

**REPORT OF PROCEEDINGS OF
LEGISLATIVE COUNCIL**

**Douglas, Tuesday, 8th December 1998
at 10.30 a.m.**

Present:

The President (the Hon Sir Charles Kerruish OBE LLD (hc) CP), the Lord Bishop (the Rt Rev Noël Debroy Jones), Hon C M Christian, Messrs E A Crowe, D F K Delaney, J R Kniveton, E G Lowey, Hon E J Mann, Messrs J N Radcliffe and G H Waft, with Mr T A Bawden, Clerk of the Council.

The Lord Bishop took the prayers.

Apologies for Absence

The President: Now, hon. members, before turning to our agenda paper I have to offer the apologies of the learned Attorney-General.

New Secondary School – Site – Question by Mr Waft

The President: Turning to the agenda paper now, we have first of all questions for oral answer at item 1, and I call upon the hon. member Mr Waft to ask question number (1) standing in his name.

Mr Waft: Thank you, Mr President. I beg to ask the Minister for Education:

Has your department yet decided on a site for a new secondary school taking into consideration all demographic projections and the future needs of the Island?

The President: The Minister for Education to reply.

Dr Mann: Thank you, Mr President. The department has earmarked a site at the Cooil for a new secondary school and at present this site appears to be the most appropriate location, situated as it is on the outskirts of Douglas close to the new housing developments at Farmhill and yet accessible both from the south and from the central valley, where there is also quite an increase in new housing. The planned extensions to four of the existing secondary schools for post-16 students will absorb some of the present and predicted increases in pupil numbers up until the year 2003 if the population predictions prove accurate. Beyond that date it is highly likely that additional secondary provision will be needed.

Mr Waft: Have architects, minister, yet been involved in drawing up plans for this new school, and has it been decided on the capacity of that school?

Dr Mann: No, those facts have not yet been decided.

Manx University – Steps to Establish – Question by Mr Waft

The President: Question (2) the hon. Mr Waft to ask the question standing in his name.

Mr Waft: Thank you, Mr President. I beg to ask the Minister for Education:

Does your department intend to take steps in the next three years towards the establishment of a Manx university and, if so, what are they?

The President: The Minister for Education to reply.

Dr Mann: Mr President, the Isle of Man College is affiliated to Liverpool University and a small number of degree courses may be begun on the Island through studies at the Isle of Man College for two years, followed by a further two years of study at Liverpool; in fact, three of those courses are due to start next year. The creation of a full Manx university which offered the complete range of degree courses, with its own validation, would be prohibitively expensive at this point and this is not at present being contemplated by the Department of Education. However, a possible move forward will be the establishment of an offshore international business school, open to graduates both on and off the Island. This idea is currently under discussion with the Treasury and with a UK university. No decisions have yet been taken to progress the idea into practice and any such outcomes would be dependent on a number of factors such as securing the appropriate balance in the funding, establishing a partnership with an existing university and ascertaining the level of support and interest from companies established on the Island.

Mr Waft: A supplementary, Mr President. I wonder, minister, if private sector involvement in the funding of such a scheme as been considered by your department?

Dr Mann: Private sector funding has been considered, is being considered and we are awaiting the outcome of current discussions with Liverpool University.

Mr Waft: I thank the minister, Mr President.

Residential and Nursing Homes – Independent Inspectors – Question by Mr Lowey

The President: Question (3), the hon. Mr Lowey.

Mr Lowey: I beg leave to ask the Minister for Health and Social Security:

- (a) *Do you intend to introduce independent inspectors for residential/nursing homes and homes dealing with young people as envisaged in the UK;*
- (b) *how many such inspectors are currently employed by your department; and*
- (c) *how many visits did they make in the last two years?*

The President: The Minister for Health and Social Security to reply.

Mrs Christian: Mr President, the department has not yet had an opportunity to consider the white paper which was issued last week by the Secretary of State for Health. Until such time as we have studied the detail of the proposals in that white paper which, we understand, includes such matters as protection of vulnerable people, it would be premature of me to comment on what is envisaged in the UK and its potential for adoption to the Island's position.

