

**REPORT OF PROCEEDINGS OF
HOUSE OF KEYS**

**Douglas, Tuesday, 4th May 1999
at 10.00 a.m.**

Present:

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

The Chaplain took the prayers.

Ronaldsway Airport – Fire Services Cover – Question by Mr Braidwood

The Speaker: Hon. members, we turn now to our order paper. Item number 1, I call upon the hon. member for Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker. I beg leave to ask the Minister for Transport:

- (1) *Does your department intend in the near future to upgrade the category of fire service cover provided at the airport; and*
- (2) *if so, when?*

The Speaker: I call upon the Minister for Transport to respond.

Mr Brown: Mr Speaker, the answer to the first part of the question is yes, from the present fire category 5 to fire category 6. The answer to the second part of the question is: at the latest by October 2001, but an earlier date is possible if justified by increases in the size and number of larger passenger aircraft using the airport. Thank you.

Mr Braidwood: Mr Speaker, I thank the minister for his answer but can he confirm that it is the international civil aviation organisation which has brought about this change because they are not from, I believe, January 2003 allowing the 700 rule, which means that the Isle of Man, with it being a category 5, can operate up to 700 aircraft in the busiest three months at a category 6 level?

Mr Brown: Mr Speaker, I can confirm that the CAA have in fact set a deadline for 1st January 2003 but, as the hon. member will also be aware, my department, of course, and the Isle of Man Government's airport is not under the control of the CAA; it is a voluntary agreement with the CAA to accept standards, so that at least the Isle of Man is able to use the expertise of the CAA when setting its requirements for aircraft travel.

Mr Braidwood: Can the minister confirm that the upgrade will result in an increase of personnel, and will there be suitably qualified personnel at present who may be promoted, or will outside personnel have to be recruited?

Mr Brown: Mr Speaker, because my department has been aware for some time that, as it increased the amount of air traffic to the Isle of Man, it was likely it would have to upgrade to category 6, it has over a period of time phased in carefully and moved towards category 6 by training our existing personnel and sending them on courses, so it will not mean that we would have to import persons to take up posts within the Isle of Man. Therefore, if all goes well, our own existing airport staff will be qualified to the standards required under the CAA regulations.

The Speaker: A final supplementary, the hon. member for Douglas East.

Mr Braidwood: A final supplementary, Mr Speaker. Can the minister also confirm that if we go to category 6 it would be quite easy to go to category 7 by just employing additional firemen?

Mr Brown: Mr Speaker, I am not aware of the implications of category 7 because we have been dealing with the issue of category 6 which is what, as I understand it, is all that is required in the Isle of Man. However, I am sure that if the Isle of Man, operating its airport and the amount of aircraft utilising Ronaldsway, requires any increase in category, then of course we will evaluate that and take appropriate steps to introduce personnel to ensure we can meet those standards.

Douglas – Provision of Central Car Parks – Question by Mr Henderson

The Speaker: Item 2, hon. members, and I call upon the hon. member for Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr Speaker. I beg leave to ask the Minister for Transport:

Given its public acknowledgement of the severe car parking problems in Douglas, and the complex issues which arise with the parking scheme at the Tongue, what initiatives has your department taken to acquire further central car park locations within Douglas?

The Speaker: Again I call upon the Minister for Transport, the hon. member Mr Brown, to reply.

Mr Brown: Mr Speaker, I thank the hon. member for his question as it helps me to clarify, I hope, a number of issues on this matter and whilst Douglas, like other areas of the Island, has some car parking problems I am not sure that I would describe the Douglas situation as severe. I do, however, acknowledge that there is a need for further car parking to be located within the Borough of Douglas, both on-street and off-street. Also I would not accept that the scheme to provide car parking between the South Quay and the Tongue is a complex issue; in fact, it is a straightforward construction.

With regard to providing public car parking within the Borough of Douglas, this is a matter which involves my department, the Department of Local Government and the Environment and Douglas Corporation. My department has, for some years, been progressing on-street car parking areas known as disc zones. Furthermore, as I advised hon. members at the Tynwald sitting held on 20th April 1999 in answer to a question from the hon. member for West Douglas, Mr Downie, my department has only had the responsibility for off-street car parking since April 1998, the responsibility for all off-street car parking previously being with the Department of Local Government and the Environment and, within Douglas, jointly with the Douglas Corporation.

Government has, for a few years now, made available financial provision within the budget to fund totally, at government expense, an extension to the Shaw's Brow public car park which, as hon. members will know, is owned by the Douglas Corporation. The funding for the Shaw's Brow scheme is provided through the Department of Local Government and the Environment by way of a deficiency payment. This means that no cost whatsoever will fall on the ratepayers of Douglas. Unfortunately, to date the scheme has not been progressed and planning approval on the original scheme has, I understand, lapsed. Also, I understand that meetings are still ongoing between the Douglas Corporation and government in an endeavour to progress additional car parking at Shaw's Brow in the centre of Douglas. I am advised that the proposed new scheme has yet to progress to planning, and it is likely to be a further three years before any additional public car parking can be made available by the Douglas Corporation at Shaw's Brow. However, my department must take into account this proposal in any plans we may wish to progress to provide car parking within Douglas.

Since April 1998, my department has held discussions with a couple of private companies in an endeavour to encourage them to progress town centre, off-street car parking schemes on land within their ownership. The department has, since taking over responsibility for off-street car parking, also progressed a planning application for the car park scheme at the South Quay.

To progress off-street car parking throughout the Island, it is my department's policy to: (1) formulate a grant-assisted scheme to encourage local authorities to promote projects for providing off-street car parking within their towns; (2) encourage the provision of both multi-storey and ground level car parking facilities by the private sector; and (3) examine the provision of car parking on the periphery of town centres and the means by which they could be successfully introduced.

Finally, I can assure the hon. member that we would be pleased to consider proposals relating to any locations for car parking which could be available within the central area of the town of Douglas, or for that matter anywhere else on the Island, to see what role if any we may be able to play in assisting in progressing such a proposal. Thank you, Mr Speaker.

Mr Henderson: Mr Speaker, I thank the hon. minister for that comprehensive reply and indications of joint working and the fact that the development on the Tongue is a straightforward construction exercise. Given that, then, and plans with private contractors, what plans and negotiations and efforts were made with Mylchreest's to obtain or encourage private development of their vast Westmoreland Road site, which is known to be soon vacated, for a central car park for Douglas?

Mr Brown: Mr Speaker, I can confirm that one of the private companies that we had discussions with in fact was Mylchreest's, and my department believes that that site would be an appropriate site for town centre car parking within the town of Douglas.

Mr Karran: Vainstyr Loayreyder, would the minister explain to this hon. House how he justifies spending millions of pounds on putting water into this area and now he wants to fill it up for car parking spaces, and can he also explain to this hon. House why we have to go for such schemes as this when basic schemes of finance, such as a hundred per cent tax holidays and local residents getting rate holidays for creating car parking spaces would be a more effective way and efficient way as far as taxpayers' money is concerned?

Mr Brown: Mr Speaker, I presume the hon. member is referring to the proposals by my department to provide 60 car parking spaces between South Quay and the Tongue. I can advise the hon. member we are not filling anything in. What is proposed to do is to bridge across between the South Quay and the Tongue, hence my comment earlier that it is a straightforward construction. Also, why we are doing it is quite straightforward: I think we have to be honest, there is a difficulty in identifying suitable sites within the centre of Douglas to provide car parking and whilst I indicated I do not believe that the situation is severe, I think we all identify there is a need for more off-street car parking, and therefore my department, I believe, is taking the imaginative view in saying that here is an area where we believe, without detriment to Douglas, we can provide car parking in an area that has very few boats using it at the moment.

Mrs Cannell: Mr Speaker, given the opening comments from the hon. minister in relation to his department's policy for on-street parking, e.g. the disc zone, can he please inform us as to whether or not he has now acquired the services of more traffic controllers in order to be able to extend the disc zone, which his department has been reluctant to do for some little time?

Mr Brown: Mr Speaker, first, I have to make it absolutely clear that the employment of parking controllers is not a matter for my department. My department only makes the regulations - in other words, the law. The employment of traffic controllers is a responsibility of the Department of Home Affairs. I can confirm that my department has been in discussions with that department in an endeavour to encourage them to employ more traffic controllers as we are concerned that if we do not keep the level of policing within the zones, then there is abuse of the zones. We are already aware that in some areas people are coming out from work, changing their discs to give themselves another couple of hours and, because of the problems associated with the numbers of traffic controllers, quite a number seem to be getting away with it. So from that point of view there is a concern there.

