

**REPORT OF PROCEEDINGS OF
LEGISLATIVE COUNCIL**

**Douglas, Tuesday, 26th January 1999
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), the Attorney-General (Mr W J H Corlett), 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.

Harbourmasters/Port Managers – Future Vacancies – Question by Mr Lowey

The President: Now, hon. members, turning to the agenda paper, item 1, questions, and I call upon the hon. member Mr Lowey to ask the first question standing in his name.

Mr Lowey: Thank you, Mr President. I beg leave to ask a member of the Department of Transport, Mr Kniveton:

- (a) Is it your department's intention to advertise in the United Kingdom for replacement harbourmasters/ port managers;*
- (b) are these posts covered by the work permit legislation; and*
- (c) is it your department's practice to train any personnel for key jobs within the department?*

The President: Mr Kniveton of the Department of Transport to reply.

Mr Kniveton: Thank you, Mr President. I am going to assume here that the hon. member has misunderstood the positions of harbourmasters/port managers and duty officers, and that I can understand, particularly as the positions of harbourmaster (operations) port manager, Douglas, and port manager, south, were advertised in May, July and September of last year and the positions have all been filled, two by promoting existing staff to a more senior position. However, if the hon. member refers to duty officers, I can advise that these positions were advertised on 17th December, 21st December and repeated on 21st January and today, 26th January, in the local press and on one occasion only, 21st January, in the Lloyd's List. Additionally, internal circulars have been issued and details have been sent to the Job Centre.

Hon. members are no doubt aware that all members of staff are employed by the Civil Service Commission, who are responsible for their recruitment. It is Civil Service Commission policy to advertise vacant posts initially in the local press only. Then, only if there is insufficient response or indeed no response, consideration is given to advertising off-Island.

Now, in respect of part (b), I understand that these posts are covered by current work permit legislation.

Finally, part (c): so far as it is possible to do so, staff training is tailored to suit the requirements of the individual and the department in the short, medium and long term. This may involve general training that would be applicable to a group or specific training for key

personnel. Now, as previously mentioned in the first part of this question when I referred to those three new senior appointments, I am pleased to remind hon. members that two of those senior posts were filled by promotion of staff from within the department. They had been with the department for a number of years, and indeed finally the appointment of Captain Michael Brew as director of harbours on the retirement of Captain Eddie Kaighin is the prime example of the way we try to promote from within the department. Thank you, sir.

The President: A supplementary, sir?

Mr Lowey: Yes. First of all I thank the hon. member for his clarification and he assumed correctly, I may say. Thank you very much for that. Why, if it is the policy of the department to advertise locally first, did they advertise in Lloyd's, albeit only once as, if you like, the meat in the sandwich, because they advertised locally, then advertised in Lloyd's and then have re-advertised again, as he rightly said? The final supplementary to my hon. friend is, if it is the case that the department's practice is to train and promote from within, which I am delighted to hear it is, why, and he has said that two of the three have been promoted from within, was it not possible, knowing that there would have been three vacancies, that they had not taken steps to either put someone in training and to plan for a natural succession from within, in total as opposed to two-thirds?

Mr Kniveton: Mr President, again I assume Mr Lowey is referring to the duty officers, the six posts, and I can say that initially two posts have resulted from advertising in the *Courier* on 17th December and the *Examiner* on 21st December, and I am pleased to say that there have been two appointed and they are both Manx qualified. Now, there were insufficient requests for these positions. In fact they were the only two who applied. We need six in all. We have advertised on 21st January in the *Courier*, 21st January, Lloyd's List, and today in the *Examiner* and the closing date for applicants is early February. We are hopeful that we will still get sufficient applicants who are Manx-qualified, but the point I think we must emphasise here is, we are suddenly looking for six and it is difficult to find six, all qualified, for that one position.

As far as training is concerned, my department is well aware of the difficulties of finding new staff with the appropriate levels of skills, knowledge and qualifications from within the department, or indeed from within the Isle of Man. This is unfortunately a position which does occur from time to time, but I believe that only one position filled by a non-Manx person is not a bad record when we come to look at it closely. Thank you.

Mr Lowey: I thank the hon. member for his reply.

Discrimination against Individuals – Question by Mr Lowey

The President: Question 2, the hon. Mr Lowey.

Mr Lowey: I beg leave to ask H M Attorney-General:

- (a) *Does the Island have a legal obligation not to discriminate against individuals;*
- (b) *are European Court judgments on discrimination effective on the Island; and*
- (c) *who monitors the extent of discrimination in this Island?*

The President: The learned Attorney-General to reply.

The Attorney-General: Thank you, Mr President. In answering part (a) of the question raised by the hon. member, I will assume that in referring to 'the Island' he is concerned about the obligations of the Isle of Man Government. It is, I think, important to be clear as to what is meant by discrimination because if, for the purposes of the question, discrimination were to mean simply the power to draw distinctions between individuals, then it would be appropriate to observe that the government does indeed discriminate against individuals. For example, in deciding to whom to offer employment in the Civil Service, the responsible members or officials are entitled to discriminate against an individual who does not have appropriate educational, professional or technical qualifications or experience, or against an individual approaching or over the normal retirement age. I will therefore assume that when referring to discrimination against individuals the hon. member wishes to know whether the government is able lawfully to make an adverse distinction against individuals by reason, for example, of their sex or marital status.

In that narrower sense there is a legal obligation not to discriminate on the ground of sex or marriage in relation to public offices and functions, in so far as section 1 of the Sex Disqualification (Removal) Act 1921 provides that a person shall not be disqualified by sex or marriage from the exercise of any public function or from being appointed to or holding any civil or judicial office or post or from entering or assuming or carrying on any civil profession or vocation, or for admission to any incorporated society, whether incorporated by Royal Charter or otherwise. Again, the Employment (Sex Discrimination) Bill, which makes unlawful any discrimination in the field of employment on the grounds of a person's sex, will shortly be introduced, as indicated in the Council of Ministers' legislative programme.

There are also international obligations relating to discrimination on certain grounds which extend to the Isle of Man - for example, the United Nations Convention on the Elimination of all Forms of Discrimination against Women, and the international Convention on the Elimination of all Forms of Racial Discrimination.

In so far as part (b) of the question is concerned, judgments of the European Court of Justice are effective in the sense of being binding on the Isle of Man only so far as they relate to those obligations of the European Community which extend to the Island. Those obligations are restricted to the matters which are covered by Protocol 3 to the Act of Accession and, in the context of discrimination, relate only to the obligation under article 4 of Protocol 3 to 'apply the same treatment to all natural and legal persons of the community'. There is an obligation not to discriminate against nationals of the community by reason of their nationality.

In so far as part (c) is concerned, I would advise that there is no authority or person which is specifically charged with the duty of monitoring the extent of any discrimination in the Island.

Mr Lowey: Could I ask a supplementary? In the light of the learned Attorney's full reply, and I thank him for it, could he then tell me why it is that the government discriminates against men on the Island on housing, not allowing them onto housing lists until they are at least 45? If that is not blatant discrimination on sex grounds, then I do not know what is. And, if that is so, is the government not breaking the very laws it actually introduced?

The Attorney-General: Mr President, the legislation to which I referred in the context of my answer to part (a) of the question related to postings or employment within the Civil

Service, and I made it clear there that I was also concerned with discrimination in the context of employment. I am quite certain that what the hon. member says is correct in so far as the housing list is concerned. On the face of it that is a matter which bears some further scrutiny, and perhaps I can undertake to look into that (**Mr Delaney:** Hear, hear.) and see if there is possibly some change which can usefully be made.

Mr Lowey: I thank the learned Attorney for his reply, sir.

Low Incomes – Report of Council of Ministers Committee – Question by Mr Lowey

The President: Question 3, again the hon. Mr Lowey.

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

- (a) *Has the committee of the Council of Ministers on low incomes reported;*
- (b) *if not, when do they intend to report;*
- (c) *how many times have they met; and*
- (d) *will their recommendations, if any, be incorporated into this year's' budget?*

The President: The hon. member of the Council of Ministers, Mrs Christian, to reply.

Mrs Christian: Mr President, the Council of Ministers does not have a committee on low incomes but I assume therefore that the question refers to the working party on taxation and benefits which was established following the last budget under the chairmanship of the Treasury minister. The working party, which has met four times, is continuing its work and has made a submission to the Council of Ministers. I am not in a position to comment on what might be in the budget.

Mr Lowey: I thank the hon. member for her reply; it is a rose by any other name and she is certainly to be congratulated. That is the committee that I was referring to. In the light of the promises made at last year's budget, does she honestly believe that for a committee that was set up to deal with a perceived problem then by many members of Tynwald Court, four meetings in 12 months is sufficient scrutiny for such an important subject?

Mrs Christian: Mr President, the work of the committee has involved obtaining a lot of information and statistical evidence from the Department of the Treasury and the DHSS. It has also involved necessary gaps between those meetings for officers to work up certain proposals and examine and analyse the statistical information that came forward, and I think that, in the light of the fact that in order to do that work properly time needed to be allocated, the committee have progressed on a reasonable basis with their investigations.

Mr Lowey: Could I ask the minister if she would not agree that as it is the Treasury minister and the Treasury department that were dealing with this problem anyway, to say that they had to gather in fresh evidence - it is in house in a big way - again, I repeat, 12 months does seem an excessively long time to deal with the problem?

