffic terminology that is exactly what is done in applying logic to this particular problem. We do have a growing population of traffic, we know, by 3 per cent a year. We know the roads are what they are in the Isle of Man and they can be applied, so I do not genuinely believe that we are going to find at the end of three years the statistics will vary very much from what is already available and can be applied (**Mr Houghton:** Hear, hear.) so to that extent I would say the mover of the debate did actually say it was not about statistics, it was about the realities.

Now, I do not doubt for one second the sincerity of the three members who took part in this debate, the Council of Ministers who looked at the thing. I do not care from where they came. I genuinely believe the report was an honest attempt to deal with a specific problem.

I found, when I read the report and the 20 odd recommendations, a lot of them all made common sense. The first one, no speed limit and then in the first five recommendations they introduce speed limits, speed limits at Glen Helen, speed limits coming into Governor's Bridge.

Why? Because they genuinely thought that they would help safety. We are doing it piecemeal as opposed to total. That is what we are afraid of, whether we will do it in a total figure or not.

I say to the hon. members there is very little between the proposal and the amendment, but I do think there is a gulf between what I would call the positive message that ought to be getting out to the public that we do need to restrict speed.

Now, I take on board what my minister says that I know for certain that we never advertise the Isle of Man as a place 'come and let rip, boys.' That is the total opposite to what we actually do in selling it.

I commend the new member for Onchan, Mr Cannell. I genuinely believe the genuine fan of the TT will not be deterred. I do not believe they come off the motorway, get on the boat coming to the Isle of Man and suddenly become a different animal. They do not, they genuinely do not, and I think it is an insult to them to suggest that they do.

Now, I genuinely believe that this motion before us today should be supported without amendment and I will therefore be supporting the hon. member for West Douglas and not supporting the amendment of my friend from Castletown, Mr Brown.

Mrs Cannell: Mr President, I have found so far the debate very interesting and I am somewhat surprised at some of the comments that have been made, but in looking at the motion which is before members it is quite clear that the mover is intending that Tynwald is of the opinion that in principle the Isle of Man Government should, as a priority, introduce legislation to establish an all-Island speed limit, and we all know that once a decision has been taken to introduce legislation, that in itself does take time, and in relation to a particular subject such as this, then it would take, I would expect, anything from a year to possibly two years to introduce such legislation.

Now, there is no mention of time in this motion. Mr Shimmin, the hon. member for West Douglas, has not said that it should be introduced within a given time, he has left that quite cleverly out of the equation, and I think that is the beauty of the motion which is before us, because we are being asked today to consider that the introduction of such legislation should be a priority. We are not saying it is, by supporting this motion. We are not saying it is a priority. What we are saying by supporting the motion is that we believe that it should be a priority (**Mr Houghton:** Hear, hear.)

Now, if you look at the amendment which is being moved by the hon. Minister for Transport of course what he is asking for here is time. He wants time to look at this thing again. He wants time to work up a case to decide whether or not there is a need to introduce such legislation. So there is a question mark there in his amendment in relation to 'Is there a need?' And that is the question he is putting, 'Is there a need? And if there is, or if there is not, then please give us three years in which to work up a case which will go either way.'

Now, three years from this particular month will take us very close to the end of the legislative term of office for this particular present membership of the House of Keys. It will take us to June before the November general election, and I know full well and I am sure members who have been here a long, long time - in addition to yourself, Mr President - also appreciate that if something like this that has been previously very controversial in previous debates is left to a few months before a general election, then it will be left and left for good.

That is what will happen. That is what has happened in previous administrations. If something quite controversial has been ready to go or ready to move in one way or the other, because it is controversial, because hon. members are facing the electors once again, they choose not to run with it and it will be pigeonholed.

Now then, that will be three years down the drain. It will then be up to the new minister, whoever that might be at that time, and the new administration and the new government and the new House of Keys and the new Tynwald to decide whether or not they are going to pick it up again and run with it. Now, that in itself could add a further year, so we are talking four years now running on the clock, and as the hon. member for Rushen, Mrs Crowe, quite rightly said, whilst that time is ticking on the clock, then valuable lives are also being wasted because of the lack of introducing the essential basic ingredient to prevent those from speeding.