My department at the moment has put a moratorium on progressing any further disc zones because of this issue, whilst we have had discussions with the Department of Home Affairs. It is a matter that is going to be reviewed very soon again by my department as to whether or not we continue to implement disc zones. I am very conscious that in doing so we should not mislead the public who may feel then, once a disc zone is in, that everything will be resolved because without enforcement the past shows that that is not the case, and therefore I myself and my colleague, the Minister for Home Affairs, are both very conscious of this issue and are endeavouring to try and find a way forward.

Mr Henderson: Mr Speaker, could the hon. minister, following his observations with regards to the Mylchreest's site, give this House and the people of the Isle of Man some assurances further that the joint working approach he has already alluded to will continue and in special reference to any future available private sites that may be vacated?

Mr Brown: Mr Speaker, as my department indicated in the policy report which was received by Tynwald in October 1998, it is our view to endeavour to work with the private sector. We do not believe government can afford to fund all the car parking requirements within Douglas. We will certainly do what we can to be supportive. However, I am sure the hon. member realises, any such matter, of course, is subject to planning approval and he will recall the concerns expressed by the owners of that site in Tynwald very recently when the

Douglas town plan was approved. However, my view is that I do not believe that a proposal to provide car parking in this area would necessarily be contrary to the issues of the Douglas Local Plan, therefore we are happy to encourage and try and assist the private sector with regard to trying to progress such a scheme.

Mr Cannell: Mr Speaker, a supplementary, if I may. Is it not so that car parking in the Isle of Man is a mess and a major initiative and inquiry is needed to try to resolve it rather than these pieces being added on here and there in an attempt to try and stop the water coming out of the dike - a major initiative?

Mr Brown: Mr Speaker, hon. members will recall, well before I was Minister of the Department of Transport, that in fact the department engaged specialists called JMP, I think it was, or somebody like that, who undertook a total survey of the requirements for Douglas in terms of car parking. We are updating that matter to endeavour to find out whether or not the issue of car parking is still as bad as it was. Since that time we have had a considerable number of on-street car parking spaces provided short term, we have had an extension to Chester Street, I think, which was done prior to that time, and we have also had the new Marks and Spencer car park which was built by government as part of the joint scheme with Marks and Spencer, and we are awaiting the Douglas Corporation progressing the Shaw's Brow scheme which will provide another 314 car parking spaces right in the centre of Douglas, and I have to say I think that it is unfortunate, when concern is being expressed, that that scheme has been somewhat delayed, because it was certainly, in my time in the Department of Local Government and the Environment, seen as a priority and I left there in 1994. So I do think we need to get on with that scheme, the sooner the better. I would say that it is not a matter of it being a mess and, as the hon. member alluded to, pieces being added on. I would remind members that I am regularly lobbied by hon. members to do a bit in their area because it is important to their constituents, and we try to accommodate that if we can.

Mrs Cannell: Mr Speaker, would the hon. minister not agree with me that so long as he has a moratorium on the disc parking scheme, particularly in Douglas, the issue of car parking and problems for residents in particular will remain severe? He described this morning that he felt it was not severe. Would he not agree with me that for as long as his department is not going to do anything about the problem today, it will remain a severe problem and, in view of that, will he please hold this review with the Department of Home Affairs as a matter of urgency? It has been going on for several years.

Mr Brown: Mr Speaker, first, it has not been going on for several years. It is a recent issue, the issue of car parking controllers and the reduction in those which was made for other reasons, because of pressures that were being brought to bear on the Department of Home Affairs. As I indicated earlier in one of my responses, my department has held discussions with the Department of Home Affairs. There is no lack of political will to try and find a way forward on this and I would say that the issue of the moratorium, I already indicated in an earlier answer here today, is now being reconsidered by my department as to whether or not it is practical to continue with the moratorium. However, I do not want to mislead the public by just lashing down disc zones and then people then complaining to hon. members that nobody ever gets booked because they park there and stay there all day and then the problem is a lack of enforcement. We have no difficulty in trying to deal with this issue. However, there are implications and, as I have indicated, there is no lack of will between myself and my hon.

colleague the Minister for Home Affairs to try and find a way forward to deal with this issue. I would say, though, members will have to be somewhat patient.

The Speaker: A final supplementary before we park this question. The hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the minister not agree that it would be simplistic of this House to talk about this issue simply as a car parking problem? It is a transport policy issue that needs to be resolved, and will he assure this hon. House that he will look at ways of solving this issue other than just expensive developments by government for car parking in itself?

Mr Brown: Mr Speaker, we have somewhere in the excess of 42,000 private cars in the Isle of Man. A substantial amount come into Douglas to work. Therefore there is no doubt that that puts pressure on the town of Douglas. However, my department has over the years developed a number of initiatives, as have others, to actually provide some car parking facilities within the town of Douglas. Government has already invested substantially in that, as I indicated with regard to the car park at Marks and Spencer and an extension to Chester Street car park.

As far as a transport policy is concerned, the hon. member for Onchan will be only too aware, as he will have had a letter from my department, that we have a working group set up to look at integrated transport policy, and he will also, of course, be aware that at the last sitting of Tynwald he actually moved a motion to ask the Minister for Tourism and Leisure, who operates the public transport facilities on the Island, to look at the provision of free bus transport in certain circumstances.

I accept and agree with the hon. member that we do not want to just spend money in trying to resolve this problem. Hence it is my department's policy to try and encourage private enterprise also to come on board to provide car parking, not only for their staff but, where appropriate, for the public, and maybe they can get some of their investment return by income from the car park dues that would be paid. So I do not think there is any lack of will to try and do something, but it is not an easy matter to resolve because of the restrictions within the town of Douglas of land availability.

Marine Drive – Future Plans – Question by Mr Henderson

The Speaker: Item 3, hon. members, and I call upon the hon. member for Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr Speaker. I beg leave to ask the Minister for Transport:

What are your department's plans for Marine Drive within its proposed traffic management strategies?

The Speaker: Again, the Minister for Transport, the hon. member Mr Brown, to reply.

Mr Brown: Mr Speaker, the reopening of the Marine Drive does not form part of my department's traffic management strategy, either as a route to the south or to relieve congestion in Douglas. Its function, as I stated in Tynwald Court in May 1997, is as a scenic route for the benefit of both tourists and locals, either on foot, cycle, or car. Its present use is restricted by a closure to vehicular traffic approximately midway due to a rock fall some 20

years ago. Reopening this section of road to traffic could be achieved either by bridging across the problem areas or cutting back into the cliff face. Thank you.

Mr Henderson: Mr Speaker, I appreciate the hon. minister's reply and assurances, and in special reference to the amenity value of the area would the minister also give this hon. House and the people of the Isle of Man assurances that if there were going to be any reopening or whatever works carried out on the Marine Drive, they would also take into consideration the very valuable ecological and habitat problems that there are on the Marine Drive and the threat that that may pose?

Mr Brown: Mr Speaker, I am sure that we would take on board anything like that, not only with the Marine Drive but anywhere else where we are endeavouring to either widen roads or build new roads. As far as the Marine Drive is concerned, my concern is that the area of Marine Drive which is not accessible to vehicles is in fact deteriorating, and it is my view that a decision is going to have to be made in the not-too-distant future. Either we will reopen the road or we will allow that road to just deteriorate to a stage that it can never be used again, and it is this issue that I wish to look at. My view would be that any funding for that would be over and above our department's budget for normal road replacement, wear and tear, et cetera.

Mr Duggan: Mr Speaker, as you know and the minister is aware, I have raised this matter several times. The department, the ministers in the past, have done nothing about it and I would ask the minister, has he got any intentions, or his department, at all of ever reopening the Marine Drive? And also, would the minister consider the possibility of having a one-way system on the Marine Drive? It is used at present each year for the car rally?

Mr Brown: Mr Speaker, I thought that I had indicated in my earlier answer that I have every intention, subject to finance and other things that come into it, to look at reopening the Marine Drive. I certainly, personally, believe that the Marine Drive, if at all possible, should be reopened. (**Several Members:** Hear, hear.) However, that is subject to funding and that is subject to a number of other issues but it is certainly my intention to examine this issue very carefully with the view of trying to get to a stage where we can reconstruct that section of the highway and reopen it.

As far as one-way is concerned, all I could say to the hon. member is that certainly that issue will be in our minds when we consider what to do with the Marine Drive, and there is no other answer I can give at this stage because I have not given that thought before.

Mr Henderson: Mr Speaker, a final supplementary. Would the hon. minister not agree, though, that given that the closure in the central part of the Marine Drive is actually adding to the considerable amenity value at the minute and it is helping to provide the safety of that amenity value, any future work should be very carefully considered before opening it, which could become quite a race track down there?