Mrs Christian: I note the hon. member's opinion, Mr President.

Mr Delaney: My question takes two parts. As in the answer there is not a committee of the Council of Ministers on low pay as such, will the minister give an undertaking to me and to other members that when the resolution comes forward to form such a committee - the obvious problems of the low pay are there to be seen - the argument that they have a

committee looking at low pay will not be used by the Council of Ministers to refer or object to such a resolution coming forward, and the second thing is, is the minister and are our colleagues aware that the gap, in the 12 months since this committee they are sitting on, between the low-paid people and the middle-income people has grown to such an extent that it is an abyss that we are all likely to fall into politically in the forthcoming future?

Mrs Christian: Mr President, I think we have to be very precise about our wording here. There is a difference between low pay and low incomes and, as I have made the distinction again between both of those and the issue on taxation and benefits, however, I think that we are all moving in the same general direction. I feel quite sure that any argument put forward in relation to a committee on any of those aspects, low pay or low incomes, if such a committee is proposed, will be examined on the basis of the arguments that are put forward at the time. It is therefore not for me to say whether or not this committee would object to it. I am quite sure that the Council of Ministers, as other members of Tynwald, would listen to any arguments in favour of a committee to look at either of those points at the time.

Dr Mann: Mr President, could I ask a supplementary. Could the minister say how many members of Tynwald have given evidence to the committee and what proposals they have put forward to the committee?

Mrs Christian: Mrs President, I think my recollection is that in the first instance when we canvassed members of Tynwald for any observations or avenues that they would like us to pursue, the response was extremely limited and covered the total spectrum of views from extreme right to the extreme left, if I can define them in those terms. I think there was one specific issue which was submitted in relation to rent rebates. The other submissions were in general terms and did not come forward with any specific suggestions as to how (a) we might very accurately define who the people are who fall into this category - and I have to say that has not been an easy exercise - and the other submissions were simply on a general basis - 'we would like to do something in this area'. So I have to say that as far as members are concerned, we have not had submissions which have assisted us in any great way in pursuing this issue.

Mr Delaney: Mr President, on submissions that were put in, is it not true that some of the submissions covered groups of members of Tynwald who wrote with specific suggestions on how to attack the problem of low pay/low incomes in the Isle of Man?

Mrs Christian: Mr President, I am not aware of any submission sent in on behalf of any group.

Mr Lowey: Mr President, could I ask a supplementary? Is the minister not aware that this is not a new situation? It has been going on for at least three or four years, and is it not the role of politicians, including the Council of Ministers, to have original ideas? We are not here to recite the problems but we are arrogant enough at election times to say that we have got solutions to problems (**Mr Delaney:** Hear, hear.) and is not the Council of Ministers' job to lead on this and not wait to be told what to do by either individual backbenchers or groups?

The President: Is that the question, hon. member?

Mr Lowey: Indeed it is, sir. Is it not time that the Council of Ministers led and made policies and not wait to be told what to do by backbenchers and then justify their inactivity by saying they have not been told what to do?

Mrs Christian: Mr President, first of all the hon. member has his own view about inactivity, as he describes it, in relation to this issue. It is not being treated lightly or flippantly by the committee. We do recognise that there is a political concern about this particular category. The hon. member suggests that the Council of Ministers should lead on this issue and should not wait for suggestions from other members. I would suggest that, given the concern of other members, it is not unreasonable for the committee to seek the views of Tynwald, as we are so often criticised for not doing that. In fact, with hindsight, it might have been wiser to have involved some members of Tynwald who are not simply Council of Ministers members. However, that was not done at the time and I do not think that the hon. member should criticise the committee for seeking the views of members of Tynwald or seeking any ideas that they may have in relation to this particular issue. In fact, I think the committee's view was to try and get some assistance from members, from their own knowledge of their own constituents, of with which particular group they felt the problem lay. Now, we can analyse, make various analyses from departmental statistics and so on, and we wanted to get a feel of where the members felt that there was a particular problem and I make no apology for us doing that. It has not proved to be an easy situation to analyse in terms of separating out those who do not get benefits and who are in that gap. There is a multitude of variables in this issue and, if the answer had been easy to find, it would have been found. That is not to say that there are not proposals available, but the committee is continuing with its work and it is not for me to report to this place, I think it is for the committee to submit its views to the Council of Ministers and for the Council of Ministers to decide then what they want to do with those views.

Mr Delaney: Mr President, how many times has this committee met since it was formed?

Mrs Christian: I did indicate in my answer, Mr President, that it has met four times. It has also -

Mr Delaney: That includes the initial formation of the committee.

Mrs Christian: It has also dealt, by way of correspondence, with certain issues.

Mr Delaney: Once every three months.

Civil Service – Provision of Personnel by Private Agencies – Question by Mr Lowey

The President: Hon. members, question 4, the hon. Mr Lowey.

Mr Lowey: I beg leave to ask the Chairman of the Civil Service Commission, Mr Waft:

- (a) *Why has your commission changed the rules on the engagement of civil servants to allow private agencies to provide personnel;*
- (b) *is this not another example of 'privatisation through the back door'; and*
- (c) *do you advise the careers officers in schools of job and career opportunities in the Civil Service?*

The President: The hon. Mr Waft of the Civil Service Commission to reply.

Mr Waft: Thank you, Mr President. In answer to the first part of the hon. member's question, I should clarify the intent and scope of the Civil Service (Amendment to Schedule 1) Order 1998 approved by Tynwald on 19th January 1999. That part of the order relating to employment agencies is restrictive and only applies to the supply of temporary administrative and clerical staff for up to a maximum period of 12 months. Those temporary staff would only be required to cover for known staff absences or for additional input when required. In the majority of cases those appointments would be short term - that is, anything from two or three weeks to three months. Only infrequently would such appointments extend to 12 months. I would emphasise, these appointments would not replace established civil servants. Thus there has been no change in the rules governing the appointment of civil servants.

The commission sought the amendment to enable the recruitment and provision of staff via employment agencies as an alternative to the direct recruitment by the Personnel Office should the commission believe this to be more cost-effective. I should say that this would not result in any reduction in the staffing of the Personnel Office. All that it would do is to release resources to cope with increasing pressure on the recruitment of established civil servants.

Having clarified the position to the hon. member, I trust it is self-evident that this is not privatisation through the back door, rather it is making the most effective use of resources available within the Personnel Office.

In answer to the final part of the question, I am pleased to confirm that the Civil Service Commission promotes job and career opportunities in the Civil Service at careers conventions when these do appear. Civil Service vacancies are also displayed within the Job Centre where the Civil Service has a designated display area. Thank you, Mr President.

Mr Lowey: A supplementary, Mr President. I thank the chairman for his reply. Is he confident that once this breach of what I would call Civil Service solidarity is given to the private sector, albeit on part time, the pressure will increase on them to recruit and head-hunt for the Civil Service Commission in the future? I do think this is serious. I do not treat it very lightly. I believe the Civil Service are a special case. I do think that we have a very good record in providing trained personnel and my big fear is that once the private sector. . . and we have seen it. Too often it is started -

The President: Hon. member, will you come to the question, please?

Mr Lowey: Indeed. It is the thin edge of the wedge, Mr President, and the unified Civil Service is something worth fighting for, and I believe this is a crack and it will soon become quite apparent to everybody that this will be the start of a downward spiral in standards in the Civil Service.

The President: The hon. member has expressed his beliefs without actually posing a question, so the hon. member of Council need not bother to reply.

Mr Lowey: I thought I had, Mr President.

Lamb Prices – Question by Mr Crowe

The President: We move on. Item 5, the hon. Mr Delaney to ask the question standing in his name.

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

(1) *What is the current price to a butcher of*

(a) *a top grade lamb; and*

(b) *a top grade lamb when divided into three units (legs, loins and forequarters);*

and

(2) *what then is the price for dissecting the lamb?*

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

Mr Crowe: Thank you, Mr President. Lamb is currently out of season so the following prices refer to hoggets, which are last season's lamb but still under one year old. A top grade hogget is currently priced to Manx butchers by the Fatstock Marketing Association at £2.71 per kilo, or, for an average 17-kilo hogget, £46.07. The exact cost to purchase legs, loins and forequarters separately would depend on the weight of these three units after cutting the carcass. If an average weight is given to each in accordance with a 17-kilo carcass the cost would be an approximate £57.80. The difference between the two costs is therefore £11.73.

Mr Delaney: A supplementary, Mr President. Bearing in mind from the farmer to the abattoir, through the abattoir to the butcher, the mark-up is in excess of a hundred per cent, if the lamb which was priced at yesterday's date, 25th January, if the cuts of the same lamb at £12.75, £10.50 for the middle and the forequarter at £14.50 against buying the whole unit, the difference being £56.65 for the first price - that is, the cut units - £46 for the whole lamb, the difference is, as the member said, £11, does the member agree and does the department agree that that mark-up represents such an excessive charge which has to be passed on to the consumer and of which no part is received by the farmer and therefore it keeps our lamb artificially high against any imports if they were allowed to bring them in? At the moment, they are not.