In answer to part (b) of the question, we have no independent inspection arrangements. We do, however, employ two members of staff for dealing with the registration and inspection of homes requiring registration under the Nursing and Residential Homes Act 1988. One of those people is employed full time in relation to residential homes, of which there are 30 registered at present, and the other is employed part time in relation to nursing homes, of which there are currently 10 registered. We have had independent inspection of our own homes, both residential from outwith the Island and are currently having an independent inspection of children's homes under the control or guidance of the department at the moment.

With regard to part (c) of the question, the registration and inspection officer for residential homes made 237 visits in the 21 months ended September 1998 and in the same period about 90 visits were undertaken by the nursing homes officer.

Mr Lowey: Could I ask, in the light of the minister's question, Mr President, is the minister satisfied, with the growing number of people in residential homes provided by the private sector, that two officers are adequate to meet the requirements that were placed upon the department under the residential Bill which was passed by both branches?

Mrs Christian: Mr President, the department does have concerns at the moment about the workload of the officers in ensuring that they can carry out adequate and sufficient inspections and the department has put in, in its plans for the future, depending on budgetary provision and so on, an additional officer to add to this team.

Mr Crowe: Mr President, could I ask a supplementary? Are the visits to the residential and the nursing homes random visits or are they prearranged?

Mrs Christian: Mr President, there is a requirement that there be one prearranged visit during the year and at least one random visit, and quite often there are more than one random visits depending on the circumstances that the inspectors find at the homes.

Mr Lowey: Could I ask another supplementary? As it is government's policy not to build residential or nursing homes but to let the private sector provide - all we seem to do is pay the bills; we are actually buying in their services - I am alarmed to hear that, while we regulate quite heavily our own homes, the private sector seems to me to be getting less attention and that is where the main problem . . . not main problem, actually I do not wish to heighten people's fears, but there is a bigger number in the private sector than there is in the public sector, and that is where the likelihood, if there is a problem, could arise.

Mrs Christian: The point made by the hon. member is, I think, recognised by the department in the sense that it does want to strengthen its inspection team (the team which go to the private sector) provision. The department has, within its own powers, the ability to have its own homes inspected and, as I have said earlier, we have done that, but we do not at the moment consider that another body, such as is envisaged in the United Kingdom, is necessary in a community of this size. However, we will wait and see how that develops and see what form and structure their social services inspection will take in the future and see whether there are any lessons to be learned from that, but I am conscious, as the hon. member says, that the people in the private sector are perhaps less rigorously inspected than our own independent inspection might provide.

Mr Lowey: Could the minister confirm that all private homes are not regulated anyway because if they have less than six clients they do not have to register?

Mrs Christian: I would wish to confirm the number, Mr President. I think it may be lower than that but I will undertake to let the hon. member know.

Mr Waft: Mr President, is the minister happy with the complaints procedures in all the nursing homes and that they are adequate to reassure those residents that all their rights are taken into consideration and will be investigated if necessary?

Mrs Christian: Mr President, the registration and inspection officers do have complaints brought to their attention from time to time and the department does take action with regard to

complaints. Measuring whether or not residents are content can only be reflected in the complaints that come to the department, I would suggest, but we do investigate complaints and have taken action in relation to specific homes.

Mr Lowey: I thank the minister for her reply, sir.

Farming – Assistance to New Farmers – Price of Farmland – Question by Mr Lowey

The President: Question (4) the hon. Mr Lowey.

Mr Lowey: I beg leave to ask the a member of the Department of Agriculture, Fisheries and Forestry:

- (a) *What initiatives have been taken to assist young people to enter farming in the last 10 years; and*
- (b) *what has been the change in the value of farmland over the same period?*

The President: The hon. Mr Crowe for the Department of Agriculture, Fisheries and Forestry to reply.

Mr Crowe: Mr President, the department recognises the difficulty which arises for young people anxious to farm in obtaining a means of entry into agriculture. The major constraint is the amount of capital necessary either to purchase or tenant a farm and then stock and run it. The prospects are remote for any young person having the level of capital to enter agriculture through the occupancy of a fully economic and viable farm. This is a true reflection of circumstances not only in the Isle of Man but in the United Kingdom as well. Young people who are the sons or daughters of existing farmers have an obvious advantage in that they have the opportunity to follow their parents into agriculture. Tenancy succession rights are such that occupancy would pass from one generation to another.