Mr Brown: Yes, Mr Speaker, we are very conscious of the point the hon. member makes. I think I come from the point of view that the big concern I have is the longer term deterioration of the existing highway and footpath. I walked along there a couple of times to see the state of it and I just believe that the department needs to make a decision what it is going to do with the Marine Drive and not just leave the issue in the air. We have the pavement with hardly any tarmac on it, which does not cause a problem because people are

walking in the road, but the road itself will not last for ever without traffic over it because, of course, you have the growth of greenery and so on that breaks through the road eventually, and it is all this aspect that I wish to look at, otherwise the difficulty could be that the department could end up slowly coming back towards Douglas, closing off the Marine Drive so that the area of amenity that can be enjoyed is reduced substantially, and it is that issue I wish to examine - whether or not we retain an amenity for those who wish to walk and cycle or whether we should go as far as reopening it for vehicular traffic as well, and I think we have to take all that into account, see what it is going to cost and then see whether or not we should implement such a scheme.

Douglas Corporation – Villa Marina – Regulation of Expenditure – Question by Mr Henderson

The Speaker: We go on to item 4, hon. members, and I call upon the hon. member for Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr Speaker. I beg leave to ask the Minister for Local Government and the Environment:

- (1) *What regulation is there of the expenditure of ratepayers' money by Douglas Corporation; and*
- (2) *in particular, what regulation is there of expenditure by the corporation in developing and promoting its scheme for the Villa Marina?*

The Speaker: I call upon the Minister for Local Government and the Environment, the hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr Speaker. The Department of Local Government and the Environment has no power to regulate the expenditure of ratepayers' money by a local authority except in a limited sense. The Local Government Consolidation Act 1916, part 6, confers on the commissioners for any local government district the power to levy a rate on their districts according to the valuation of property in their districts. Only in the case of parish districts or where the commissioners of a district are minded to levy a fixed amount is consent of the department required. So far as expenditure of moneys collected from ratepayers is concerned, the Local Government Act 1985 confers on a local authority the power, and I quote, 'to do anything . . .' and I quote again, 'which is calculated to facilitate, or is conducive or incidental to, the discharge of its functions.' However, if a local authority wishes to acquire land or borrow money, it must obtain the consent of the department but otherwise a local authority is responsible and accountable to the ratepayers of its district for the manner in which it conducts its affairs. The Audit Act 1983 requires that the accounts of every local authority shall be audited, and section 7 of that Act sets out the powers of the public auditors and the courts. In certain circumstances elected members can be required to pay any expenditure incurred which is declared, and again I quote, 'contrary to law', and if the amount exceeds £2,000 members can be disqualified from being a member of the authority.

Mr Henderson: Mr Speaker, I thank the hon. minister for his reply and technical detail there and, given the limited powers of the Local Government Act, does he feel the regulation to be sufficient to monitor the vast expenditure of ratepayers' money on the recently announced videos, designs and roadshows given over to Douglas Corporation's go-it-alone

stance on the Villa Marina, and does he think it is fair that the Douglas ratepayers will have to bear the brunt of what is effectively an all-Island facility?

Mr Quine: Mr Speaker, I am not aware of the details of these roadshows that have been referred to but I suppose the bottom line in all of this is whether or not what they have been doing is within the jurisdiction granted to the local authorities. If it is, and I assume it is - I must at this point in time assume that they are not acting outside of their authority - then the position would appear to be that it is for the authority to determine whether that is money well spent or not well spent.

Mr Henderson: Mr Speaker, I thank the minister for his answer and, further to that, would the minister not agree, then, with what regulations there are, that further there is not sufficient cover for the Douglas Corporation's go-it-alone Villa Marina scheme and, in special reference to the proposed £4 million of Douglas ratepayers' money on what is effectively an all-Island facility, does he not think more needs to be done to protect Douglas ratepayers and a more equitable system needs to be put in place urgently?

Mr Quine: Mr Speaker, I am not aware of the details of the Douglas Corporation's announced go it alone scheme. I have read and I am privy to what a number of other people may have gathered as to their intentions, but that is the extent of my knowledge. I believe at this point in time there are other actions which will be coming through Tynwald Court and it would be prudent to await the outcome of those actions.

Mr Karran: Vainstyr Loayreyder, would the minister not agree that the Villa Marina is owned by the council, we do live in a democracy, and its local authorities have a right to deal with their issues in their local authority how they want to, and would he also not agree that there is a great danger by this hon. House to get involved with issues which are the local authorities' remit? Instead we should be getting involved with the national issues, in particular in his department such as the lack of housing that we need for this Island, for our people.

The Speaker: Loosely connected, minister; I will let you respond.

Mr Quine: Yes, Mr Speaker, I think there are two questions there. The jurisdiction that falls to local authority and the jurisdiction that falls to national government, are of course, quite clear and quite distinct and there are powers which are vested in national authorities, and there is an overlap to that extent. I do not find any difficulty with that. I think you have to look at each case on its merits as and when it arises.

As far as the housing issue is concerned, the hon. member has been given quite expansive details as to what is proposed in relation to housing policies, and as to the schemes which are being brought in. It is my belief that those proposals, if they gain the support of this House and another place, will fully address the requirements.

Mr Cannell: Would the hon. minister not agree with me that, bearing in mind all that has been said about the responsibility of local authorities, where any local authority of the Isle of Man continues to procrastinate to the detriment of the national interest of the Isle of Man in any particular project, the Isle of Man Government reserves the right to supersede their decisions?

Mr Quine: Mr Speaker, delaying, procrastination, call it what you will, is not in the interests of the ratepayer, it is not in the interests of the taxpayer, and there has to be a point

in time when matters have to be brought to a head. I have today announced the intention of government to bring these matters to a head.

Mrs Cannell: Can the hon. minister not confirm that there are trustees in place as required under the Villa Marina Act in order to regulate the future spending or the use of the Villa Marina complex?

Mr Quine: I am aware that there is a question about charitable status which may or may not attach to the Villa Marina. That issue has been placed before the courts by Douglas Corporation, and it is my understanding that a pronouncement by the courts is imminent, but I could not comment further than that.

The Speaker: Now, hon. members, again the clock has defeated us this morning. I call upon the hon. member of Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr Speaker. I beg to move:

That standing order 43(2) be suspended to enable the remaining questions tabled for oral answer at this sitting to be put.

Mr Cretney: I beg to second, sir.

The Speaker: Agreed, hon. members?

Members: Agreed.

Manx Electric Railway – Track Work at Derby Castle – Question by Mr Houghton

The Speaker: We turn then to item 5, and I call upon the hon. member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. I beg leave to ask the Minister for Tourism and Leisure:

Are you satisfied with the standard of the MER track work at Derby Castle leading into the new top shed?

The Speaker: I call upon the Minister for Tourism and Leisure, the hon. member, Mr Cretney.

Mr Cretney: Thank you, Mr Speaker. I am not satisfied with the standard of the Manx Electric Railway track work at Derby Castle leading into the new top shed. The track work has not been laid according to the design and specification agreed with the consulting engineers employed to supervise the tracklaying. The consulting engineers have accepted responsibility and have agreed to remedy the error at no cost to the department. My department is in no way responsible for faults in the tracklaying.

Mr Houghton: I thank the hon. member for his categorical reply, but may I ask why has this been allowed to happen for so long? Why have assurances been given so many times in the past that this was not the case, and is somebody going to be made to account for this disgraceful situation, sir?

Mr Cretney: If the hon. member is referring to assurances which have been given in this place in the past in relation to the works taking place at the Derby Castle, then I would say the assurances that were given in this place were that the works which were required to be

completed have been completed. That has been disputed by others, but the facts are that this work has been completed in three phases and this track work is the final phase. When I was asked the question in relation to the other work, the work had been completed in the time and within the budget required. In relation to this track work, this has only recently become apparent following something which was identified when the track work was being laid, and was acted upon immediately.

Mr Singer: Mr Speaker, can I ask the hon. minister when the track work is relayed will all the wider cars be able to be accommodated within the shed and have adequate clearances, because I know that the narrow ones can be at the moment; will all the wider ones be able to be accommodated, perhaps including our friend Lisbon 360? Secondly, can the minister, whilst he said that the track work was incorrectly laid, assure me that the shed is now totally adequate for anything that is needed and will accommodate all the necessary tramcars at any time? Thank you.

Mr Cretney: My understanding of the situation, Mr Speaker, is that all vehicles will be able to be accessed into the shed. There is a difficulty over two, I believe, of the roads into the shed, and it maybe at the end of the day that those roads will not be accessible. I am not happy with that situation and I have raised that with those who designed the track work, and those who designed the building. It seems to me that if the building and the track work have been designed by the same people then it should work, and clearly at the moment it does not.