Mr Crowe: Mr President, well, first of all, as the hon. Mr Delaney says, lamb is not allowed to be imported; there is a derogation on lamb. This is to help the Manx producers, but in any debate on meat prices there are always the different component parts to consider: you have got the producer, you have got the processor, you have got the butcher and the consumer, and each has their own opinion, their own problems, and, starting with the producer, they have to try and make a living in a very parlous industry at the minute. The meat plant is creating industry there to create sufficient mark-up to make the plant viable - remember it is an EU-graded meat plant - and then you have your butcher, again having to buy at certain prices. If he wishes, he can buy the whole carcass himself and cut it up himself; he would save that £11.73 mark up. And then you have the consumer, who is looking for high grade meat in the shop. So I think I have covered all the points that Mr Delaney said.

Mr Delaney: A supplementary, then, Mr President. Bearing in mind - I agree with what the member says and the answer that he has been given - that the forequarters, which are the hardest part to sell, are being shipped off this Island, would he agree with me. . . and sold in Manchester and Liverpool, for £2.50 per unit, whereas the butcher in the Isle of Man, before he sells to the retailer, is being charged £12.82 for the same forequarter?

Mr Crowe: Mr President, yes, most butchers on the Island buy the complete carcass and they butcher it themselves and cut it into whatever cuts they want to sell on the butcher's slab. Certain butchers want to be selective and only purchase the easy, saleable parts, leaving the meat plant with the parts that are harder to sell, so they have to dispose of them as they can find the market for them. So it is up to the butcher; if he wants to buy the whole carcass and cut it himself and save the money or, if he wants to be selective, then there is a cost involved and he has to pay it.

Mr Delaney: A further supplementary, Mr President. Does the member agree with me, and will his department not agree with me, that as we have restricted any imports, so there is no competition for the purchase of lamb, the housewife of the Isle of Man who buys at the butcher or retailer is not only in her husband's or her tax supplementing the abattoir for the building of it, the running of it from the rent side of it, which is not adequate to cover the loan charges on the abattoir, and now having to pay a supplement to purchase the meat which goes through that plant to pay again for the running of a complete bankrupt business? Is it not time that meat was allowed to be imported for competition purposes?

Mr Crowe: I think we have strayed rather widely from the -

Mr Delaney: Nor from the question, we have not.

Mr Crowe: Well it seems to be so if you are talking about the profitability of the meat plant, but I think the derogation works, it helps the Manx producers and I think, when you live in an Island and you have an industry that is a primary industry, there is a certain cost that has to flow to it. If you allowed wholesale imports you would ruin the whole sheep-farming industry and a vital part of the Manx economy because that primary producer market is good for the Isle of Man, it provides jobs, it is providing an input to the meat plant and, although the consumer may not be getting the absolute cheapest prices through competition from imports, I think the way it stands at present with helping the local industry is a price that collectively the Island should bear.

Mr Delaney: One more supplementary, Mr President.

The President: Yes, a final one, sir.

Mr Delaney: Yes, I agree, the subject will go on. Mr President, my question is this: The producer is the farmer who gets nothing from this £11.20 per cent increase, which is the cost of cutting this unit up. The units which are not sold on the Island are dumped in the British market - why cannot the Manx consumer get an opportunity, instead of having to go to Liverpool by boat on a Saturday, to buy the cheaper cuts of lamb which is dumped in Britain so that they get a return on their tax and other investments?

Mr Crowe: Mr President, yes, as I explained, if the local butchers do not buy the various cuts of the carcass completely the meat plant, the FMA, have to dispose of it through alternative sources, and that is just the name of the game. That is just reality. There is nothing I can do to change it.

Health Services – Cost of Patients' Treatment in UK – Question by Mr Waft

The President: Question 6, the hon. member, Mr Waft.

Mr Waft: Thank you, Mr President. I beg to ask the Minister for Health and Social Security:

- (a) *What has been the cost to the Department of Health and Social Security for treatment of Isle of Man residents in the United Kingdom over the past five years; and*
- (b) *what proportion of that cost is borne by the United Kingdom?*

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

Mrs Christian: Mr President, I can advise hon. members that, with the exception of patients referred to specialist units operating outside the mainstream National Health Service, the provision of services in the United Kingdom for Manx residents is arranged under the long-standing reciprocal agreement between the United Kingdom and the Isle of Man. That means that we do not have existing information which is sufficient to determine the value of such treatment and provision. It is not analysed under the reciprocal agreement.

Mr Waft: I thank the minister for her reply.

Government Mortgages – Current Interest Rates – Question by Mr Crowe

The President: Question 7, the hon. member Mr Crowe.

Mr Crowe: Thank you, Mr President. I beg leave to ask a member of the Treasury:

- (a) *What are the current rates of interest on the government's house purchase schemes; and*
- (b) *in the light of reductions in interest rates in the United Kingdom and Europe, is it intended that interest rates on government mortgages be reviewed with a view to reducing the rate on such mortgages?*

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

Mr Radcliffe: Thank you, Mr President. The current rates of interest on all loans made under the various schemes which government operates is 8 per cent. There is, in addition to a primary loan, a secondary loan available to purchasers under the house purchase and refurbishment scheme, and that is a loan at no per cent interest. I can assure the hon. member that interest rates are regularly reviewed and indeed the Treasury reviewed the rates on one of the agricultural loan schemes, and that interest rate was reduced this year. I am certain that the issue of interest rates is a subject for the Treasury's consideration in advance of the annual budget; I cannot at this moment anticipate what my minister will recommend to Tynwald, but I will ensure that the subject is brought once again to his and Treasury's attention.

Mr Crowe: Mr President, a supplementary. I thank the hon. Mr Radcliffe for his reply. Can I ask him, are you aware that the Bank of England's base rate has fallen by 1.5 per cent over the last six months and would you agree that this reduction should be reflected in the rates payable by Isle of Man mortgages?

Mr Radcliffe: Mr President, yes, we are well aware of the fluctuation in interest rates in other places. As I say, the rates of interest are reviewed regularly by Treasury here, but I think perhaps in these days of fluctuating interest rates it is worth while remembering that

government endeavoured, and does endeavour, to bring stability to its loan schemes and a certain amount of predictability, so we try and avoid this continual movement up and down. It is worth remembering that not so very long ago government's interest rate on loans was way below what was offered from the banks and various lending societies, so we try and be fair and fix it at a level for a reasonable period, Mr President.

Mr Crowe: Mr President, a further supplementary. I thank Mr Radcliffe again, but as far as the Treasury reacting more slowly to rate changes is concerned, would you agree that it is beneficial to mortgagors when interest rates are rising but not when they are falling, because of the delays that Treasury have in adjusting interest rates to market conditions?

Mr Radcliffe: Well, Mr President, we are perhaps a little bit slower than your building society down the road to react, but we do try and have some predictability over the longer term for the parties involved. We do initially regularly review the rates of interest which are charged, and I will certainly once again bring this to the Treasury's attention, sir.

Mr Crowe: Thank you, Mr President, I would just thank the hon. member and just look forward to the budget speech of the minister to see if it is reflected. Thank you very much.

Mr Radcliffe: It is worth waiting for, Mr President.

The President: Hon. members, that concludes our scrutiny of the question element of our agenda paper.

National Lottery Bill – First Reading Approved

The President: We move on to item 2, the National Lottery Bill, and I call upon the hon. Mr Radcliffe to take the first reading.

Mr Radcliffe: Thank you, Mr President. I shall be very brief on this first reading of this Bill. It is a Bill to authorise the promotion of the National UK Lottery in the Island and it is a short Bill to amend legislation which we have relating to lotteries and for various other connected purposes. I shall go into a great deal more detail at the second reading stage, but for the moment I just beg to move that the National Lottery Bill be read a first time.

Mr Kniveton: I beg to second, Mr President.

Mr Waft: Mr President, as chairman and member of many local charities I must express my concern as to the way local charities will be treated under this Bill. I am fully aware that the Manx lottery will benefit from this Bill, as will the Treasury, but in their rush to gain some of the profit they are quite prepared to sacrifice the opportunity for our own charities to apply directly for funding as do the UK charities. As secretary and treasurer of the Onchan Endowments Committee I can tell you that over the years we have benefited from the donations from the Isle of Man lottery, which has been vital to our funding each year, and this funding has virtually disappeared. I congratulate the Manx Lottery Trust for their help to local charities over the years they have been in operation.

I understand Treasury will be funding the Isle of Man lottery in the near future under a grace and favour situation, depending on their decisions. This I find to be quite unfair. All local charities would ask for is to be treated equally with their counterparts in the UK to be able to apply to the UK lottery for special projects. If the Isle of Man is taking a full part in the National Lottery, then local charities should be treated equally with all others. Local bookmakers have

been denied the use of their ability to use the fixed odds and the numbers, and now local charities are denied their opportunity to apply for funding from Camelot.

As someone who may benefit from the additional funding to Manx lotteries I will have to vote in favour. However, if government was to fund the DHSS correctly there would be less need for lotteries. I would ask Treasury to seriously address the situation and review the ability of local charities to be allowed this facility. Thank you, Mr President.

Mr Delaney: Mine is on a similar theme to my hon. colleague, Mr Waft. I know that they will tell us the different reasons. I sat through the House of Keys to listen to this Bill, because of the public interest, which we all share, and I realise there are certain complications with Camelot, as I understand it, but what I cannot understand is why at this moment in time we have had figures put round of what sort of income it will gain for the Treasury, but isn't it possible, before this Bill gets through, to say what amount they are going to allocate back to the Isle of Man Lottery Trust, so that they will have some figure to work on, as every other department does, on a budget for next year?