Now, we have heard much about 'I remain to be convinced that such a speed limit will eliminate all of these problems with road traffic accidents', 'I don't believe that this is a panacea for all the road traffic problems', and we have heard all of these things of non-belief stated by previous speakers. But I feel that any responsible and caring government puts in place the necessary legislation to provide protection for all, and that is for those who use the footways, the pedestrians, those who cross roads, those who go on bicycles, those who ride motorcycles, those who ride vehicles and those who drive heavy lorries and so on and so on. All of those people, to my mind, need to be afforded protection and if we can do that by putting in place the very basic need of an all-Island speed limit, then I think that we can achieve much. We will change the culture, as has been previously spoken of, from one which is presently running at road rage on the Isle of Man, and I can say that with my hand on my heart because we do have road rage here in Douglas. We have road rage in Douglas. There are many reasons as to why we have it but it is here and it needs to be stamped out.

Now, just to expand a little bit on that, this is where I am coming from, because although it is recognised that during the TT festival period fans of the TT riders try and mimic their heroes and they speed - there is speeding on the mountain, there is speeding on unlimited roads - I can tell hon. members in this Court there is tremendous speeding within residential areas, towns and villages, and that puts innocent people at risk and it is an unacceptable risk and we must not allow it to continue. We have an opportunity of putting in place here, of agreeing in principle that we believe that a speed limit should be a priority, and to my mind that is a very good starting point from which to fully consider all of the implications, the ramifications and at what speed such limits should be set.

Dealing with the road rage culture, a lot of this of course has come about by the piecemeal transport traffic policy that we have seen over the last few years. We do not have a proper transport traffic policy as such for the Isle of Man. We have attempted to address the problems of traffic and congestion with the introduction of disc zones, parking zones, residents' parking permits, road traffic-lights, roundabouts of course we had coming in a number of years ago and so on and so forth, and the hon. member of the Council was right when he spoke about piecemeal because this is how the problems associated with traffic and congestion have been dealt with. It has been through a lack of forward-thinking policy, lack of a proper plan, and problems as they have occurred have been dealt with - very efficiently, I might add - by the Department of Transport, but it has been put in a reactive position as opposed to a proactive position.

As a consequence to that we have had all manner of roadworks, changes of roads from one way to the other, and so on and so forth, and given that Douglas provides the largest sector for jobs, that the majority of people, the Island's working population, come into Douglas every day to work, then we have a tremendous impact, particularly during rush hours, from those coming in to work and if what they are faced with is a series of obstacles by way of road repairs, parts of roads sectioned off, others completely closed and impending traffic-lights and the like, they begin to get frustrated, they begin to get quite angry and what in a healthy and clear day situation might amount to five minutes' road travelling time to their job turns into a nightmare because it takes them something like 30 to 35 minutes to get from A to B, and as a consequence to that I have witnessed myself vehicles pulling out, motorists getting angry with the constant hurdles that they encounter on their way to work and they pull out of a queue of traffic and they begin to - pardon the pun - rat-run through the constituency, and that is what happens, and every conceivable little back lane, little way, quiet residential area suddenly has an impact of traffic trying to avoid the main routes and the main bone of contention.

As a consequence of course to that and in addition is the fact that we had the accident which resulted in a young child's death and a tragic loss for the Atkinson family, where a child was hit, and let us not forget this. This child is not the first to be killed in a manner like this and this is probably why the family are so strong to encourage us to put into place some kind of safety mechanism. But this child was run over not far from the home. This is in a residential area. This involved somebody who was speeding. Because of the lack of regulation in terms of speed limit in that particular area, then one really could not prosecute, and it comes back to the point made by the hon. member for Ayre when he said that with a speed limit one can go for a successful prosecution, without one we have no chance of going for a successful prosecution, and so people are being placed at risk of losing life or limb when crossing a road, when stepping out of a parked vehicle, doing whatever you like. As soon as they get near that road, they are putting their life and their limbs at risk.

Now, it was said earlier that we have 50,000 private licensed motor vehicles. Well, I think the figure is closer to 55,000 this year and if we compare that with an overall estimated population of 72,000, then it is mind-boggling. It really is mind-boggling. We cannot discourage more ownership. We can only encourage things like national transport and all the things that go with that and free buses and the like. But we do have a problem with motor vehicles and we do have a problem at times of the year with motorcycles. Basically we have a problem with those who speed.