Mr Braidwood: Mr Speaker, can the minister confirm that one of the problems associated with the top shed was because the design of the doors was altered during the construction stage?

Mr Cretney: I am sorry, I am not aware of that particular element. I have no reason to doubt the hon. member but I have not been briefed on that for today's question.

Mr Cannan: Can the minister tell us that in these problems here, what financial responsibility are the consultants accepting? How much have the consultants already been paid for this work, which from your answers appears not to be satisfactory, and finally what recommendations do you have for the future employment of these consultants by the Isle of Man Government?

Mr Houghton: Hear, hear.

Mr Cretney: It is a good question. (**Mr Houghton:** It is.) It is, and I have said already, Mr Speaker, in this Court in my initial response that the consultants are accepting full responsibility. There will be no cost whatsoever on government.

Mr Cannell: Mr Speaker, would not the hon. minister agree with me that where a department embarks on considerable works to the enhancement of the Isle of Man's national railway system with a vast cost, then there are bound to be small technical difficulties, but overall the improvement is plain to see: We are no longer bedevilled with old galvanised roofs which leak, we have a modern facility and these small problems will be cleared?

Mr Cretney: I am happy to agree with the hon. member with responsibility in my department (*Laughter*) and I am pleased that he is so keen to carry things forward; indeed, our next project will be in relation to upgrading the facilities at the Laxey car shed which have been ignored for years and in which we have some priceless rolling stock which needs to be

properly protected. We value greatly the rolling stock, which is part of the infrastructure of the Manx Electric Railway system which is so much loved and admired by many off and on the Island.

Mr Houghton: Hear, hear.

Mr Singer: Two points, Mr Speaker, please. Can I ask the hon. minister: first of all he says that it is going to be replaced free of charge, but are we going to receive any compensation for the time it has taken? (**Mr Cannan:** That is right. Hear, hear.) And secondly, can I ask him, is not the job of the railway inspector, who comes across here on a regular basis, to have picked up these problems well before now if he would have inspected what was going to be laid as far as the track is concerned and what the shed was going to be like? Has he been doing his job?

Mr Cretney: I am not for one minute going to question the integrity of the railway inspector; I believe he does an excellent job. In relation to ongoing problems to expenditure of public money or the accessibility of the shed and the railway track, I have already indicated that I have instituted with the relevant officers an investigation into that matter. I am not content that a railway shed and railway tracks that go into the shed which were designed by the same company - at the moment apparently there will not be two lines - may not be accessible in the future. I do not believe that is acceptable and I have instituted work to take things forward in that regard.

Mr Houghton: Mr Speaker, with regard to the proposed Laxey shed, may I ask the hon. minister if he would take advice from the motormen who bring those trams in and out of those sheds exactly what they would deem to be the height of the roof of the new shed. sir?

Mr Cretney: Mr Speaker, in relation to the staff of the Manx Electric Railway including the motormen, can I say here and now that I believe by far the vast majority of staff who work for the Manx Electric Railway are content with the actions which have been taken by management in regard to the upgrading and the work which has continued to make sure that this asset continues into the next century. There is unfortunately, as there will be in all organisations, a small minority of people who think they know better than the management. At the end of the day it is the job for management to manage, and that is what is happening here.

Mr Cannell: Well said.

Building Industry – Steps to Encourage Trainees – Question by Mr Karran

The Speaker: Item 6, hon. members, and I call upon the hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I beg to ask the Minister for Trade and Industry:

Given the continuing skill shortage in the building industry what further action is your department taking to encourage people, both financially and otherwise, to acquire the skills necessary to support the industry?

The Speaker: I call upon the minister for Trade and Industry to reply.

Mr North: Mr Speaker, during the last year the department has introduced a number of new initiatives aimed both at assisting local people to enter training and employment in the construction industry, and to alleviate skill shortages in the industry itself.

In September 1998 the Training Centre, in collaboration with Ramsey Grammar School, introduced a pilot scheme to provide year 10 pupils of the school with a new training and assessment option in building craft occupations. Those 14-year-olds choosing the option are highly motivated; they attend the Training Centre one afternoon per week for their two-year course and are assessed to National Vocational Qualification, level 1. The course will provide an accelerated route to an apprenticeship qualification. It is my hope that once the pilot scheme has been evaluated the Island's other secondary schools will also choose to become involved.

A further pleasing development has been the accreditation by both the Construction Industry Training Board and City and Guilds of the training division's pre-vocational training course. As a result of accreditation the division is now able to offer National Vocational Qualification assessment to young people who are not ready to enter an apprenticeship. On completing the course, trainees can either enter appropriate employment with relevant skills and knowledge or progress onto an apprenticeship.

I am also pleased to inform hon. members that the training division's building operative course has similarly received accreditation to offer National Vocational Qualification levels 1 and 2. This course provides training and assessment in general construction skills, including health and safety, prior to employment on site.

Finally, the training division has continued to expand its range of local skills tests with addition most recently of slating and tiling to other tests already available. Applicants seeking to obtain certificated craftsman status have previously to travel to England to undertake this test.

The department's training supervisors are in regular contact with all employers in the construction industry who are involved in training, and with the providers of the off-the-job training, the Isle of Man College. All three parties meet regularly at the college's Construction Advisory Committee, where the overall structure of training provision is discussed. Changes were agreed and instigated as recently as last September to the carpentry and joinery and plumbing areas to provide a course structure that better suited employers, and to raise the interest level of trainees by enabling them to get into the workplace earlier.

All of the department's training initiatives are marketed vigorously in schools, the press and at specialist events such as the Royal Show and schools' career evenings. Fact sheets and information packs are distributed widely by the training division, and personal advice is always available at the Hills Meadow Training Centre.

The department continues to offer a wide range of financial assistance to those involved in construction training. Under the Craft and Technician Training Scheme (Manufacturing, Construction and Service Industries) 1995, employers are given grants to offset their indirect training costs. Payments relate to periods of training spent both on and off the job, and can be up to 55 per cent of a trainee's basic wage.

Individuals undertaking full-time training off the job are also supported. They will normally be in receipt of a weekly training allowance from the department plus concessionary travel. The training allowance is not restricted to periods spent in college or the Training Centre, but is often extended to approve work placements in the industry where prospective employers can evaluate a trainee for an agreed period.

I should make it clear, Mr Speaker, that there is generally no shortage of construction employers on the Island who are prepared to take on apprentices. This is confirmed by the training division staff, who administer apprenticeships and monitor employers. There is a shortage, however, of applicants with the necessary ability, aptitude and desire to qualify as craftsmen in this industry.

At the start of the last training year in September 1998 only one of the five craft areas operated at the college was full. This was carpentry and joinery, with 16 trainees. Brickwork had 1 vacancy in a group of 12, plumbing had 1 vacancy in a group of 12, painting and decorating had 3 vacancies out of 12, and electrical installation had 5 vacancies in a group of 12.

Mr Karran: Vainstyr Loayreyder, would the minister agree that it is very nice, the response that he has come out with today, but it just is not good enough, it is not dealing with the problem of the lack of tradesmen for the building industry in this country, and would the minister consider maybe going back to the first sitting in June of this House with a review of the grants and getting people to go into training in the first place, to fill the vacancies? Would he also, when he comes back to this hon. House, come back with a more appropriate grant scheme for older people who want to do retraining, and maybe want to go into training after leaving school considerable years ago? I would be interested to hear what the minister has to say as far as that is concerned.

Mr North: Mr Speaker, I gave quite a detailed answer on very similar lines to this in February this year. I said then, I think, something like, 'There is no easy answer to this', and I repeat: there is no shortage of employers; there is a shortage of those. . . and maybe the hon. member has some solutions and certainly we would welcome a visit from him down to the Training Centre at any time. That is an open offer to any hon. members because there is not an easy answer. I would mention again the pilot scheme at Ramsey Grammar School; that is working well because there are youngsters at the age of 14 showing aptitude, and if you can encourage those along to go into these trades, then that is definitely, I think, going to be a very successful scheme.

Now, training allowances at the age of 18, as I gave in the answer in February, is £77 per week, and a supplement is payable for dependent spouses. There are all sorts of ways that we can help. If we can have some information from the hon. member where he sees the actual shortage, it is not a case of money, I can assure him; it is case of actually getting people, and I believe as strongly as he does that we need skilled craftsmen. We are going to need skilled craftsmen in the future more than ever before, because some of the standards that are being carried out on building sites where you have not got skilled craftsmen really leaves a lot to be desired. We do need skilled craftsmen. They are the backbone of the community when you come to work within the community, not just on new houses but repairs; we need these skilled people and they need to be well paid, so any efforts, any members have to solve this problem of trying to get more people and encourage them into the construction industry we are more than happy to listen to.