Mr Crowe: Mr President, could I ask the mover as to whether any decision has been taken as to who will sell the National Lottery tickets, how many outlets there will be? They all, in the UK, are linked through computer to the central computer in London. There does not seem to be any detail here on how many outlets there will be in the Isle of Man and the availability of tickets.

Mr Lowey: I am not throwing my hat up into the air, but I do think it is. . . I hope the finger is pointing in my direction, Mr President! However, I think it is accepting the reality of what is actually taking place on the Island; everybody takes part in the National Lottery of the United Kingdom. Of that I have not the slightest doubt. Again, I share my concerns about the way in which the Treasury will take unto itself and then become the arbiter of good taste in dishing out the wherewithal. I thought the National Lottery should really make sure that the money is put into an independent body and I think the National Lottery Trust of the Isle of Man (Mr Delaney: Hear, hear.) was an independent body and they have done a very, very, good job. I have not the slightest doubt that if they were given the proceeds after deductions and the tax allocation to the government they would get on and do the job as they have in the past, but I do rather worry about the need for the Treasury to be so totally involved. I think it is a worrying aspect that they look at ways of getting in revenue by lotteries. It is not a healthy thing for a government to get involved in, but I do believe that the National Lottery. . . this Bill deals with reality. Most people get it through various ways. There is an awful lot of money going out of the Island. I think it should actually be recognised as such and regulated in a sensible way and I think this Bill does that, but again with one proviso: that I think the Treasury is a bit too closely involved in wanting to get all the proceeds and then dish them out. I think they should be quite clearly spelt out, the tax element should go to them, but the rest and the distribution should be dealt with by an independent body.

Mr Delaney: Hear, hear.

Mrs Christian: Mr President, first of all I think it is regrettable that we have to have this Bill, but, human nature being what it is, the attraction of a large win has obviously driven a lot of people in the Island to invest in the UK National Lottery to the detriment of local charity. There are some people, the hon. member may be interested to know, who on principle do not

buy UK National Lottery tickets, and I think that they are to be applauded in their position on it. I would ask the mover to confirm my understanding, and that is that the Isle of Man Government, by virtue of this Bill, will be in receipt of the VAT element of the Manx expenditure in the lottery and nothing else other than the tax element. The hon. member, Mr Lowey, seems to indicate that we may be receiving something other than that when he says that the Treasury should hold on to the tax element of it and distribute the rest. It is my understanding that it is only the tax element -

Mr Delaney: That is right, yes.

Mrs Christian: - at this point that has been negotiated. I am quite sure that the Island will press to have other elements of this agreement further extended so that we are legitimately able to obtain an element of the return, other than the tax element, for future distribution to our own charities. I think the public view is that some of the proceeds - and that will be a matter for Tynwald to decide - should certainly be handed to the Public Lottery Trust in the Island for distribution, but I would be grateful if the hon. mover would confirm that it is just the VAT element of the stakes which are handed over to the United Kingdom which will be coming back to the Island.

The President: May I call on the hon. mover to reply?

Mr Radcliffe: Thank you, Mr President. Rather interesting that at the first reading stage so many queries should have been raised, but I will endeavour to answer them at this stage, but certainly will give possibly fuller replies at the second and subsequent reading stages.

Now, the hon. member Mr Waft has raised the question about local charities, endowment committees and so on of which I too am a member, and I am certainly involved in quite a lot of local charities, many of whom - in fact, I suppose one could say all of whom - are suffering because of the cash which now goes off the Island; whereas people would spend on raffle tickets, tombola tickets or whatever, now it seems to be the case that they prefer to go for the big chance, not your £100, but your £1 million chance. It is a fact of life, as the hon. member, Mrs Christian said that people are diverting cash that way.

We have been very bothered as Treasury, and indeed as members of the community, and the hon. member Mr Waft asked about charities going to benefit from the UK, and I can say that at this time and at this stage in the negotiations it has not been possible to achieve a percentage of the profits to go directly to the Isle of Man. That is the pure profits of the National UK Lottery. We will not give up at that stage, but certainly the initial reaction has been that the deeds and constitutions of the various commissions required to be amended to permit this, and the United Kingdom is not quite yet prepared to effect this, but we shall keep kicking on the door as far as that one goes.

The hon. member Mr Crowe was inquiring as to outlets and how many there would be. Well, that is a question, I think, for the Camelot who will decide how many outlets are required. The hon. member may well recall that in the UK some of the outlets which have not been doing awfully well, such as small local post offices and the like, have had their machines withdrawn, and it is obvious that what will be sought will be outlets where a fair number of people are passing through or close by, at least, anyway.

The hon. member Mr Lowey acknowledges the reality of the situation. In fact, we had a case reported in the local press just this last week of a sizeable win in the UK lottery, and I am perhaps one of the few people who has relatives on the other side but who does not subscribe to the UK National Lottery, again, as the hon. member Mrs Christian has said, on principle, but very many people on the Island send their cheque away to their relatives to invest for them.

Any orders which will be made under this legislation I can say, perhaps, to the member Mr Lowey, will need to be approved by Tynwald, so there is another safeguard there if he is bothered about what may or may not happen and about Treasury being too close to the whole thing and so on.

I would confirm to the hon. member Mrs Christian that what will be received here is purely the betting duty levied on ticket sales, which amounts to 12 per cent. That will be the figure which will come to the Isle of Man. Treasury will endeavour to be more than fair, and the order which will come eventually to Tynwald will state how much of the tax raised will be paid by the Treasury to the Public Lottery Trust; whether it be 50 per cent, 60 per cent, 100 per cent, whatever it may be, that will be in that particular order when it arrives.

I do not know that there is much more I need to respond to, Mr President, at this stage. I thank members for their comments, which perhaps may help me at second reading and subsequent stages, and I beg to move again that the National Lottery Bill be read for the first time.

Mr Delaney: Mr President, I did ask why it was that the percentage of the income coming in could not be included in this Bill rather than an order at this time?

Mr Radcliffe: Well, I think that to set it out in the Bill in the primary legislation is perhaps not the usual thing, could I say to the hon. member, and certainly the opportunity will be there to debate as to what percentage should go to the lottery trust in the Isle of Man. So, rather than setting it out in primary legislation it is set out in the order and capable of amendment there. I beg to move, sir that the Bill be read a first time.

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

Children and Young Persons (Protection from Tobacco and Liquor) Bill – Second Reading Approved – Clauses Considered

The President: Turning now to item 3 on the order paper, I call upon the hon. Mr Kniveton to take the second reading of the Children and Young Persons (Protection from Tobacco and Liquor) Bill 1998. Mr Kniveton.

Mr Kniveton: Yes, thank you, Mr President. It is quite a while, in fact it was last year on 5th December when this Bill initially came before hon. members for its first reading. Now, I am certainly not going to repeat all that was said at the first reading, but as some five weeks have elapsed I would remind hon. members that the prime purpose of this, a private member's Bill of just three clauses from another place is to facilitate the protection of under-age persons against the supplying to them of alcohol and tobacco. The Bill seeks to make it an offence by an older person, acting as an agent, to supply under-age persons with these substances.

Basically, that is what this Bill is all about, but obviously if and when we reach the clauses stage we will go further into the content of the Bill.

There was an amendment in another place to clause 1. I am quite happy to accept and commend that amendment if and when we come to it, but before we get to that stage I would just like to refer to my notes from the first reading, when hon. members raised a number of points before finally and unanimously agreeing the first reading.

One point raised was the possible difficulty in policing. I can assure hon. members that I hold a letter from the Department of Home Affairs which states that the draft Bill has been considered by senior officers of the Isle of Man Constabulary, and the constabulary support the provisions contained in the Bill. I believe that in that letter of support they are acknowledging that they can police this subject. The Director of Education has also expressed in writing that his department is supportive of the proposed legislation, again a good reference.

Several hon. members referred to the so-called pushing industry. Reference was also made to identity cards; I think the Lord Bishop raised that subject. Sure, sir, identity cards are being used more and more and are required by publicans and nightclub operators, and I am sure that as regulations are tightened - and I do not doubt they will be tightened - the requirement of identity cards will be more extensive.

Reference was also made to the possible effect on Treasury, and I assume that this alludes to a loss of revenue by curtailing under-age youngsters in their consumption of tobacco and alcohol. My own reaction to that must be that if we can stamp out the supply of these products to under-age persons, then the alcohol and tobacco-related illnesses which may affect them in later life could be lessened and therefore they should become a lesser liability on health services and such like.

I was very happy to offer to take this Bill to this hon. Council because I personally applaud the merits and the contents of the Bill. I also commend the original mover in another place who, as a father and a man of good moral standing, resolved that it was time that legislation should be introduced on this Island to contend with the supply of tobacco and liquor to under-age young people. Now I am reliably informed that there are other countries elsewhere in the world, and I would particularly mention Canada, whereby the penalties for supplying alcohol products and tobacco products to young people, this very same subject we have on the table now, young people under the age of 21, not 16 or 18, is a serious offence, and the consequences are even more stringent than those proposed. Believe it or not, young persons under 21 are not even permitted to consume alcohol in public bars and public houses in Canada. Canada persons up to the age of 30 - 30, Lord Bishop! - have to carry identity cards. So younger persons are not embarrassed when asked to produce these cards.