The department has two loan schemes which are aimed at young people: the Agricultural Holdings Loan Scheme 1980 and the Loan Assistance for New Farmers Scheme 1990. The agricultural holdings loan scheme can provide loans up to 90 per cent of the purchase price or valuation, if lower, of agricultural land repayable over a maximum of 40 years with the current rate of interest at 8 per cent. To qualify, a person must have permanently resided on the Island for at least a period of 20 years and be able to satisfy the department that he or she possesses agricultural experience and ability. The scheme would therefore permit the department to approve an application for a young person to buy a farm provided the business plan he can produce for the farm is sufficiently sound, that the anticipated farm income produced will cover operating costs and loan repayments and the department judges that he does have knowledge and some level of experience in agriculture. I would comment that the majority of loan applications approved by the department are to owner/occupiers expanding their holding, tenant farmers buying their farm and to farmers' sons starting in their own right. The number of applications received from young people who are neither existing landowners, tenants or related to an existing farmer have been limited.

The department is currently reviewing this scheme and an amendment is proposed which would allow application from person who had not been employed full time in agriculture. Such provision is targeted at those individuals who would wish to farm but neither have the time nor the income to exist solely on funds generated from agriculture. Once started in agriculture, the department can specifically help young farmers through the Loan Assistance for New Farmers

Scheme 1990, which permits loans to be advanced to a maximum of £15,000 either singularly or in aggregate for the purchase of agricultural machinery. Eligibility for this scheme is a person who has for the first time commenced farming in his own right within a period of two years from the date of application and, prior to commencing farming, has been associated with or actively engaged on a Manx farm throughout the immediately preceding five-year period. There is also special provision made under the department's main grant assistance scheme, the Farm Improvements Scheme 1992, for new farmers who are entitled to claim an additional 10 per cent grant assistance on the majority of eligible categories of work assisted under the scheme. The scheme would, for instance, provide 40 per cent grant assistance for a person buying milking equipment or 60 per cent grant assistance for anyone engaged in anti-pollution control measures.

Responding now to part (b) of the question, the department has not maintained full records of land prices so cannot provide a definitive answer to the second part of the question. It is also difficult to be categorical as to values when the Island comprises an array of different habitats and soil types; hill grazings have a lower value than class 1 arable ground, for instance. The department is, however, required to carry out valuations on farmland for the purposes of the aforementioned agricultural holdings loan scheme. By analysing the valuations carried out for average grazing land in 1988 and currently, the figures suggest that prices have increased by approximately £500 per acre. In the UK the Minister of Agriculture does monitor agricultural land prices under the categories of 'vacant possession' and 'tenanted'. The average for vacant possession in 1988 was £1,510 per acre, the 1996 price, the latest available price, was £2,164 per acre, and for tenanted land in 1988 it was £1,238 per acre and in 1996, £1,596 per acre.

Mr Lowey: Could I thank the hon. member first for his lengthy reply? Could I ask him a simple question? Has the department any record of anybody availing themselves of any of their schemes to start up farming and - a second supplementary - did his department have prior warning from the Minister of Trade and Industry and his recent contribution to the agricultural debate about schemes for young Manx farmers - did he talk with your minister before making those statements public?

Mr Crowe: Mr President, the number of applications under the agricultural holdings loan scheme from 1980 - there have been 166 applications of which 107 have been approved. There has been a noticeable drop-off in applications over the last three years: only five applications have been approved and none in the 'new farmers entirely' category. That is the information I have to hand. So there has been a take-up on this loan scheme.

Mr Lowey: For farmers' sons and existing farmers -

Mr Crowe: Yes, and tenant farmers.

Mr Lowey: - and tenant farmers but not anybody new coming into the industry?

Mr Crowe: Well, again, I could not be categorical on that. I will check that point as to whether anybody completely new has come into the scheme and respond on that point and give you an answer.

Can I just answer the second part of Mr Lowey's supplementary as to whether Mr North had contacted Mrs Hannan? That is something that I am not privy to, so I could not respond on that.

Mr Delaney: Bearing in mind the very efficient answer Mr Crowe has given us this morning about the 40-year requirement and about the cost per acre of land and knowing the low return that the agriculture are getting, can you tell me of anybody who has submitted a successful business plan to justify being able to buy a farm in the Isle of Man?