Mr Karran: Vainstyr Loayreyder, I welcome the kind invitation from the minister to a meeting, but would he not agree that he needs to also consult with people who are working within the training sector both in the Department of Education and also in his own department,

because they feel that there are not enough grants being available? But I will be more than happy to come along and meet with the hon. minister.

Mr North: Yes, Mr Speaker, I am very interested in that last comment and I will take that further, because I am unaware of people within Education that are saying that grants are not available (**Mr Karran:** Not enough.) or not enough. I would like to hear what is not enough, because, if it is not, by all means we will look at that.

Mr Karran: Good!

Mrs Cannell: Mr Speaker, would the minister not agree with me that the Department of Trade and Industry is reviewing this whole situation in relation to how to acquire apprentices and postgraduates to come in to undertake skills within the construction industry, and would the minister not also agree with me that one of those things that the department is reviewing is the grant assistance scheme, but that that is only one particular facet of this whole situation, and would he not further agree with me that it was the desire and still remains the desire of the Department of Trade and Industry that the likes of postgraduate facilities could be and should be provided on the construction of the new hospital, for instance, where we have engineering contracts and certain works being undertaken that may never occur in the Island again and therefore would provide an absolutely ideal situation for our youngsters to be able to enhance their skills in that particular field, but that the Department of Trade and Industry is disappointed that the Department of Health has not foreseen to make that a reality.

The Speaker: Hon. minister, I think you may say yes to each part of the question.

Mr North: I was just going to say I agree, Mr Speaker.

Mr Karran: Vainstyr Loayreyder, a question to the minister: would the minister and his hon. member be more than happy to come with me to my albatross, my new hospital, and this is where the very subject was raised about this question being put here today with the lack of support for training, to get apprentices in the building industry?

The Speaker: Hon. members, there is no mention of the new hospital within the question.

Members: Hear, hear. (*Mr Karran interjecting*)

Gas Prices – Value for Money – Question by Mr Henderson

The Speaker: We turn to item 7 on the order paper, and I call upon the hon. member for Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr Speaker. I beg leave to ask the Chairman of the Office of Fair Trading:

As Mr Fairclough, the chief executive of the recently emerged Isle of Man gas companies, is reported as stating that with no competition in the supply of energy in the Isle of Man there is no commercial need to reduce the price for the supply of gas, will your department initiate an inquiry to ensure that Manx gas consumers are obtaining value for money?

The Speaker: I call upon the Chairman of the Office of Fair Trading, the hon. member for Rushen, Mrs Crowe, to reply.

Mrs Crowe: Thank you, Mr Speaker. I have sought clarification from Mr Fairclough, chief executive of the International Energy Group, upon the comments attributed to him in the press, and I am satisfied that Mr Fairclough made no such statement in regard to the pricing of gas relative to competition on the Island. It is my understanding that he was misquoted, and indeed he has stated that competition from other forms of heating is very intense in the Isle of Man and that their company pricing policy takes account of this competition. In fact, I am advised that the first signs of the positive impact of the merger are about to flow through to the customers, and there will be a price reduction to all gas consumers on the Island from 1st May 1999. However, the Isle of Man Office of Fair Trading will continue to monitor gas prices as it does now, and compare the heating costs with other energy sources. In fact, we publish monthly a most informative leaflet for all consumers comparing all domestic heating costs on the Island. This comparative heating chart is sent free of charge to any consumer or indeed any member of this House who requests it.

Mr Henderson: Mr Speaker, I thank the hon. Chairman of the Office of Fair Trading for that comprehensive reply and special reference to the assurances to the public of the Isle of Man with possible price reductions flowing through to the consumer and clarification on the chief executive's supposed comments in the press, which, I am relieved to hear, have now been clarified, but could the chairman please confirm to this House and the people of the Isle of Man that her office will continue to be vigilant with the fuel prices in the Island, because they are at this time seemingly quite high?

The Speaker: Minister, I think you covered it in your reply but you may answer.

Mrs Crowe: Yes, indeed I did. I did say we will continue to monitor gas prices and indeed all other energy prices as we do now.

Mr Karran: Vainstyr Loayreyder, could the chairman of fair trading explain to this hon. House what teeth that she has to do anything as far as this issue is concerned, so that we can actually do anything over this issue but spurt hot air over it? And would she also inform this hon. House, as well as tell us what legislation she has to actually do anything over this issue, and also agree that the betrayal of the Manx people and the gas consumers on this Island was done when the government did not have the backbone to get the T-junction into the gas line in Peel Bay several years ago because of the vested interest of other people?

The Speaker: Having promoted the hon. member for Rushen, I will now ask the Chairman of the Office of Fair Trading to respond.

Mrs Crowe: I am not quite sure how I am going to respond to any of that question, if indeed there was a question there.

Mr Karran: You just haven't got the teeth, love!

Mrs Crowe: Yes, indeed we have got teeth, and under the terms of the Fair Trading Act we can investigate any company on the Island if so directed by the Council of Ministers. So we have got the teeth, and we indeed would do so if we were required to do so. Thank you.

Mr Singer: If I may follow up that question, Mr Speaker, you quote that Mr Fairclough was misquoted on price structures, we heard that not long ago Manx Airlines said that they were misquoted when they made comments on price structures. Do you not see a parallel here between the Isle of Man gas companies, the MEA, Telecom, Manx Airlines where large

monopolies can choose to set unnecessarily high price structures to the public if they so wish, and would you not support the establishing of this watchdog with teeth that has the actual powers, and sufficient powers, to prevent excesses occurring?

Mrs Crowe: Mr Speaker, yes, I think members of this House more than most should be well aware that quite often people are misquoted in the press, and also in regard to the second part of the question, yes indeed, we will carefully watch, as we do now; we regularly see all the energy providers on a three-monthly basis to make sure that they are bringing about as much of a reduction as they possibly can for the consumers of the Isle of Man. We are constantly watching their pricing, but we live on a small Island. We are not talking about energy providers providing energy for the likes of a huge city in the United Kingdom.

Mr Karran: Vainstyr Loayreyder, would the chairman inform this hon. House what the position is as far as the teeth of this legislation and what the Council of Ministers can actually do to an unscrupulous dealer in any commodity in the Island? Could she inform this House, and would she then, after informing this House, tell us there are no teeth as far as that legislation is concerned?

Mrs Crowe: Mr Speaker, under the terms of the Fair Trading Act we can investigate a company if so directed to, and if we found that their profits were too high for the Island we could take the appropriate step to remedy that if directed by the Council of Ministers.

Mr Singer: Is the hon. chairman then telling us that if you consider that there is a monopoly, whoever is overcharging in your view, you can actually direct them to reduce their charges? What I am really saying, I suppose, to describe it is, you may have a good set of gums, but have you got the good teeth to go with them? *(Laughter)*

Mrs Crowe: There is a great deal of talk about teeth. However, yes, I would say that we have. Indeed, I think you would find that if any firm was to be investigated by the Isle of Man Office of Fair Trading the awareness in the public's eye over overpricing would reduce those prices if that were possible. The companies explain to us exactly how their pricing policy is arrived at. We do not believe that the energy suppliers on the Island are making an excessive profit out of Manx consumers.

The Speaker: The hon. member for Douglas North, Mr Henderson - a final supplementary I think, hon. members.

Mr Henderson: Thank you, Mr Speaker. I think in fairness the Chairman of the Office of Fair Trading has pre-empted my supplementary and given a fair answer.

The Speaker: Thank you.

Isle of Man Steam Packet Company – *Ben my Chree* – Arrival Times – Question by Mr Houghton for Written Answer

The Speaker: We turn then to item 8 on our order paper and I understand that the written answer sought has been circulated and is on members' desks.

Question 8

The hon. member for Douglas North, Mr Houghton, to ask the Minister for Transport:

- (1) *What is the scheduled arrival time of the early morning sailing of the Ben my Chree to Douglas; and*
- (2) *since the Isle of Man Steam Packet Company Limited contracted to transport off-Island newspapers to the Island, how many times, and for what reason in each case, has the Ben my Chree failed to dock in the Douglas at its scheduled arrival time?*

Answer

(1) The 02.15 Heysham sailing of the MV *Ben my Chree* is expected to arrive in Douglas at around 06.00 hours. This sailing does not have a scheduled arrival time. However, the Isle of Man Steam Packet Company Limited expect an average crossing time on passage of around 3 hours 30 minutes, subject to some variations dependent on, for example, tidal conditions. In general the MV *Ben my Chree* has arrived within half an hour either side of its expected time of arrival with the majority of sailings arriving before 06.00 hours.