Hon. members, I am sure, will be interested in the cutting from the Daily Telegraph dated 17th November last and supplied to me by the Library. Shop assistants who sell alcohol to minors could face fines of up to £1,000 under a planned clamp-down on under-age drinking - that is okay, we come to the important part now: George Howarth, the Home Office Minister, is drawing up proposals for a new criminal offence to close a loop-hole in the existing law that prevents prosecution of those who provide alcohol to minors. Similar fines could be imposed upon adults who buy alcohol for children to prevent the situation in which teenagers wait near off-licences and beg adults to purchase drinks for them. I believe we should be proud that we

might go one better than the UK Government by attempting to introduce legislation before they do, to combat the supply of certainly liquor to under-age youngsters.

Mr President, I hope members will support the second reading and thus enable us to proceed to the clauses stage, which I would be happy to continue on today if asked to do so, sir. I beg to move the second reading.

Dr Mann: I beg to second.

Mr Crowe: Mr President, could I just ask the hon. mover of the Bill: at present a shopkeeper is prosecuted under current law for selling alcohol or tobacco to a minor or an under-age person. Under the new Bill there will be an intermediary - the shopkeeper sells to an adult who then gives or sells to the minor, the under-age smoker or drinker. Now, in this chain of connection under the new Bill is the shopkeeper to be prosecuted as well as the adult supplying the minor? Is it a three-tier prosecution and is then the minor prosecuted for actually under-age drinking? Who will be the criminals when the new legislation goes through? Is it the shopkeeper as well as the supplier to the minor and the minor themselves? Are there three, in effect, criminals from one transaction? You may not have that to hand, but maybe it is something you might like to clarify.

The President: Are there any further points, hon. members, you wish to raise? The hon. Mr Lowey.

Mr Lowey: Could I ask of the mover - I know it is a private member's Bill, Mr President, but am I getting the story right that the problem as perceived in this Bill is to prevent people forcing liquor and tobacco products on juveniles? My belief is that it is many of the younger people that will be actually asking their peers or just above their age group to provide them with these things, and is it strange that where we are getting a Bill here to protect young people, at the same time as we are doing that, that we are actually willing to extend the licensing hours for the sale of this particular product? Isn't the message rather being muted? Either we have a concern about the availability or we are then opening the availability to more people, and isn't that a contradiction, or would he perceive it as a contradiction?

The President: Are there any other comments in relation to this? Reply, sir.

Mr Kniveton: Yes, thank you, Mr President. Mr Lowey, of course, is expressing his views there. I can understand them. He said he is comparing this Bill then talking about the extension of licensing hours, but at this stage, the extension of hours is only a consideration. There is nothing that has come before Tynwald to that effect to my knowledge, so I believe, Mr President, we must take this subject as it stands today without going too far ahead and assuming something is going to happen over licensing hours.

As far as selling is concerned, Mr Crowe, sir, I believe that the retailer who sells to an adult sells to an adult in the belief that that adult is going to consume that liquor himself or herself. That retailer is probably not aware that the liquor is to be passed on to an under-age person. I will check on the subject, but that is my belief that the selling to under-age in this instance is not under consideration, because the retailer is not selling to the under-age person. Thank you, Mr President.

The President: Hon. members, I will now put the resolution that the Children and Young Persons (Protection from Tobacco and Liquor) Bill be now read a second time. Will those in

favour please say aye; against, no. The ayes have it. The ayes have it. Turning now to the clauses, clause 1, sir.

Mr Kniveton: Yes, Mr President, thank you. Clause 1 amends section 6 of the Children and Young Persons Act of 1966, which regulates the sale of tobacco to persons under 16 years of age - that is, direct purchase of or direct sale of tobacco to a person under 16 years of age. This clause makes it an offence for a person to buy tobacco on behalf of a person under 16 years of age and to supply tobacco or cigarette papers for the use of persons under 16 years. Now, unlike clause 2, which we will go on to later - that deals with alcohol - there was no defence in this connection, clause 1, for the purchase or supply of tobacco produced for a person under 16 years of age by a parent, guardian or an adult relative until the amendment was accepted in another place. That amendment should be in your hands, hon. members, and I am sure hon. members of the Council, like me, are asking themselves what kind of parent is going to ply a young person with tobacco products with all the known health risks on the principle of parental responsibility. I am very happy to accept that amendment and I trust that all other hon. members are so inclined. I beg to move clause 1 be part of the Bill.

Dr Mann: I beg to second.

Mrs Christian: Mr President, I think the Bill is well intentioned and clearly we know that there is a lot of health damage done by tobacco. I wonder if the mover can give us any indication, for example, as to how many prosecutions have actually taken place under the existing legislation in relation to shopkeepers selling to juveniles. I noted his comments at the second reading in relation to questions in another place about monitoring. I think that the great difficulty with this would be actually bringing into effect any conviction on the issue. I do not think that is going to be particularly easy. That is not to say we should not pass the legislation, but I think most people are aware that juveniles have been able to get cigarettes from shopkeepers and I am not conscious of having noted that there have been many prosecutions on the issue - I do not know whether you could clarify that point - and because of that I am concerned that unless there is a determined effort to monitor and pursue the legislation which we are putting in place, it is really not going to make a great deal of difference.

Mr Lowey: Could I ask the mover, is he not seriously saying to us now in practical terms - and this is what it is about; the clause is now putting into practice the good intentions - that a young person . . . We are trying to put old heads on young shoulders; well, even old heads continue to smoke when we know there are difficulties associated with it, if I put it no higher than that! Yet here we are saying that if a 17-year-old or a 16-year-old-plus, is going to buy for some juvenile we are going to hit them with a £2,500 fine. This is all right in theory until it comes into practice and then you are going to really be in difficulties, and surely any law that is almost unenforceable is a bad law so therefore it is always best to steer clear.

Mr Delaney: Mr President, as one of the two lepers on your learned Council, the situation is that any legislation that prevents the generations coming up from what we have learned to do wrongly, at our age, has to be supported - anything, and I believe this legislation is good legislation. The situation on this clause is that 'let us suck it and see', but what I find hypocritical in the world, totally hypocritical, is what happened in Westminster yesterday about the age of consent on sex and here is the major problem that we have got on health for the next generation. They are now, according to the mover of this, going to do something. I would

imagine the priority would have been on that legislation rather than the one they have just moved at Westminster, and I honestly believe it shows that hypocrites in politics abound.

Dr Mann: So what's new? *(Laughter)*

Mr Crowe: Mr President, again I am in support of this legislation because anything to counteract smoking in young people is important. I think of greater importance is the health and education aspect of this and to ensure through the health department and the education department that children in schools are made fully aware of the dangers of smoking so that they try to avoid the habit in the first place. So I think it is almost a carrot-and-stick approach, that this is the stick to try and attack it from the supplier's point of view; the carrot approach is more through the Department of Health and through the Department of Education.

Mr Waft: I would just like to endorse the last speaker's remarks, Mr President. Anything that can be done to reduce the deaths from smoking has to be right, and it is not only the deaths from smoking but the debilitating illnesses that are chronic, that last for many, many years and are a chronic strain on the DHSS within all areas of the medical profession, and anything that can be done at the start of the progressing of smoking has to be right. I would just like to point out that the £2,500 is just 'not exceeding £2,500' so it could be considerably less than that.

The President: Reply, sir.

Mr Kniveton: Yes, Mr President. I thank hon. members for their comments. There are some questions amongst them but again there are a lot of comments. Mrs Christian and Mr Lowey were basically on the same subject. I believe here that I personally can speak from experience, because at one time my family had a corner shop in Onchan, or at least my son had. Of course, I took part in that shop, and I am well aware of the number of attempts by youngsters to buy cigarettes. Now, it was up to us whether we supplied them and we certainly did not supply the under-age with cigarettes but I also know that there are other outlets - or there were, and I still believe there are - around who do sell -

Mr Lowey: And machines.

Mr Kniveton: And machines, of course, as well, as Mr Lowey says. *(Mr Delaney interjecting)* Absolutely right, but there are those who do sell. I am also aware that there are prosecutions. They do not receive a lot of publicity, I do accept, and regrettably there was an incident in my own shop where one person was fined for supplying drink to an under-age person because no identity card was asked for. That person appeared to be well over the age of 18 but in fact was not. So I would say to Mrs Christian and Mr Lowey, yes, there are outlets, I know, and machines where the youngsters under age can get tobacco. I am not aware of any other legislation, to answer Mr Delaney's question, but I would say as far as Mr Waft and Mr Crowe are concerned, hon. members, I know that there is a certain amount of education in schools going on. Whether it is sufficient or not I would not like to say; I am not in a position to say, but like you, Mr Delaney, I believe we should do more. I am certainly not a supporter of smoking, although I used to. I was a 40-a-day at one time but I managed -

Mr Delaney: An old sinner!

Mr Kniveton: I used to and I have thrown that one away, but I think we should discourage everybody as far as possible, adults and so on, **(Mr Delaney: Hear, hear.)** not just

children from smoking - that excludes Mr Radcliffe and Mr Delaney, Mr President, because I think they are past persuading. (*Laughter*) Thank you.

The President: Hon. members, I will put the resolution that clause 1 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 2, sir.