Mr Crowe: Well, thank you, Mr Delaney and Mr President. I think what we are seeing here is a very depressed agricultural industry and I think it is going to require quite a bit of moral and financial support from the rest of the community. So as to whether anybody would want to create a business plan that could justify going into farming is something that I would like to see on paper, to judge it first.

Mr Lowey: Could I ask a supplementary? Would the member for agriculture not agree that, where the department and government have land in their ownership, they could lead by example without buying farms; they have existing farms, and could they not have been put to this experimental use of assisting young Manx people into agriculture? We own Meary Veg, if I may illustrate. Meary Veg was purchased; it is to be used for something else. That was purchased three or four years ago and it has lain empty since, but it is not a young Manx farmer that has got it, it is somebody who exports cattle who was given it by Mr North.

Mr Crowe: Mr President, yes, again this is a subjective point and it is something I will take back to the department and give you a fuller response.

Mr Lowey: Thank you.

Tax and Benefits Working Party – Question by Mr Lowey

The President: We move on, hon. members, to question 5 and I call upon the hon. Mr Lowey.

Mr Lowey: I beg leave to ask a member of the Council of Ministers:

When will the committee set up by the Chief Minister to look into the situation of those who neither pay income tax nor receive benefits, as promised in the last budget, report?

The President: A member of the Council of Ministers, Mrs Christian.

Mrs Christian: Mr President, the work of the committee referred to in the question is still ongoing and I am not in a position to give a definite answer on when it will report. What I can say, however, is that it is anticipated that the committee will report early in the new year in time for its findings to be taken into account by the Treasury in formulating the budget proposals for next year.

Mr Lowey: Would the minister not agree that at the budget time it was agreed that there was an urgency about this matter and another year has gone by and is that acceptable?

Mrs Christian: Mr President, the work of this committee has been very detailed and complicated, first of all in identifying the quantum of the problem, and there are a number of areas which have been investigated by the committee. There has been no budgetary provision in this year and the exercise of identifying the people who fall into this particular group is a

complicated one. Nor does it seem that the number of people who fall into this group is particularly large. However, that is not to say that there was not a will expressed in the Court that their difficulties should be looked at, but I would suggest that it is appropriate that the committee do the work properly and that any recommendations be considered for next year's budget.

Mr Delaney: Bearing in mind that the Island is doing so well financially, we are told, and we all see it happening, will you take back to the finance minister and the Chief Minister that there are a lot of people out there who are getting no benefit whatsoever from the financial advantages this Island is gaining, and at a recent meeting with the Treasury minister at least three members of Tynwald, when asked what they wanted to see in the budget, wanted to see this very item included, and would he take a straw poll to find out how many other members would like to see this completed?

The President: That is a very doubtful sort of question. It is more of a statement.

Mr Delaney: I withdraw the question!

Mr Lowey: Could I ask the minister a supplementary? Would the minister not agree that this is not a new problem, that attention was drawn over four years ago to this particular item, and is it not a reflection on what I would call the will of government to gather the information in and even now taking a year?

Mrs Christian: Mr President, I think it is a question of the opinion of the hon. member as to the severity of the problem in that particular area. The committee are looking at it and will come forward with a report which will make recommendations.

Mr Crowe: Mr President, could I ask the minister, are the committee considering this question again of negative income tax as part of their review?

Mrs Christian: Mr President, the committee have looked at a range of issues including tax credits, negative income tax, a variety of scenarios, in order to try and formulate or come forward with a scheme which would assist in this area.

Mr Kniveton: Just one question, Mr President, I need to ask Mrs Christian. She has already referred to the fact that part of the problem is trying to ascertain how many people are involved. Have you any estimate at this stage as to how many people fall in the category to be affected by the report?

Mrs Christian: I do not have those numbers with me, Mr President, but it is not a huge number.

Mr Kniveton: Not a huge one? Thank you.

Mr Lowey: Not a big problem numerically, Mr President.

Government Officials in Government-Regulated Paid Work – Question by Mr Lowey

The President: Item (6) the hon. member Mr Lowey.

Mr Lowey: I beg leave to ask a member of the Treasury:

When will the Treasury introduce regulations forbidding senior government officials, serving or recently retired, from taking up paid jobs and directorships with businesses dealing with or regulated by government or its agencies?