(2) The following sailings have arrived later than 06.30 for the reasons specified:

Breakdown of late arrivals at Douglas

01 Nov 98	06.35	late running from previous days' gale
06 Nov 98	06.45	late running - gale force winds ex 5/11
07 Nov 98	06.40	tidal conditions at Heysham with severe gale
10 Nov 98	06.30	late running - gale force winds ex 9/11
11 Nov 98	06.36	BOCT trailer (M & S Food) flat battery
13 Nov 98	07.15	late running - gale force winds ex 12/11
14 Nov 98	06.55	ongoing effect of previous delays
15 Nov 98	09.25	technical problems - delayed arrival - slow running
13 Dec 98	06.37	slow running - gale force winds
14 Dec 98	07.20	slow running - gale force winds
18 Dec 98	07.00	slow running - gale force winds
30 Dec 98	09.08	late running - gale force winds
05 Jan 99	06.58	late arrival - late running - gale force winds
14 Jan 99	06.46	late arrival - late running - gale force winds
16 Jan 99	08.55	late arrival - late running - gale force winds
22 Feb 99	06.48	late arrival - late running- gale force winds
12 Mar 99	06.38	sailed 02.55 - awaiting papers
28 Mar 99	06.50	late running - gale force winds
07 April 99	06.32	sailed 03.04 - awaiting papers
13 April 99	08.30	mechanical problems
14 April 99	08.11	late running - gale force winds

In addition, serious adverse weather conditions in the Irish Sea resulted in seven sailings being cancelled within the period in question and the transfer of the newspapers to the air freight back-up arrangements, previously not available when air freight was the only means of transportation.

Bill for First Reading

The Speaker: We then turn to item 9 on our order paper and I call upon our learned Secretary.

The Secretary: The Limited Liability Companies (Amendment) Bill, Sir Miles Walker.

Copyright (Amendment) Bill – Second Reading Approved

The Speaker: Item 10, hon. members, the Copyright (Amendment) Bill for second reading, and I call upon the hon. member for Middle, Mr North.

Mr North: Thank you, Mr Speaker. The modern law of copyright in the Isle of Man is contained in the Copyright Act 1991, which came into force on 1st July 1992 and which is closely based on part 1 of the UK Copyright Design and Patents Act 1988. That Act protects copyright in literary, dramatic, musical and artistic works, sound recordings, films, television and radio programmes, and also protects an author's moral rights in his work. The rights of performers in their performances were not protected in the Island until the Performers Protection Act was passed in 1996. This legislation was introduced in order to enable the ratification of the 1994 agreement on trade-related aspects of intellectual property rights to be extended to the Isle of Man. Hon. members may recall that this agreement, which is known as 'TRIPS', was one of the package of conventions agreed when the World Trade Organisation was established.

The Copyright (Amendment) Bill 1999 which is promoted by the Department of Trade and Industry, is intended to update the current copyright and performers' protection legislation in order to keep it broadly in line with changes in legislation in the United Kingdom and with developments internationally. It is, I believe, important that Manx legislation is reviewed and updated on a regular basis in order to ensure that it meets current requirements, taking account of new developments as they arise and keeping us in line with international standards.

The Bill before the House today, which is not expected to have any significant effect on public revenue expenditure or manpower, has three main purposes: first, it is intended to achieve compliance with the Council of Europe Convention on Copyright and Satellite Broadcasting, which should be extended to the Isle of Man once the relevant provisions of this Bill are made law in order to provide encouragement for the film and broadcasting industry in the Island. This is to be done by, first, laying down rules for determining which state's law is to apply in relation to copyright in material broadcast as by satellite. It will be done by providing for equitable remuneration for performers in accordance with the 1961 Rome convention, where recordings of their work are included in satellite broadcasts, and also laying down transitional rules with regard to pre-1995 contracts between co-producers of a film. These provisions are based on the UK Copyright and Related Rights Regulations 1996.

Second, the Bill adopts certain trade changes in copyright law made in the United Kingdom under their Broadcasting Act 1996, including the outlawing of contract terms which prevent the showing of clips of sporting events in news programmes and enabling the Copyright Tribunal to award interest on certain payments and making it an offence to advertise pirate decoders sold by mail order from an overseas outlet which could be used to review encrypted TV transmissions without paying.

Finally, the Bill introduces a new kind of intellectual property right called 'database right' to protect a person's investment in the compilation of a database, whether electronic or manual in nature. The right is similar to copyright in that it arises with the creation of a database and does not require registration, but differs in that it is infringed by the use, as opposed to the copying, of the material in it. Database right lasts for 15 years from the completion of the database, whereas copyright lasts for the life of the author plus 50 years. Database right is an invention of EC law and is intended as a standard form of protection for the compilers of databases against unauthorised extraction or use of information. It is seen as important for economic development and its introduction into Manx law will support the ongoing development of a database industry in the Island by ensuring protection for those involved, which is in line with international conventions. Before including in the Bill provisions relating to database right my department consulted with a number of local companies and representative organisations and it is worthy of note that all the responses received supported the introduction of database right into Manx legislation.

Mr Speaker, I beg to move the second reading of the Copyright (Amendment) Bill 1999.

Mr Corkill: I beg to second and reserve my remarks, Mr Speaker.

The Speaker: Hon. members, the motion is that the Copyright (Amendment) Bill 1999 be read a second time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Children and Young Persons (Sale of Addictive and Intoxicating Substances) Bill – Second Reading Approved

The Speaker: Item 11 then, hon. members, the Children and Young Persons (Sale of Addictive and Intoxicating Substances) Bill 1999, again for second reading, and I call upon the hon. member for Rushen, Mrs Crowe.

Mrs Crowe: Thank you, Mr Speaker. Smoking kills. Next year 120,000 people are going to die from illnesses directly related to tobacco addiction. My concerns were highlighted and I was prompted to bring forward this legislation after reading a white paper published by the United Kingdom Government entitled 'Smoking Kills' and the statistics I will quote are those identified in an adjacent isle, but I believe, as do others, that these statistics would prevail pro rata on our Island.

If Raleigh were to discover the tobacco plant today it would most certainly not be legalised, but smoking is not illegal and this Bill does not seek to deny adult smokers their rights; this Bill seeks only to protect the most vulnerable in our society, our children, from becoming addicted and dying as a result of smoking.

The facts are staggering. For every 1,000 20-year-old smokers, 500 will die of diseases directly related to tobacco. One in three 15-year-old girls are now addicted to tobacco inhalation, and it is this group that is the most dangerously affected. These girls will become the women who smoke, the women who will smoke whilst pregnant and damage the health of their unborn baby, the women who will smoke in the home and, whilst I acknowledge the fears of some members of this House regarding dioxins from incineration, the facts in the UK are that 17,000 children under the age of five are admitted to hospital each year; it is suggested that this is due to their parents and family smoking in the home. I cannot stress enough how

addictive and dangerous tobacco is, and I suggest that this legislature has a clear responsibility to protect children from this harmful habit and to control the sale of these substances to prevent addiction. Indeed, the impact of smoking on their health is so great that if it were from any other cause our government would face accusations of negligence.

Solvent abuse is an increasing problem with the young, often the very young, and the dangers of the use of solvents are often disregarded, but solvent abuse is a killer and more young people die as a result of inhalation of solvents than die of the more publicised use of ecstasy.

This Bill will reduce under-age sales. Trading standards inspectors are well placed to advise and to help retailers to comply with this legislation, and I can cite a number of trading standards initiatives worldwide that control under-age sales.

I will just highlight the campaign by Birmingham Trading Standards Service. The level of under-age sales of tobacco was identified at 90 per cent, but after compliance visits and with the help of a media campaign, within 18 months the reduction in under-age sales was monitored at less than 10 per cent. We do not know the scale of the problem on the Isle of Man and the first task will be to quantify this and to plan an appropriate campaign to combat this problem.

I hope the House will support this legislation that will protect our children from addiction to these substances and thereby prolong their lives. Thank you, Mr Speaker.

Mr Karran: Vainstyr Loayreyder, I am happy to second this proposal. I shall be moving amendments to clause 1 and on page 2 for it to be increased to 18 as I feel it would be far better giving this House the opportunity to make it illegal to sell cigarettes to anybody under the age of 18. I feel that that is not an unreasonable request. I am happy to support this measure. I believe it is an initiative by the chairman to do it independently as a private member's Bill, but I do think that as a member for Health I would be absolutely crazy if I did not support the private member's Bill of the hon. member for Rushen.

I would also say that I will be considering putting amendments to this Bill in order to do away with advertising of tobacco products in the Island. This was something that I tried to do several years ago and failed in and maybe there will be more chance of it being successful now.

This Bill is a good Bill, in my opinion. I believe that it is a step in the right direction and I am happy to second the piece of legislation in front of you today.