Now, we have dangerous driving and we have careless driving and I would agree some go fast and some go slow and equally could be as damaging to someone who is trying to cross the road or perhaps to someone who is trying to overtake another person. But the amount of speeding that I have witnessed on the country roads and particularly over the mountain is absolute madness, Mr President, absolute madness, and these people are in a rush to go wherever, whether it is a meeting or to catch a flight. My motto has always been 'More haste and less speed. Better to arrive late than never at all.' But you see these characters and they will overtake at tremendous speed, putting everybody else at risk whilst they are overtaking and they might take over two, three, I have even witnessed them taking over four vehicles at a time. It does not matter where the road is, whether it is residential or on

the mountain or in the country, they do it, and they can do it because there is no restriction on what speed they can do in that particular area, and that to me is fundamentally wrong.

I just finally would like to wrap up by saying there was a comment earlier from the hon. Minister for Transport and he said speed limits will not avoid dangerous driving. It will not cure the problem, he said. And I thank goodness that the same school of thought is not shared with our health minister because if our health minister had that kind of attitude - which I am pleased she does not - then the same thing could be said of people who are suffering from heart disease and people who are suffering from cancer. Would one turn round and say, 'Well, we're not going to take this measure' or 'We're not going to introduce this because it is not going to cure you'?

Mr Brown: There is a bit of a difference.

Mrs Cannell: It can alleviate the symptoms and it can alleviate the discomfort and it can provide a comforting factor. A speed limit can do all those things too to those who are terrified to cross the road because of road-rage drivers, and patients would not be denied something that would alleviate those symptoms and would help, and neither should we be denying the people the mechanism of proper legislation to alleviate the problem. It may not address it and cure it but it will certainly alleviate it and I believe that it will.

I will be supporting the motion. I will not be supporting the amendment, and I thank you, Mr President.

Mr Crowe: Mr President, I too have found this a very interesting debate but a point that seems to have been missed in the debate is that if we are having a three-year evaluation of the implications of an all-Island speed limit 'including' - and I quote from the amendment - 'extensive collection of data and analysis of accident statistics', then to get a meaningful comparison, at least one of those years we should have an all-Island speed limit in place, whether it be year two or year three. But for a true comparison in those three years to be made, then we must have one year's statistics for a year in which the all-Island speed limit is in place. Otherwise the three years are just a compilation of three years' statistics. There is no comparison between the years in which there was no speed limit compared to a year in which there was a speed limit. We can then compare the statistics for the years when an all-Island speed limit does not apply with the one year when a speed limit does apply. Only then, looking at the pros and cons of having a speed limit in place or not having a speed limit in place, can we then come up with true comparisons. Thank you.

The President: May I call on the mover to reply? Reply, sir.

Mr Shimmin: Thank you, Mr President. Thank you, hon. members. In view of the airing that we have had I will try not to take up too much time but I must respond to a number of issues that have been raised.

Three speakers at least seem to criticise the fact that I had started my speech saying I was going to talk about all-Island, non-TT specific and then proceeded to talk about the TT fortnight. The Minister for Transport and chairman of the subcommittee took some exception to this, but I would refer him back to the page from which I started quoting which was chapter six titled 'An all Island speed limit for the Island??'. On page 30 it says, 'consideration of the introduction of an all Island speed limit could only be undertaken on the basis of its

introduction for 52 weeks in the year. In this connection many of the same arguments for and against an all Island speed limit appertain to both periods and the main factors which were taken into account were as follows', and I then quoted from it. Yes, it is in the report, but they clarified that this was to do with an all-Island speed limit, all year round. That is what I was talking about.

Others have appeared to pick up, not surprisingly, criticisms that I might have made, all the benefits and the good stuff within this report. Now, not being somebody who normally works from a script I will have to go back to *Hansard*, but I believe that within the first opening paragraphs of my speech I complimented the committee on the good recommendations that had been done, carried out, would be beneficial, and I supported that. I then focused in on the first recommendation which then became the reason for this resolution.

The Minister for Transport, chairman of the committee, talked about his expert and 'I will raise you one of my experts', and we have seen that happen before. I am not doing that. It is not a Dutch auction. It is a balance. That was meant to be the whole tenet of my opening speech: there was a failure to have a balance in certain aspects of that report when talking about an all-Island speed limit. He then - I found it insulting but not just to me, to all of us - refers to 'Let's be realistic: the speed limit will not avoid accidents.' Of course it will not. Not one person in this chamber believes it will. Accidents will happen. People will break speed limits, as they break all the laws of this land. We are not talking about a panacea which the Minister for Home Affairs talked about. I am not that simplistic and it is insulting to me and others to find that that is the best level of the argument that can be brought forward, to assume that anybody who is criticising the outcome of this report has a simplistic attitude, saying, 'Oh, an all-Island speed limit will solve the problem.' I stated it would not, had those people listened. I know it would not, but we have to start somewhere.