The President: The member of the Treasury, Mr Radcliffe, to reply.

Mr Radcliffe: Thank you, Mr President. It is the Civil Service Commission and not the Treasury which has the authority to issue regulations with regard to the employment of serving civil servants. So dare I venture to suggest that it may have been more appropriate if the questioner had asked this question of the commission's chairman? However, as always, in order to help the member I am given to understand that civil servants require the permission of the Chief Secretary if they wish to take up part-time employment in addition to their full time occupation in government service.

As far as I am aware, there are no serving senior officials undertaking paid jobs or directorships with any businesses dealing with or regulated by the Treasury, the Financial Supervision Commission or the Insurance and Pensions Authority. However, as is well known, senior government officials do act without additional payment as directors and shareholders of some government companies.

I am given to understand that there are no regulations with regard to the employment of officials once they have retired, save for those who are bound by the Official Secrets Act, and the Treasury have no plans to recommend any changes. In my opinion, if any business thinks so highly of a former government official as to offer him or her a role in its organisation once such a person ceases employment with the government, I think we should regard it as a compliment and an acknowledgement of the high calibre of people that we do employ in the top posts.

Mr Delaney: A supplementary, Mr President. Could it not also be true that they would be asked to be directors because of their inside knowledge of how the system works, of the personnel involved in government and the former junior colleagues and members of Tynwald?

Mr Radcliffe: I would really not accept the suggestion that people are being asked to undertake employment because of inside knowledge. I think it is being asked to take up directorships because of their abilities.

Mr Lowey: Could I ask a supplementary? Why is it that the Isle of Man Treasury believes that it is not appropriate to have some sort of bar on senior people regulating industries to be given directorships before they leave, never mind when they leave? In every other jurisdiction it is deemed necessary and proper and right to debar them for a period of time to prevent inside knowledge from being used advantageously to those who are paying for it. It is wrong, wrong, wrong, Mr President, and I think the Isle of Man should say so - or somebody should.

The President: Before you concluded with your expressions of 'wrong, wrong, wrong' (*Laughter and interjections*) there was a question there, somewhere lurking in the presentation which perhaps the hon. member may respond to!

Mr Radcliffe: I think, Mr President, the hon. member is referring to. . . and indeed I answered a question on that particular subject earlier on this year, and I would just reiterate there that the postholder concerned gave notice that he was taking up the directorship, but he did not take that directorship on whilst he was still employed in the post that he was in.

Mr Lowey: Mr President, can I ask a supplementary? Is the member of the Treasury saying it is all right for somebody who is regulating an industry to be given a job in that selfsame industry after he immediately retires? If he is, then I think we are in serious trouble.

Mr Radcliffe: I cannot agree with the hon. member, Mr President.

Mr Waft: Would the member agree with me that the person is not a civil servant?

The President: Well, we have no. . . The hon. Mr Delaney.

Mr Delaney: Yes, could I ask the member of the Treasury who has been given the job to answer this question to bring to the attention of the Civil Service and his other colleagues: would they support a resolution in Tynwald directed at changing the regulations in relation to persons in employment in government taking up positions of directors or any other capacity within a set period of time?

Mr Radcliffe: Mr President, I will certainly undertake to bring to Treasury's notice, and Treasury to bring to the Civil Service Commission's notice, the points that the hon. member has raised, and I can do no more than that at this moment.

Mr Delaney: Thank you very much.

The President: Now, hon. members, that concludes our questions section.

Children and Young Persons (Protection from Tobacco and Liquor) Bill – First Reading Approved

The President: We move on to item 2 on the agenda paper and I call upon the hon. Mr Kniveton to move the first reading of the Children and Young Persons (Protection From Tobacco and Liquor) Bill 1998.

Mr Kniveton: Thank you, Mr President. Firstly, sir, may I remind hon. members that this is a private member's Bill of just three clauses from another place to which has been added one amendment, acceptable to the original proposer. I am sure that every hon. member agrees that it is not an acceptable situation where children below the age of 16 can easily obtain and smoke tobacco products or persons under the age of 18 can have easy access to alcoholic products in any quantity. I am sure that we also support the present law, which forbids the direct sale of these products to under-age young persons.