Mr Duggan: Mr Speaker, I support the legislation before the House, but I have concerns that in the past, as we are well aware, that you get the bigger children of 18, 19, who will buy substances, cigarettes and drink for the smaller children. I do not see where the Bill will go to protect the individuals in that sense, so that just concerns me. I think, though the Bill is going to help the situation, people like the youngsters will still get the drink and the cigarettes via the bigger children.

Mrs Hannan: Vainstyr Loayreyder. I support the legislation, but I think in passing legislation such as this we have to be aware of what professionals are saying with regard to illicit drugs, and that is not to say no to young people. If we continue to say, 'No, do not do that', it tends to be an invitation to young people to actually try and get these substances and

experiment with them, and so I think we have to have this balance in introducing legislation where, yes, continue education of people, but I think also try to look throughout government at why young people are taking up and using these substances such as tobacco and these intoxicating substances, and there is an attraction to these because we adults are saying, 'No, you must not do that' and it seems to be by what we are trying to do to improve the lot in the workplace, people not smoking, that in actual fact tends to be encouraging some of the people that the mover of this legislation is suggesting that we should be trying to make it more difficult for, that people not smoking in the workplace they have no inhibitions about going outside and smoking outside buildings, smoking in the street and everything that maybe one piece of legislation is saying that for certain reasons - health and safety, whatever - you must not do it there, but more people are then taking up smoking and it tends to be the younger women that are taking up smoking, girls, and people tend to think that it is rather attractive, and it is this that causes me the problem. We are saying, 'Yes, young people should not be able to purchase these addictive, intoxicating substances' and I support that, but alongside that, if we are making it more attractive for young people to get it illicitly, maybe that in a way is encouraging them to be more adventurous, and that is my concern with everything that we are doing, including what one of the previous speakers suggested about outlawing advertising. Advertising is supposed to have a strength about it. It is there near where you can purchase these substances, but more and more this sort of advertising has got less and less and yet, as the mover of the legislation has said, people are taking up and even knowing all the education that we have had with regard to tobacco and the use of these substances, more people in recent times tend to take it up and, in taking it up, become addicted to it. There are people that become obviously more addicted, but it is a big struggle for these people then to get off these substances, and it is that quandary I have by bringing in legislation such as this, but also maybe making it more adventurous to use it.

Mr Bell: Mr Speaker, in principle I am quite supportive of this Bill. It is certainly very well intentioned and there is no doubt a considerable problem amongst our young people with both of these areas, under-age smoking and solvent abuse.

The difficulty I have in some respects on this Bill, though, is just how practical it is going to be in terms of its application. It is all very well, as we do so often, start off here with good intentions, but when it is actually put into practice on the street it is found to be seriously deficient, and we cannot solve this problem by well-meaning legislation alone.

There are three or four points perhaps from that I would just like some comment from the hon. mover on. The hon. member for Onchan actually has touched on one of them, where he is suggesting an amendment to raise the age at which it will be an offence to sell tobacco to 18. I was just wondering first of all why the hon. member has not had a consistent age on this: we have 16 for tobacco and 18 for solvents. Perhaps there is some logic behind it, but I would appreciate some comment from the hon. member why there was not an attempt to bring in some consistency on it.

As far as the hon. member for Onchan's comments are concerned, again, very well-meaning about bringing in legislation to ban cigarette advertising on the Isle of Man, but I would suggest local legislation to control advertising would be totally meaningless when the adverts come in via the television, via satellite, via national newspapers. There are extremely limited areas for local legislation to have any serious impact at all.

The area I have the greatest concern with in regard to under-age smoking, though, is the home itself, and we have found this during debates on alcohol I think perhaps tobacco is a more obvious situation where children frequently are encouraged into smoking by parental example, and really it is very difficult, it seems to me, to expect an impressionable 15, 16-year-old to accept the message that smoking is wrong when their parents are smoking round them for every day of the week for most of their lives. How do we get this message across without being totally hypocritical in the process and really simply making young people totally cynical when it comes to advice handed down to them by the authorities? I think until we can tackle the wider problem of smoking, particularly smoking in the home, I think, well meaning though this legislation is, it is really only going to scratch at the surface, it is not going to tackle the problem effectively.

The other element of this Bill I would appreciate some explanation of relates to the solvents issue, particularly the reference here that we have in the explanatory memorandum on clause 3 which states that the new section will create an offence of supplying substances, for example solvents, to persons under the age of 18, knowing or suspecting that the fumes are likely to be inhaled for the purpose of causing intoxication. How on earth are you going to prove in most cases, say in supermarkets and a whole range of areas where people can buy these intoxicants, that the salesperson who actually sold the substance to someone under 18 first of all knew that the person was under 18 but, more importantly, how are we to prove that they knew or suspected that this substance was going to be used for inhalation? I think that is going to be an extremely difficult area, a very fraught area to prove and once again, whilst it is well meaning, it is the practical application of it that I see is going to be extremely fraught and ultimately I suspect will have very limited application actually on the street.

My final point, Mr Speaker, again relates to this, that the new section creates an offence of supplying substances to persons. Now, young people are very inventive and have great innovation when it comes to actually finding solvents to abuse. The range of solvents has increased at a huge rate since the early glue-sniffing days in the early 1980s and I just wonder how you are going to classify substances which have potential for abuse to the retailers themselves so that they know what substances now are being used and abused by young people, because I am absolutely sure that the great majority of retailers are not on the ball as far as the changing fashions in substance abuse might be, and it would be very unfair, I think, for some of these people, perhaps inadvertently, to be caught out and prosecuted for selling some of these substances to young people when they have no knowledge that these substances are being abused in the first place and I think if something like this is being brought in there needs to be an ongoing educational aspect to the Office of Fair Trading's activities to make sure that all retailers are fully up to speed all the time on these changing fashions so that people do not inadvertently fall into the net and get prosecuted out of ignorance.

Mr Brown: Mr Speaker, I welcome the hon. member coming forward with her Bill that tries to highlight this issue and certainly the basic principles that she is putting forward I do not disagree with at all. I think my concerns follow somewhat similar to the hon. member who has just resumed his seat, which is the practicalities of the legislation and in fact the potential loopholes that may well be created by doing what is proposed, and I am sure that the hon. member will endeavour to respond as best she can on that. I do not make light of the difficulty

of dealing with such an issue; in fact, we have endeavoured to do that in other areas and found it quite difficult because, of course, it is controlling people in relation to something they have already got access to, and that always creates a problem whatever age they are.

But I have to say I am also concerned about a number of inconsistencies, or what seem to me to be inconsistencies, within the legislation, and these basically relate to the offences. I just wonder if the hon. member can maybe cover these issues in her clause 2 6A(2) there is an offence there of a fine not exceeding £1,000 for selling cigarettes. We then go over to 6B subsection (4), there is an offence there and that is a fine not exceeding £2,500, and that is for not putting a label on a machine, which seems to me a little bit inconsistent that he would be fined £1,000 if you sell it, but if you forget to put a label on you you are fined £,2,500. I would have thought that if anything they should be consistent and in fact I would have thought they would be the same sort of fine; whether that be £1,000 or £2,500 does not matter, but I wonder if the hon. mover could answer that.

The other one that does cause me a bit of concern: whilst I fully endorse the endeavours to deal with where there is any abuse regarding solvents, I do find that the offence created under section 3, where it can actually be a term of imprisonment not exceeding six months or to a fine not exceeding £5,000 or to both, is in that area very heavy-handed when what we are talking about is a normal retail activity where genuinely somebody might be selling a product and not realising or may not have the issue straightforward. Whilst it is all very well to say it is a defence for the retailer or whoever sold it to prove they did not know X, Y, Z, and that is fine, if somebody is selling, for example Bostik or Evo-stick - Evo-stick is the best one, which is an everyday product - and ends up for whatever reason being dealt with under this, I find it strange to say they should potentially have imprisonment. They should potentially have a fine of £5,000 or both, but somebody who sells a cigarette, which I think is more widespread and could potentially be more dangerous, is only going to be fined £1,000, There is no imprisonment term; there is nothing; it is just the £1,000 on summary conviction. So I just have a concern as to how this all starts to gel together and I think it is important, if we are going to do this, that the whole basis of what we are endeavouring to do actually comes together and is seen to be quite consistent in its offences and how people are dealt with.