I did not stipulate a timetable. I did not stipulate a particular speed. Why? Because, as I said, it would be easy then to hijack the debate and talk about whether it should be 70, 60, 50 and the Minister for Home Affairs, my minister in Home Affairs, a man I have normally a lot of time and respect for, again falls down into the simplistic argument of saying, 'Let's talk about 50 miles an hour!' The reason I did not is to avoid that sort of rubbishing of a serious important debate. Yet it is found by the arguments coming back that they do that - treat us simplistically, simplify a difficult problem, look at it for three years. And I am absolutely delighted by the hon. member of the Council, Mr Crowe's final comment. How on earth can you go down the road of having a three-year evaluation whilst you are moving the goalposts this year, next year, you have no intention to do any sort of control against a comparison? Anybody who has any application of statistics will realise that what is proposed in this amendment does not solve the issue. The fundamental principle, the ethos which I talked about, is the important aspect. If you consider the collating of different sets of statistics that you then have to apply against - what? You have to then compare against similar weather conditions, similar numbers, similar policing methods and Department of Transport methods. The only way you can do a comparison is by actually having that control measure put in so you are comparing one against another.

The idea of this amendment is disappointing. I find it disappointing that the Chief Minister did not move last year and change the make-up of that committee. Fully understandable: the Minister for Home Affairs, Minister for Transport, Minister for Tourism and Leisure. The three

that I and anybody else would have selected. It would have broadened it, as has been done on other committees, to have a better balance put in. I am disappointed that did not happen. I am disappointed the Chief Minister did not speak today and I am even more disappointed that the Council of Ministers have whipped up another amendment which once again will delay tactics. The rest of us have no chance. Anybody who is concerned or interested in the way this debate is going to go just needs to look around, see where the whip hand goes on in the Council of Ministers, look at the member of the department who has already stated his position.

One of the opponents to this motion, I believe, who came out with the most credit was the new member for Onchan, Mr Cannell, and I appreciated his comments, one that as, considering this debate, I had already assumed that he would be on the other side when the vote came and I was extremely impressed with the balanced view that he showed which I believe was him moving far further than others in this chamber have done so in their contributions.

Mr Singer. For somebody who is so fervently in favour of a breathalyser as a mechanism of road safety, as the member responsible for the highways, to come out with some of the stuff that he has done once again in supporting the departmental line, I found astonishing. If you apply any of the same criteria that you would use towards the breathalyser in a mechanism of safeguarding people and road users, the same arguments can be applied in this issue. You had the brass front to come out with one of the most offensive things I have come across, which is where you talked about - how can I phrase this - the offer and the conversation that you had regarding Sabrina's mother doing a radio interview, something which would cause her great distress. I doubt if the member is aware of how much distress that attitude caused to the lady in question. To have somebody turn around when you have made a legitimate attempt to try and come to terms with your grief by doing something positive and putting it back in, and somebody you do not know, with no qualifications or expertise in that area, wants to avoid her distress.

I am saddened by the grouping together of people that I believe, were it to be a fully open vote in this chamber, were, I believe, people to have listened with an open mind, this debate could have produced a step forward. As it is, the numbers game implies that it is unlikely to happen.

I do not wish to go through everybody's comments. Thank you to those who supported me.

I would refer to minister Quine who is in an invidious position. I thought he summed it up perfectly. We are not talking about solving a problem, we are talking about a culture change, we are talking about a step towards changing the ethos that on the Isle of Man speed is acceptable. More insulting, patronising comments coming from saying, 'We don't advertise it.' Of course we do not. It is implicit in everything that we do. Every school child I have taught, every child who goes through the Isle of Man or visits the Isle of Man as a tourist, they realise what goes on on the Island. We do not state it. It is not overt but it is there.

Now, I am not a wild card normally. I must admit I am enjoying this final say because I do not often get the final say. Normally somebody comes in and rubbishes me after I have spoken, (*Laughter*) and like Mr Quine, it is sometimes hard to sit down once you have started,

but I have been almost vilified for being emotional about this. Any time that I get on my feet to stand in this chamber, moving a motion or discussing a debate, I do not talk on things I do not know about, I do not care about. I am not emotionally involved with this. No member of my family has died. I have empathy towards those who have suffered loss, but that is all it is. But this is me. I believe that something is right, and if I do, I stand up and I will say it and I then get emotional sincerity. If something is right, if I believe in it, just like any one of you when you believe in something, I would expect you to speak in the same way.