Now the present law, however, which prevents under-age children purchasing alcohol or tobacco direct from retail outlets, does not prevent another person acting as an agent and purchasing the products on their behalf. The present law also does not prevent an older person directly supplying the young person with alcohol or tobacco products which have not been purchased on the person's behalf but which have been supplied, say, from the house. This Bill, if enacted, will make that kind of purchase - that is, acting as an agent - illegal - as will also be illegal the direct supply to under-age drinkers, and hopefully will help to reduce the quantity of alcohol and tobacco easily available to young people. Not for one moment do I think that any hon. member would endorse the use of soft or hard drugs by the younger generations, but what we are talking about in tobacco and alcohol is the use of drugs which are socially acceptable because of the revenue income to governments and, of course, the big companies through glamorous advertising in their quest for profit.

I do not have to graphically describe the diseases traded by the abuse of alcohol or tobacco, but there is no doubt in my mind that if and when the opportunity arises the young people will indulge in these products to excess. The education division is certainly helping to spell out the dangers to young children, but away from school and in the company of older

young people, men and women, they are often influenced to use these products to feel grown up. Whilst it is now the law that alcohol and cigarettes cannot be sold to under-age young people and that the police can seize alcoholic products and tobacco from young people in a public place, the police can only stand back from an older person who is actually supplying these products to the young people and is not at present breaking the law. I know that there cannot be a 100 per cent success rate for the police, but this Bill can be a help to them in cutting down the volume of these products available to young people and helping to reduce the incidents of violence and crime that is often committed under the influence of alcohol.

I believe, Mr President, it is our duty to protect young people. Therefore I hope, sir, hon. members will feel able to support this Bill. I might add, finally, sir, that consultation has been with the police, the Department of Education and the Department of Home Affairs, who fully support the Bill. The Bill will, as I say, give the police power to take action against the agent or supplier. There will be a defence which allows a parent or guardian or relative to purchase tobacco or alcohol for a young person under supervision. There is no change in the law which allows wine to be served in licensed premises to a young person with a meal. Mr President, I move the first reading of the Children and Young Persons (Protection From Tobacco and Liquor) Bill 1998.

Dr Mann: I beg to second.

Mrs Christian: Yes, Mr President, given the effect of both tobacco and alcohol on young people and the population in general I think one has to feel sympathetic to any measure which tries to get across to young people the dangers to their health and so on, and it is certainly a fact at the moment that 50 per cent of children in the Isle of Man are exposed to tobacco in their own homes, so to the extent that in some homes they may, under this legislation, still be able to get tobacco, that is an area which is extremely difficult to control. I am not unsympathetic to the measure in its sentiment, it is certainly trying to do something about the issue. My concern about it, perhaps is, how easy will this be to implement and police?

Mr Delaney: Declaring my interest in both of the matters under discussion, Mr President, I welcome this Bill. I, like Mrs Christian, would like to see for the next generations stronger control and I hope that this Bill is strengthened, its passage through here, because it is new thinking on tobacco and alcohol, but I know in the future that a time will come when, rather than the government just pretending that they are stopping smoking in particular by putting up the duties on it, they will come to a decision to actually ban in a stronger way the sale of tobacco products and certainly not kid the public that they are actually stopping people taking up smoking because they are putting increases on the duties. It is just a quick way to get a quick buck back into the Treasury.

The Lord Bishop: I support this, Mr President. Unfortunately there is a sort of culture amongst the drug scene, in which I include alcohol and tobacco, of the pushing industry where people push their younger people into accepting drugs and things, and I think this would be very much a safeguard against encouraging younger people to encourage their peer groups to take up smoking or drinking, but I just wondered, is there any implication of persons of 18 being able to supply things to their peers? Is there an implication here of some sort of identity card system that might tell retailers that the person is over 18? Otherwise I am not quite sure how it would be possible to act on it. I also applaud the clause that allows young people to have a drink with their parents or guardians, because I think in a way that helps to negate the

whole excitement or secrecy of the element which perhaps would produce a more mature outlook towards the whole thing.