Mr Kniveton: Yes, clause 2 inserts a new section 74A into the Licensing Act of 1995. Now, the new section makes it an offence to buy or to act as an agent in buying or to supply liquor for consumption by a person under 18 in a highway or public place. A defence is included to permit supply for consumption in circumstances where there is provision by a parent or guardian or adult relative.

I would like hon. members, Mr President, to note that in this clause there is a defence if liquor is supplied to a person under 18 under supervision as I have just indicated, particularly as the police concur with this defence, which recognises that the ultimate responsibility should rest with the parent, guardian or relative. Similarly, the Department of Education fully supports this defence. I beg to move clause 2 become part of this Bill.

Dr Mann: I beg to second.

The President: Does any hon. member wish to speak to the clause?

Mrs Christian: Mr President, I have the same concerns about this provision as I had about clause 1 in the sense that clearly in the wording it acknowledges certain difficulties, referring in, for example, the first part to the acting as an agent for a person under 18 buying liquor for consumption in a highway or other public place. One can envisage quite quickly there being a loophole in that in that you take it to a private place and hand it over. There may be provisions to cover that, but it seems to me to be enormously difficult to prove some of this, and I shall await with interest any actions that are taken under this legislation when it has finally concluded its course through the legislature.

The Lord Bishop: Mr President, could I ask just for clarification, what would happen if a person did not pay the fine? Is there something in the Bill itself that would cover non-payment?

The Attorney-General: Mr President, a defaulter, someone who does not pay a fine, renders himself liable to being brought back to the court and it is open to the court in an extreme case to impose a period of imprisonment.

The President: Reply, sir.

Mr Kniveton: Yes, Mr President. Difficulties, highway or public place, per Mrs Christian. I can set out - I will do so as quickly as I can - what the highway and public place explanation is, and, as it happens, there was no definition of highway or public place in section 74 of that Act when, however, there was a definition in section 75. Now, advice has been taken from the Attorney-General's chambers and the information supplied is that the new section 74A is built on the foundations of section 74 and must therefore be consistent with the terminology of that section. Section 74 itself uses the expression 'highway or other public place' but does not provide a definition. Section 75 does provide a definition of 'public place' for the specific purposes of that section but is not applicable to section 74, nor to the proposed 74A. I am pleased the Attorney-General is listening to this closely because I am sure he is going to nod either way if I am wrong. Sections 74 and 75 were sourced from different legislation, and this

clause is specifically linked to section 74. For the purpose of sections 74 and 74A a public place is a place to which members of the public at large can and do have access. It does not matter whether access by the public as such is by legal entitlement or by invitation or with permission, and can even include access to a place where some payment or small formality - for instance, signing a visitor's book - is required. Now, highways are specifically mentioned because the courts in England have decided in the past that the expression 'public place' might not in some circumstances include a highway.

Now, finally in each case that might come before the courts, the question of whether something occurred in a public place will depend on circumstances and the court will make a judgment based on the facts and by applying principles somewhat similar to those I have previously mentioned. I hope that that explanation makes the matter a little clearer on one or two of the points raised.

Proof by police - well, Mrs Christian raised the subject. I can only assume that, like all other offences, the police obviously have to have correct and exact proof before they can proceed and, true, if this becomes an Act it will be interesting to note how often it is used and whether it is usable. Certainly, the police and the education have agreed their support for it.

Non-payment of fines, as mentioned by the Lord Bishop - I thank the learned Attorney-General. I am sure he has given us the correct answer. I hope I have covered the points.

The President: The resolution, then, hon. members, is that clause 2 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 3, sir.

Mr Kniveton: Yes, finally clause 3 provides a short title to the Bill and therefore I move that the third and final clause of the Children and Young Persons (Protection from Tobacco and Liquor) Bill 1998 be approved.

Dr Mann: I beg to second, Mr President.

The President: Hon. members, I will put the resolution set out that clause 3 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Bill read a second time.

Estate Agents Bill – Second Reading Approved – Clauses Considered

The President: We turn now, hon. members, to the Estate Agents Bill and I call upon the hon. Mr Lowey to take the second reading.

Mr Lowey: Thank you, Mr President. Hon. members, the existing principal legislation dealing with this matter is the provision of the Estate Agents Act of 1975 together with rules made under that Act. Unlike the United Kingdom, estate agents in the Isle of Man are required to be registered and to meet certain professional standards. There is an estate agents' tribunal for the hearing and determination of disciplinary cases. This particular legislation has been receiving attention from the government since 1990, when a working party was set up under our former colleague, His Honour Arthur Luft.

Now, the United Kingdom Office of Fair Trading's report recently contained four general conclusions and 16 specific recommendations to effect greater control over estate agents in the UK. Not all of these recommendations were applicable to the Isle of Man situation;

however, a number of items were considered as relevant to our situation and have been incorporated in this legislation. The UK Office of Fair Trading expressed concern that certain contract terms could be misconstrued or misunderstood, and it was felt that guidance should be given as to the meaning of these terms and, in particular, three terms were identified: sole selling rights; sole agency; and ready, willing and able purchasers. New definitions for these terms have been recommended by the Office of Fair Trading which have been endorsed by the working party and are incorporated in the Bill.

Also raised was the issue of misleading statements or misdescription of property. The need is, as explained in the report, to address the constant and deliberate use of misleading statements by estate agents. Estate agent business in the Isle of Man is reasonably well regulated and, as a consequence, complaints are relatively few. Nevertheless, it is important that the position be periodically reviewed to maintain high standards and to ensure that those dealing with estate agents receive adequate protection and reassurance. The purpose of this legislation is to protect those who deal with estate agents. For the ordinary man in the street his dealing in obtaining a house is probably the largest and most important transaction that he will ever undertake. The position from which the Department of Local Government and the Environment comes is clear: it is the protection of the man in the street who wishes to buy or sell a property.

With regard to the requirement that a designated petitioner be present, it would be useful to look at section 5.1 of the report and it says in section 1(3) of the Estate Agents Act of 1975: 'In the view of the working party it was not sufficiently precise in its terms.' Now, I believe that the intention now in the new Bill is that every branch of an estate agent's business is required to be under the day-to-day supervision of a registered practitioner who should be the manager of that branch, and it would not be sufficient for the supervision to be exercised by an authorised practitioner whose normal place of business was another office. That is the premise from which the suggested amendment flows. In the interim report the working party considered that the Act should provide that each branch of business should have an authorised practitioner designated for the branch and at that branch alone as a manager. It was noted that the present enactment uses the term 'supervision'. An authorised practitioner might well supervise a branch from afar - for example, from another branch. The department considers that the term 'management' would better express the degree of responsibility that should be imposed on the designated authorised practitioner. It would be more satisfactory if the name of the authorised practitioner designated for a particular branch of the firm was registered within the register of estate agents, and his name should be displayed in the branch office. It was also felt that the term should be permitted to appoint an authorised practitioner to deputise for the designated authorised practitioner while he was absent through illness or on holiday, for originally it was going to be three days but, as a consequence of an amendment in another place, it has been extended to 14 days. Basically what is proposed is that for each office or branch of an estate agent there will be a designated official.

Another point raised constantly is that of gazumping. Now, gazumping is not dealt with in this Bill. The solution that has been preferred is to follow the Scottish system by some, but there are shortcomings in following the Scottish system in that before you make a bid you are going to have to have your finance in place, you will have to have your house surveyed and you will have to put up front in effect - in other words, considerable expenditure - and then you

may not be successful in your bid. The second reason for not attempting to include gazumping in this Bill is that there is a fresh look at the whole matter of gazumping taking place in another place.

Fairness and responsibility have been combined in this Bill. It does not attempt to cover every eventuality but the department is aware, as I said, of proposed legislation elsewhere being considered and they will review carefully any developments that take place and if they are applicable to the Isle of Man. With that I beg to move that the Estate Agents Bill 1999 be read a second time.

Dr Mann: I beg to second.

The President: Does any hon. member wish to speak to this reading? If not, I will put the resolution that the Estate Agents Bill be now read a second time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clauses, sir? Clause 1.

Mr Lowey: Thank you, Mr President. Could I be permitted, with your permission and the Council's permission, as it is dealt with in three parts in the arrangement of sections, to deal with it in the groups for convenience for the members?

The President: Is that agreeable, hon. members?

Members: Agreed.

The President: Thank you.

Mr Lowey: Thank you, Mr President. Part 1 deals with clauses 1, 2 and 3, and it deals with the offence of property misdescription, enforcement and due diligence defence.

Clause 1 creates the offence of property misdescription. The offending statement must be made about a prescribed manner which is identified in the legislation, and in the course of an estate agency business statements must not be misleading to a marginal degree.

Clause 2 introduces the schedule that contains the enforcement powers of the department to investigate and enforce the provisions of clause 1, the offences. Now, a defence of due diligence is introduced by clause 3. For a person to avail themselves of this defence it is necessary for him or her to show that he or she took all reasonable steps and exercised all due diligence to avoid committing the offences. It would be open to a defendant to submit that he was relying on information supplied to him by another party. There is an obligation on any party seeking to rely on this defence to give seven clear days' notice to the prosecution of his or her intention to rely on that defence. I beg to move clauses 1, 2 and 3 stand part of the Bill, along with schedule 1.

Mr Crowe: Mr President, while supportive of this legislation, there is a very fine line between description of a property for sale and a misleading statement. We all know that estate agents use, shall we say, highly descriptive language in being 'a property in a select residential area with a sea view' or 'sea glimpses' or whatever it is, so in the past - *(Interjections)*

Mrs Christian: An optimist!