It should have been a free vote. It will not be. I oppose most strongly this amendment. I would like to think that those who do support the principle will vote with it. Mr President, thank you very much. I move.

Mr Houghton: Well done.

The President: Hon. members, the resolution is set out at item 24 on the order paper and to that resolution we have the amendment in the name of the hon. member for Castletown on the white paper circulated to you and in your possession. I will first of all put the amendment. Will those in favour of the amendment standing part of the resolution please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Cannan, Quine, North, Sir Miles Walker, Messrs Brown, Cretney, Duggan, Singer, Bell, Corkill, Cannell, Gelling and the Speaker - 13

Against: Mr Gilbey, Mrs Crowe, Messrs Houghton, Braidwood, Mrs Cannell, Messrs Shimmin and Karran - 7

The Speaker: Mr President, the amendment carries in the House, 13 votes being cast for and 7 against, sir.

In the Council -

For: Dr Mann, Mr Radcliffe and Mrs Christian - 3

Against: The Lord Bishop, Messrs Lowey, Waft and Crowe - 4

The President: In the Council 3 votes have been cast in favour of the resolution and 4 votes against. Therefore as the branches are not in line the amendment must fail to carry.

We now turn, hon. members, to the resolution itself set out at item 24. Will those in favour of that resolution please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Gilbey, Quine, Mrs Crowe, Messrs Houghton, Braidwood, Mrs Cannell, Messrs Shimmin, Singer, Karran and Cannell - 10

Against: Messrs Cannan, North, Sir Miles Walker, Messrs Brown, Cretney, Duggan, Bell, Corkill, Gelling and the Speaker - 10

The Speaker: Mr President, the motion fails in the House with 10 votes cast for and 10 votes cast against.

In the Council -

For: The Lord Bishop, Messrs Lowey, Waft and Crowe - 4

Against: Dr Mann, Mr Radcliffe and Mrs Christian - 3

The President: In the Council 4 votes have been cast in favour of the resolution and 3 votes against. Having failed to carry in the House of Keys, although it has carried in the Council, the resolution fails to carry.

Mr Shimmin: Mr President, could I take some guidance on this? Under standing order 3.19 am I permitted to give notice of my intention to move the same motion at the July sitting?

The President: Yes, sir.

Mr Shimmin: Combined voting?

The President: I am perhaps premature in my reaction. Standing order 3.19: 'Where the Council and Keys have voted separately in Tynwald on any motion and such motion has received an affirmative vote in the Keys but has been defeated in the Council, the Member who moved the motion may at any time during the same or next following sitting give notice of intention to move the same motion at a sitting, which shall be specified in the notice, to be held not later than six months after the sitting at which the motion was put and lost. Paragraph (1) does not apply in respect of an amendment where the principal motion has been lost in both Branches.' The requirement of an affirmative vote in the Keys has not been achieved.

Mr Shimmin: Thank you, Mr President.

The President: I am sorry, hon. member, we can not have recourse to that.

Outpatient Diabetic Clinic, Noble's Hospital - Motion Withdrawn

The President: We move on, hon. members, to item 25. The hon. Mr Braidwood.

Mr Braidwood: Thank you, Mr President. This is going to be rather an anticlimax after the last debate, so if I could just claim the indulgence of this hon. Court for a minute.

Late this afternoon the minister for the Department of Health and Social Security gave me an assurance that the revised business plan of April 1998 submitted to her department for the development of Noble's diabetic clinic will be implemented, if at all possible, from 1st October of this year. Under those circumstances, if this hon. Court is in agreement, I wish to withdraw my motion.

Members: Agreed.

The President: Hon. members, we have a variation on the resolution of course. So anyway, the position is that any member who has moved a motion or an amendment may withdraw it by the leave of Tynwald. Is Tynwald agreed it may be withdrawn?

Members: Agreed.

The President: Thank you, hon. members.

Now, that concludes the business before the Court. The Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker may place before them. Thank you all very much.

The Council withdrew.

House Of Keys

The Speaker: Hon. members, the House will stand adjourned till Tuesday next, 23rd June in our own chamber at 10 a.m.

The House adjourned at 6.31 p.m.