Mr Radcliffe: Mr President, could I just comment very briefly? The mover has pointed out the dangers and the scourge of smoking among young people. I think there is a unknown number, but quite a lot, of young people who do smoke. I just wonder, in paragraph 5 of the explanatory memorandum, if the Bill is successful there is bound to be a decrease in government income, or is the hon. mover acknowledging right at the very start that the Bill may not be as effective as he hopes it will be, because to say specifically there is not expected to be an increase in government expenditure nor a decrease in government income. . . I mean, the amount of money that comes into government from tobacco is phenomenal, really, and I think I am being a bit mischievous, perhaps, but I think the explanatory memorandum is being a little bit misleading.

The hon. member on my right, Mrs Christian, made the point about the dangers of young people being exposed to tobacco in the home. I am the only smoker in a home and I can assure her that the pressure in that home against a smoker has to be seen to be believed! (*Laughter*) So I think that the statement there that exposure to tobacco in the home automatically leads to a whole family of smokers is just a little bit misleading again, Mr President.

Mr Delaney: Yes, I am the only smoker in my house too, Mr President.

Mr Waft: Could I suggest, Mr President, that hopefully there would be a decrease in government income in the short term, but in the long term, for health care reasons, it will certainly be more beneficial to government income with regard to the money that is being spent with regard to the smoking problem.

Mr Crowe: Mr President, I was going to make that same point that there would be a loss of duty on cigarettes, but the health benefits would be a longer-term benefit and it would be a lower cost on the government. But another wider issue is that the problem that young people today face is that the role models that they see - the pop stars, the models, the formula one cars - are all highlighting cigarettes and tobacco advertising, which is a very big industry and it is a glamour industry, and it is that connection of cigarettes and tobacco, even alcohol, all the glamour people, or the role models are seeing it and they want to copy that, so I can see the attempt to tackle it at the bottom end of the market, but a bigger issue that we cannot tackle is educating people and educating the role models into setting a better example, so I think I can support the Bill, obviously, because it is well intentioned, but there is a bigger picture that we can never influence.

The President: Reply, sir.

Mr Kniveton: Thank you, Mr President. I do thank the hon. members for their contributions and the remarks made. I think there are two real points for answer there, one from the Bishop and one from Mr Radcliffe.

The Bishop referred to the 'pushing' industry, as we call it, but nevertheless he applauded the Bill. He raised the question of identity cards. Now, can I say that at this stage, Lord Bishop, that the subject of identity cards is very much in being. Youngsters cannot go into nightclubs and such like unless, if requested, they produce their identity cards and I think the

same thing can happen here. I know it is extremely difficult to identify a young person, but obviously if there is a doubt, then the doubt is there and the pusher should not get involved with anybody where there is a question of age.

As far as Mr Radcliffe is concerned, he referred to no cost to government, either on or off. Can I say that my reckoning on this would be that if the government revenue fell then they easily rectify the situation by increasing the duty on those who still persist in selling, and I think that would be the answer to that question. Thank you, Mr President.

The President: The resolution, hon. members, is that the Children and Young Persons (Protection From Tobacco and Liquor) Bill 1998 be now read a first time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Welcome to Distinguished Visitor

The President: Now, hon. members, it is a delight to welcome to the Legislative Council this morning Mr Cunningham, the hon. member for Cumbria and Lancashire North of the European Parliament. We are delighted to have you with us, sir, and we hope you enjoy your visit to the Isle of Man in totality.

Estate Agents Bill – First Reading Approved

The President: Moving on to item 3 we come to the Estate Agents Bill and I call upon the hon. Mr Lowey to take the first reading.

Mr Lowey: Thank you, Mr President. The Estate Agents Bill 1998 is moved by the Department of Local Government and the Environment and implements the recommendations of the working party established by the department to consider various topics and they were that they recommended that the Office of Fair Trading in regard to estate agents in the United Kingdom, the need for a registered estate agent to be in charge of every estate agency office, the adequacy of existing disciplinary procedures in regard to estate agents and the adequacy in general of estate agents legislation in the Isle of Man.

Part 1 of the Bill makes new provisions relating to false and misleading statements about property. This part is based on the Property Misdescriptions Act 1991 of the UK Parliament.

Part 2 contains amendments to the Estate Agents Act of 1975, which extends the enabling power to make rules to implement the report of the working party.

Part 3 contains general and supplementary provisions.

This Bill is not the all-embracing Bill that some members in another place would want it to be. It will not stop gazumping et cetera, but this Bill has been a long time in consultation with estate agents, and the Local Government Department believes that this Bill is a working document that will regulate the industry in a better and more competent way and I beg to move the first reading of the Estate Agents Bill 1998.