The other thing is, of course, that the difficulty, I think, with the Bill is that it makes an offence to sell cigarettes if it is a retail business. Again, I would look for clarification from the hon. member because it does not say what happens if somebody who is not a retailer sells cigarettes. So in other words somebody up the park sells a packet of fags and it is not opened - is this an offence? In fact, even if it is opened, is it an offence? My reading of the legislation as it is worded here: it is not an offence and the danger then is you create a black market, and I think it is very, very important we do not do that, because the one thing when you create a black market, or whatever you want to term it, is that we end up having a greater difficulty dealing with the issue than if at least it is up front and it is there, you can see it and you can try and deal with it. So I think if the hon. mover could respond to that?

The other point I would make is, why is it not included in here where somebody, for example, is selling tobacco to make 'rollies' as they call them, or whatever you want to call them, which is still a cigarette, cigarette papers?' - now again the hon. member may tell me that is included elsewhere, but I am not aware of that - and why other things like cigars and. . .

I do not know what you call them, cigarettes or whatever, these small cigars (because I do not smoke), cheroots are not covered in the legislation.

I also have to say that I support the basic principle the hon. member for Onchan has said about it being 18, and I think it would be very important to know why it is not 18. I have to say, just because it is 16 in the UK, if that is the case, it does not matter to me whether it is 16 there or not; if we believe it should be 18 then my view is, let us go for 18.

I would also say to the hon member, my understanding again is, it is only for sale, so if somebody gives cigarettes away then that does not cover it, and I think these are the loopholes, and I am not trying to cause the hon. member any difficulties; what I am trying to do is understand the basis of where she is coming from. I understand and support the principles of what she is endeavouring to do and in fact I hope that we are able to get something based on this legislation which will actually be a step forward, so it is not a criticism; it is actually trying to find positive points that I feel are left out that may cause another problem, and that, of course, is what legislation is about. So I am concerned about those issues where that could happen.

The other thing, of course: whilst solvent abuse is important to deal with - and I think to some degree we have made some steps into that and I do think we need to be fair in the offences on that as against smoking - the other point I would just say is that at the end of the day one of the problems we have with smoking is attitude, and it is public attitude towards smokers, whether they want to have smoking where they go or whether they like people smoking, and one hon. member made the point about parents smoking and how that then carries on to the children, and I think that is absolutely true. I think that is a problem. I have to say I think the only way that eventually smoking is likely to be taken out of the system as something that is freely available, really, will be when it is taxed out. I see no other way except pricing it out of the market as being a way of dealing with smoking, because whilst people will readjust to prices to some degree, there is a limit how much they would endeavour to pay for cigarettes, but I do think it is important that we do not create a black market unintentionally, and that is the one concern I have, and I hope the hon. member can respond to some of these points either now or at clauses stage because I do think it is an important piece of legislation, I support the principles but I do have concerns about what are potential loopholes and potential consequences.

Mr Downie: Mr Speaker, I am pleased today that up to now there has not been anyone who has spoken against this Bill or the principles of it, and quite rightly, I think there will be some fine tuning required at the clauses stage. I too am tempted to go for an 18-year minimum age for persons to acquire cigarettes or solvents. I think it would be much simpler if the age was increased to 18, but let us look on the more positive side, hon. members. We know there is a problem with young people smoking. If this legislation is going to go ahead, what an opportunity now for us to put together an educational package through the schools advising young people of all the ills of smoking. Every day I have to look at girls of about 12, 13 (*Laughter*) walking up to Ballakermeen, St. Ninian's all enjoying a cigarette. I think, if we are going to get the message across it has got to be done jointly. As far as I am concerned I think the health aspect has to come in. I was in a house the other night talking to a constituent and they had a child there of about 12, 13, the father pulled out the packet of cigarettes and offered me one - I do not smoke, as you know - and the daughter immediately said, 'Daddy,

why are you continuing to carry on this habit which is affecting your health? You know the statistics, you know the risks you take and not only are you putting your own life at risk, you are putting our lives at risk as well by passive smoking.' That is the message we have got to get across and I think it is absolutely appalling that we can have a debate in the House here and to think that so-called responsible parents would be plying their offspring, some under the age of 16, children really, with cigarettes to smoke in the confines of their own house! That cannot be right, so it is up to us I think to get the message across.

I think the hon. member for Rushen, Mrs Crowe, has done well to get the Bill thus far. I hope that she can take some of the points on board and that some of the amendments that do come forward do not tend to water down too much the principles she is trying to adopt. I know there are one or two members who like a smoke in this House. I do not take anything away from them; that is their option, and if they enjoy a cigarette, fine, but we know it is not good for our health. We know in the long term it costs the Isle of Man an absolute fortune to look at people who have smoking-related illnesses and I think it is about time we were trying to promote a much better and more healthy lifestyle for people in the Isle of Man.

Mr Henderson: Mr Speaker, I rise to support the Bill from the hon. member for Rushen. I think it is a good idea and I have said it before at another debate for tobacco that it is not before time that we should be discussing measures of this nature. I take on board other hon. members' concerns about various loopholes and how it should be policed and how we can stop people from selling cigarettes or giving cigarettes and all those kinds of things, but at the end of the day we are introducing something here that further highlights a serious issue, and to that extent I think the hon. member Mrs Crowe has to be commended for that and having the initiative to actually have a go and put a private member's Bill forward in this context.

I further believe that members should be wholeheartedly encouraged to take the initiative from time to time because it may just have a tweaking action to an overall larger legislative picture, nonetheless it is going to send out signals to shopowners and people who sell various substances and indeed, if we do have the participation of the Office of Fair Trading and have leaflets produced from time to time of what substances can be inhaled, then all the better, and I think, however small the highlighting may be, I think it is going to have an effect and I believe too that legislation like this will have media coverage and that will go back to the homes and it will certainly have an impact on some parents, maybe not all, but even some impact has got to be better than none, so to that extent I fully support it, Mr Speaker.

The Speaker: I call upon the hon. member to reply to the debate, Mrs Crowe.

Mrs Crowe: Thank you, Mr Speaker. Firstly can I thank all the members who spoke in support of this legislation and I would like to thank Mr Karran and I would fully support any amendment to raise the age for the sale of tobacco and solvents to 18. This would be a common enforcement age for the likes of fireworks, video sales and all the under-age sales that are enforced by trading standards.

I thank the hon. member for South Douglas, Mr Duggan. He actually brought up the comment about older children supplying one another. That was recently covered in legislation brought forward by the hon. member for Ramsey, Mr Singer, so that is now an offence.

I thank Mrs Hannan for her support, but we are talking here solely about controlling the sale of tobacco. Health education and the like, I am sure, will be fully supportive of any initiatives to control the sale of tobacco to children who are under the legal age to purchase.

The hon. member for Ramsey, Mr Bell, brought forward the fact that he thought enforcement would be difficult. I know previously enforcement has lain with the Department of Home Affairs but in the UK the enforcement for under-age sales through all retail is carried out by the Trading Standards Service. In fact the sale of tobacco has proved to be very easy to enforce and the success rate of a great number of areas - Liverpool, Cheshire, Birmingham, to name but a few - have reduced the sales of tobacco enormously in their area. He also mentioned the fact that we could do nothing to control parents who smoked, but what we can do is to stop the would-be parents of tomorrow becoming addicted to tobacco before they actually have to bring their own children up. This is what we are hoping for.

The hon. member for Castletown, Mr Brown, mentions the different fines that are to be imposed. Now, I shall bring forward at clauses the reason for that. I once again mention how successfully this legislation has been enforced in other places and indeed in Guernsey, where the age for the sale of tobacco is 18 and advertising is controlled, they too have been most successful.

Mr Brown also asked what would happen if you sold cigarettes in a park or the like. It would not matter if you sold cigarettes from a kiosk in a park or the largest supermarket; the control of the sale of those cigarettes would be enforced.

I thank the hon. member for West Douglas, Mr Downie, for his support as I thank the hon. member for Douglas North, Mr Henderson.

I do hope that all members will support this legislation which, although it will not cure the problem, will go a long way to controlling the sale of tobacco and solvents. We have in place education programmes so that retailers can identify the various substances as was raised by the hon. member for Ramsey, Mr Bell, the various substances that are 'in vogue' at the time. We have education packs that will show retailers how to recognise these children who are continuously coming in to buy. Mr Brown mentioned Evo-stick. No-one is going to prosecute a retailer for selling one tube of Evo-stick but it may well be an offence if the same child came in every day and bought a tube of this substance which may or may not be abusive. Thank you, Mr Speaker.

The Speaker: Hon members, the motion is that printed at item 11 on your order paper, that the Children and Young Persons (Sale of Addictive and Intoxicating Substances) Bill be now read for a second time. Those in favour please say aye. Against, no. The ayes have it. The ayes have it.

Hon. members, that concludes our order paper for this morning. The House will now adjourn and sit on Tuesday, 11th May at 10 o'clock. Thank you, hon. members.

The House adjourned at 11.44 a.m.