Mr Crowe: All right, or 'within walking distance of a railway station' or whatever it might be. There must be some latitude into descriptions of property for sale so it is a case of trying to make sure that there is some balance of reality, otherwise we will find that descriptions of

property will become so factual that it will take away maybe all the excesses that are possibly enjoyable to read at this time. So I think it is a case that you might like to comment on this question of how lurid a description can be before it becomes false or misleading.

The other point I would like you possibly to comment on is where an estate agent acts for the vendor of the property, and the famous expression of the buyer of the property is *caveat emptor*, let the buyer beware, so I think any buyer must always be aware that, however descriptive an estate agent is of any property that is for sale, the buyer must make sure that he knows what he is getting himself into, so there is an onus on the buyer not to be led easily by over-enthusiastic descriptions.

Mr Kniveton: Following very quickly on from Mr Crowe - I am not repeating all that Mr Crowe has said - I would not like anybody to think that if this Bill is accepted, clauses 1, 2 and 3, it is an excuse not to engage a surveyor to look over a property. I think that is still essential despite these particular clauses, and I would emphasise that point. Thank you.

Mrs Christian: Mr President, can I just clarify whether the hon. member Mr Crowe seconded the clauses or not? Was there a seconder?

Mr Crowe: Well, yes, I will second.

The President: Thank you, sir. The hon. Mr Waft.

Mr Waft: Thank you, Mr President, just one point: on the enforcement, if you do find that the property has been misdescribed by the estate agents, your next process is then to go to the Department of Local Government and the Environment, who will take it to the courts on your behalf rather than them stepping back and saying 'Right, you feel you have a case, you now have to take it to the courts.' Who has the obligation to take it to the court? Is it the department or the actual complainant?

The President: Reply, sir.

Mr Lowey: Thanking hon. members for their interest, can I just say that my good friend Mr Crowe sounded awfully . . . If he wishes to start a new career could I suggest that he starts as an estate agent? He did a mighty good job! Yes, there are rights and responsibilities, obviously, on the purchaser of a property and, as I said in my opening remarks, really one of the biggest expenditures of any individual in his lifetime will be buying a home. So yes, there are rights and responsibilities and I do believe that is why we are trying to get a balance right here between a purely factual description of a house saying it is made of bricks and it has got four windows and a door and a roof. There has to be a little bit of ingenuity in it but there has been, as hon. members will agree, too much ingenuity. So we are striking a balance here and this description will not be permitted. I think that is right and fair and proper and the department makes no mistake where it comes from; it is the defence of the individual and, in regulating, they will be taking that prime lead.

I would agree absolutely with Mr Kniveton that, again, it would be very, very wise of anybody to avail themselves of professional advice before they actually, notwithstanding that this Bill would be in place, especially with a survey of any property before actually signing any documents.

To Mr Waft, all I can say on that is that in the schedule it actually lays down the enforcement authority: 'The Department is the enforcement authority for the purposes of Part

1 of this Act'. Therefore it is, as I read it, the duty of an officer if the department has reasonable grounds for suspecting that the offence under section 1 has been committed. So it is the department that would be doing the policing of the Act.

I beg leave to move that clauses 1, 2 and 3 stand part of the Bill.

The President: Hon. members, I will put the resolution that clauses 1, 2, 3 along with schedule 1 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Part 2, clauses 4 and 5, sir.

Mr Lowey: Thank you, Mr President. Clause 4. There is a need for a registered estate agent to be in charge of each office. Clause 4 provides that every office where estate agency business is carried out will have a designated authorised practitioner in charge and that person's particulars shall be prominently displayed in that office. Such authorised practitioners will be required to be present in that office subject to an exemption for temporary absence not exceeding 14 days. For such a period of absence a suitable person may be placed in charge of the office for those short periods of absence. Should the authorised practitioner be absent for a period exceeding 14 days another authorised practitioner must be appointed to be in charge of the office.

In clause 5, which amends schedule 2 of the 1975 Act, this schedule specifies matters in respect of which rules may be made. A new paragraph 3A to schedule 2 is inserted which will replace the present vague powers to refer offences to the Estate Agents Tribunal with a power to specify offences which may be so referred. By way of example, this amendment would enable rules to be introduced which would cover such matters as the bidding up of prices on the basis of false information and discrimination against buyers who will submit to tie-in arrangements, matters which were dealt with by the working party, upheld in another place and taken as part of their considerations. I beg to move that clauses 4 and 5 stand part of the Bill.

Dr Mann: I beg to second.

Mr Waft: Mr President, would the member qualify for me what the meaning is of an 'authorised practitioner'? I take it chartered estate agents who would be in total control of a group of officers would appoint the authorised practitioner, but what criteria would he use to designate an authorised practitioner?

Mrs Christian: Mr President, just to comment that I am pleased to see that common sense has prevailed in another place in consideration of the provisions of this Bill particularly in relation to designated practitioners and branch officers and so on and in relation to the period for which a business may carry on without an authorised practitioner. I think the earlier provisions were totally unrealistic, particularly in relation to anyone who might be a sole practitioner who was not able to be absent for more than 14 days under the earlier proposals. This has been amended to 21 days, which I think is much more realistic, and I am pleased to see that amendment incorporated in the Bill.

Mr Kniveton: The 'authorised practitioner' - yes, I am pleased about this. I liken it to the situation of a chemist in a chemist shop. There has to be a person who knows what he is doing and is qualified to look after the office in general. What I would like to know, Mr President, is, in the event of absences, holidays and so on, who authorises these absences?

Does it go to the department? Is there a person to be nominated within the department to look after this whole subject? And finally, in the event of illness or death - and it does happen - what is the situation, say, of a small authorised practitioner where a substitute has to be found and yet is not readily available? Does that agency have to close down or is there an allowance made for a period of time whilst some other person is found? Thank you, Mr President.

The President: The hon. member to reply.

Mr Lowey: I thank the hon. members for their interest. Could I deal with the two points raised by Mr Waft and Mr Kniveton first? It is under the 1975 Act definition where, under section 11, 'Persons prohibited from carrying on business as estate agents, that is to say, whose name is on the estate agents register and who is not subject to . . .' In other words, there is a register there and it will be defined who is or is not allowed to take part as a designated official.

In reply to Mr Kniveton, there are exceptions and they are in section 12 'Subject as may be prescribed, where an authorised practitioner dies or becomes bankrupt at a time when he is carrying on business as an estate agent, nothing in section 1 of this Act shall render unlawful anything done during the period of one year beginning with the death . . .' So it is covered under the existing regulations under the 1995 Act. If I can also say to Mrs Christian, this particular Bill, of course, has been a long time on the road. It was sent to a committee of another place, which set up a committee of the House to look into it and has done what I would call a workmanlike job in effecting what I would call the practicalities, which I agree the original set of arrangements could have been accused of. I think the new amended clause has assisted the Bill greatly. It is a practical step and I welcome her comments on that.

The President: Hon. members, I will put the resolution that clauses 4 and 5 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. And finally, clauses 6 and 7, sir.

Mr Lowey: Thank you, Mr President. Clause 6 is the clause that gives the meaning of certain words.

Clause 7 is the short title, construction and commencement dates and are the mechanics of putting it into place. I beg to move that clauses 6 and 7 stand part of the Bill.

Mr Crowe: Mr President, could I just ask the hon. Mr Lowey - he mentioned gazumping earlier and I think he did comment that something was being done about this. Is it proposed that the legislation be brought forward to correct that situation, which affects certain people at this time?

Mr Lowey: Can I say that it was felt that this particular piece of legislation was not the appropriate one. The department are aware that this problem is being addressed in the United Kingdom and I have been assured by the department that, if in the light of their experience and considerations they come up with recommendations that are felt are necessary to be applied to the Isle of Man, they will not hesitate in bringing them forward. I must also stress, as I said, Mr President, that by and large the industry had a reasonably good record since they were first regulated under the 1975 Act.

The President: Hon. members, I will put the resolution that clauses 6 and 7 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Bill read a second time.

Town and Country Planning Bill – Second Reading Approved

The President: Turning now to item 5 on the order paper, I call upon the hon. Mr Crowe to take the second reading of the Town and Country Planning Bill and inform the Council that we will not be proceeding to consideration of the clauses at this stage. Mr Crowe.

Mr Crowe: Thank you, Mr President. This Bill is to replace the present Acts relating to town and country planning which date back to 1934, providing for a modern system of land use, planning and development. Some of the provisions contained in the more recent Acts replaced by this Bill are re-enacted with little change.

Part 1 deals with the strategic planning side of planning as distinct from development control. The department is required to prepare and keep up-to-date an Island development plan consisting of a strategic plan and a number of area plans. The strategic plan will consist of a statement of planning policies and supporting matter. Area plans will deal with specific areas or specific matters. Both kinds of plan require to be approved by Tynwald. This part also puts on a statutory basis the issue of planning policy statements, which will take the place of the present planning circulars. Such policy statements could, for example, prescribe design standards for new houses in a particular area. It also puts on a proper statutory basis the compulsory purchase of land for planning purposes, which is presently a grey area. This power is necessary where land needs to be assembled for the purposes of carrying out necessary development.