Dr Mann: I beg to second.

The President: Does any hon. member wish to speak to the first reading? If not, I will put the resolution that the Estate Agents Bill be now read a first time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Town and Country Planning Bill – First Reading Approved

The President: Item 4, the Town and Country Planning Bill, and I call upon the hon. Mr Crowe to take the first reading.

Mr Crowe: Mr President, this Bill is to replace the present Town and Country Planning Acts, which date from 1934 to 1991. The Bill provides for a modern system of land use, planning and development and re-enacts some provisions of the more recent Acts.

Part 1 of the Bill deals with the strategic planning side. This requires the department to prepare a development plan for the Island which will consist of an Island-wide strategic plan and a number of area plans currently known as 'local plans'. The strategic plan will contain broad planning policies for the whole Island. Area plans will deal with specific local issues or specific matters. Both of these plans will require the approval of Tynwald. The Bill also provides for the department to issue planning policy statements.

Part 2 of the Bill deals with development control and provides the basis for the development control system. This power provides for the fact that planning approval is required for development. 'Development' is defined and certain matters are specifically excluded from the definition of 'development'.

Part 3 of the Bill deals with buildings of special architectural or historic interest, the designation of conservation areas and the control of advertisements.

Part 4 deals with enforcement control. The existing powers were unwieldy and they rely entirely on prosecutions for carrying out a development without approval or for the breach of a stop notice.

Part 5 covers a number of supplemental matters, including the provision for the establishment of a new consultative body on planning. It is envisaged that this body will be consulted over such matters as the content of development orders and regulations.

Many matters which may be of particular interest to members, especially those concerning planning procedures, are not dealt with in this Bill but will properly be included in subordinate legislation. It is intended to revise all the subordinate legislation as a matter of some urgency following the passage of this Bill.

Mr President, I beg to move the first reading of the Town and Country Planning Bill 1998.

Dr Mann: I beg to second.

Mr Waft: Mr President, it is just a plea for clauses to be more easily understood by the lay person. If I could just refer to one particular one, clause 7 - I know we are not going into the clauses, but it is just a generality - it states, 'Where planning approval to develop land has been granted for a limited period, planning approval is not required for the resumption, at the end of that period, of its use for the purpose for which it was normally used before the approval was granted; but for the purpose of this subsection no account shall be taken of any use begun in breach of planning control. Where an enforcement notice has been issued in respect of any development of land, planning approval is not required for its use for the purpose for which it could lawfully have been used if that development had not taken place.' Now, all I would ask is that the legislative draftsmen do have a look at these clauses and perhaps draft them in a more understandable fashion. Thank you, Mr President.

Mrs Christian: Mr President, I think that the Bill is to be welcomed and I think the comment made by the hon. mover with regard to regulations is a significant one in that I think that going forward there will be more flexibility built into the planning legislation as a whole by using this as the primary piece of legislation with enabling facility to bring in regulations and regulations themselves which are more readily changed if it is felt that there is a need for change. The whole of planning is one of the most contentious and difficult areas that both government and the population at large have to deal with, and so I think that it is timely that new legislation should be brought forward.

The President: The hon. Mr Crowe to reply.

Mr Crowe: Thank you, Mr President. I thank Dr Mann for seconding the motion and, in regard to Mr Waft's point about the drafting of the Bill, in any legislation all the law has to be absolute and able to be understood. I think, having been briefed on this Bill and the clauses already, I will not go into the actual detail of the enforcement orders and the stop notes and all the ramifications of clause 7 - I will bring that out in the debate; but in any legislation it must be absolutely clear, because this is the prime document that anybody refers to when the Bill becomes law. If there is lack of clarity we can discuss that at the time of the clauses stage.

I would also thank the hon. Mrs Christian for welcoming the Bill. Absolutely right - we are working currently from 1934 legislation which has been amended in various years through to 1991; it is time that we had a modern Act for our modern times, so I thank everybody who has spoken and I think that covers the points, Mr President.

The President: Hon. members, I will put the resolution that the Town and Country Planning Bill 1998 be now read a first time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Now, hon. members, that concludes our public business for today. Council will now sit in private.

The Council sat in private.