Part 2 deals with development control, which is presently covered by the Isle of Man Planning Scheme (Development Plan) Order of 1982. It makes provision for development orders for the grant of planning approval for development. 'Development' is defined in the same terms as under current legislation and importantly certain matters are excluded from development and so do not require planning approval. It is made clear in this part that as a general rule planning approval is required for any development.

The details of the scheme for granting planning approval will be set out in one or more development orders. A development order may itself grant planning approval for development. At present a planning scheme sets out both planning policies and grants or provides for the grant of approval, which is confusing and inflexible. New provision is contained for granting planning approval for development carried out in breach of control or to make permanent a previous time-limited approval or to allow buildings to be retained or a use to continue despite non-compliance for the condition imposed in a previous planning approval. The grant of planning approval subject to or without planning conditions is also provided.

Provision is made for certain applications to be dealt with by the Council of Ministers - that is, that the Council of Ministers may call in an application. The decision of the Council of Ministers on such applications will be subject to amendment by Tynwald.

The Bill also provides that applications by the Department of Local Government and the Environment or relating to department land are to be decided by the Council of Ministers. The

existing powers are retained under which the department can enter into planning agreements with developers regulating a development to an extent not permitted by planning conditions.

The third part of this Bill deals with planning control relating to buildings of special architectural and historic interest, properties and conservation areas and advertisements. The existing controls over work affecting registered buildings and conservation areas are reproduced without any significant change. A requirement for the department to maintain the protective buildings register is maintained. The basis for entry remains the same - that is, buildings of special architectural or historic interest. The need to obtain consent for works affecting a registered building is provided for, which would be a separate requirement from planning approval. Conditions that may be imposed on the grant of registered building consent are prescribed in schedule 3. Exceptions from registered buildings consent are provided for - for example, where the work is controlled by the law relating to ancient monuments. Importantly, there is an emergency procedure for protecting a unregistered building by serving a building preservation notice.

Also covered by this part is the designation of conservation areas. Controls similar to those for registered buildings are applied to buildings in conservation areas with a few exceptions. Application for registered building consent for buildings owned by the department are to be determined by the Council of Ministers. The department is authorised to give financial assistance towards the repair or improvement of a registered building by way of grant or loan.

This part finally deals with control of advertisements and replaces the Advertisements Regulations Act 1925. The department is unable to make regulations restricting or regulating the display of advertisements to be exercised in the interests of amenity or public safety.

Enforcement provisions are encompassed in part 4. Present powers to enforce planning control are unsatisfactory as they depend entirely upon prosecution for carrying out the development without planning approval or prosecution for breach of a stop notice. A more flexible system is prescribed including prosecution, extension of the stop notice procedure and an additional remedy known as an enforcement notice. An enforcement notice can require a specific action to be taken to remedy a breach of control. No significant change is proposed to enforce registered building control. The current legislation applicable in this area was revised as recently as 1991. Breach of planning control is defined and will remain a specific offence. There is a new provision for the department to make regulations under which owners and occupiers of land can request a ruling on whether current or proposed uses or operations are lawful and for the issue of a certificate that such use or operation is lawful.

The new concept of an enforcement notice is dealt with in clause 26 and schedule 4. Time limits are attached to the issuance of an enforcement notice: four years after completion of operation or a change of use to a private dwelling and 10 years after the breach in any other case. A right of appeal is provided for. The provision in respect of a stop notice is strengthened to enable action in an emergency situation in relation to uses of land as well as operation. It will be used to back-up an enforcement notice. Provision is made so that a stop notice can be served by posting a site notice on the land so the existence of a stop notice will be known.

Enforcement of agreements under clause 13 relating to the development of land is dealt with in this part. Agreements can be enforced against successors in title to the original party and the department is given default powers to enforce certain obligations. Provisions relating to the enforcement of control over works to registered buildings are re-enacted. A specific offence of causing damage to a registered building is provided to cover situations not already embraced by criminal law. The department is authorised by clause 31 and schedule 5 to serve an enforcement notice requiring action to be taken to remedy unauthorised work to a registered building.

There is provision for emergency works to preserve a registered building or an important building in a conservation area. The department is empowered to acquire compulsorily a registered building which is being allowed to fall into disrepair. A pre requisite to compulsory acquisition is the issue of a repairs notice on the owner. Enforcement notice provisions are applied to buildings subject to building preservation notices and buildings in conservation areas. As far as advertising is concerned, the department is given certain powers for the enforcement of control of advertisements and to remove advertisements which contravene the regulations. New provision is made for the department to apply to the High Court for an injunction restraining a breach of planning control or registered building control where criminal penalties may not be a sufficient deterrent.

The last part of the Bill covers certain supplemental provisions. Provision is made for the participation by amenity bodies in the planning process. A new consultative body to replace the Advisory Council on Planning and the Environment is to be created to consider and advise on planning matters, including the provisions of development orders and regulations. In the area of development control provision is made for the department to designate voluntary amenity bodies and provide for consultation with them on planning applications, registered buildings and similar matters. This arrangement for bodies to be individually accredited replaces collective representation through the Advisory Council on Planning and the Environment. These two provisions taken together improve the present situation and rectify failings which experience has shown to exist in the current legislation. Right of entry on land by officers of the department for various purposes connected with planning is also provided for.

In conclusion, I would confirm that planning legislation is covered in a range of legislative vehicles - for example, regulation, orders, plans and statements of policy. I am aware that certain planning issues are not dealt with in this Bill. They properly rest with subordinate legislation. Following the passage of this Bill they will be reviewed, restructured and revised as a matter of some urgency.

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

Dr Mann: I beg to second.

Mr Delaney: Can I ask, Mr President - I intend to move an amendment to clause 2 of this Bill - I hope members have got copies of that amendment - when it gets to the clauses stage? Thank you, Mr President.

Mr Radcliffe: Mr President, could I ask - there is quite a bit of mention about advertisements and so on in the Bill; I wonder if the mover could help me by informing me and others what is the criterion which sets an advertisement as an advertisement? Is an advertisement a board this size saying 'I have got honey for sale' or is it a board the size of

that door setting out a dozen, 20 more items? Probably a portable notice to all intents and purposes, but I wonder what exactly is covered by the sections on advertisements; is it large or small, commercial or whatever?

Mr Waft: Just on that, Mr President, the advertisements, taking on from the hon. member Mr Radcliffe's point, can vary considerably and I am particularly concerned with the advertisements for petrol prices when they are adjacent to private housing and they take over a lot of the frontage of the petrol station at considerable disadvantage to the next-door neighbour, and if he would give that some consideration? Also the obligation to replace the street and road names. When a new building does go up the original street name or road name invariably ceases to exist. They are all part of our heritage especially in conservation areas. That is also an item that needs to be addressed. Thank you, Mr President.

Mr Lowey: Could I ask - this particular Bill is a big one, it is complicated, but there are some new introductions which are going to have some major impact on, I would have thought, the economic life of the Island - the very first clause, the development plans, which is new, Mr President, for the first time introducing economic factors into planning. Now, they are major steps and I think we ought to make quite clear that the people of the Isle of Man know that the planning in the future could incorporate an all-Island strategic plan, a local strategic plan that will have economic ramifications, and I just wonder, for ease of reference and to help the hon. mover, if when we come to what I would call new additions to the proposals in this Bill he could highlight them when he comes to the clauses stage so that we know that (a) this is a new provision. In other words, we would tend to be, in a big Bill like this, dealing a lot with what I would call. . . I would not say regurgitating the old, but it is reinforcing or reintroducing established practice and codes where I do not think we need to worry too much, but, where there is a major change, I think it should be highlighted by the mover that this is a change from the normal and perhaps then we could develop it and, as I say, the very first one on development is a major change; economic criteria being introduced into planning should ensure that planning will remain number one of the political hit parade, or pop parade, or whatever you like to call it.

The President: Reply, sir.

Mr Crowe: Thank you, Mr President. I thank the hon. Dr Mann for his seconding the second reading, and if I can take the points that have been raised by hon. members, Mr Radcliffe first of all, again advertisements - this is a very interesting question. You see them all over the Island, large, small and intermediate. As to a definition I think there is a specific Act that covers advertisements and in this I will check on the detail for the clauses stage.

The hon. Mr Waft raised this question of signboards for petrol prices adjacent to private dwellings; I think there is a specific example in the Main Road in Onchan and I think this goes back to historic planning permission which is signed and sealed, but for the future there are considerations especially in country villages - although Onchan is more of an urban village than a country village, I think! And again, this point of the question of street names or road names being important to the Island as to the type and style and all those sort of things, I am not sure if it is actually strictly relevant to this Bill but I will check on that point.

The hon. Mr Lowey raised an interesting point on the major impact this Bill will have on the whole of town and country planning, and he did specifically mention this question of factors

which can be kept under review and examined and, of course, the economy of the Island is certainly part of this consideration. It is a new point that economic factors can be brought into consideration in the decisions on any planning issue. Again, I thank the hon. Mr Lowey for bringing this question up as to delineating in the clauses stage between what is new, highlighting the new provisions so that they are clearly separated from re-inacting the current legislation. So I will draw that out in the clauses stage.

I think that covers all of the points and, Mr President, I would like to move the second reading of the Town and Country Planning Bill.

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

And that, hon. members, concludes our public business for this day. The Council will now sit in private.

The Council sat in private .