

**REPORT OF PROCEEDINGS OF  
HOUSE OF KEYS**

**Douglas, Tuesday, 14th March 2000  
at 10.00 a.m.**

Present:

The Speaker (the Hon N Q Cringle) (Rushen); Mr L I Singer and Hon A R Bell (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon W A Gilbey (Glenfaba); Hon S C Rodan (Garff); Hon D North (Middle); Mr P Karran and Hon R K Corkill (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); Mr 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.*

**Apologies for Absence**

**The Speaker:** Hon. members, the hon. member for Onchan, Mr Cannell, has permission for absence this morning; he is off the Island on tourist department business. The hon. member for Middle will be joining us later this morning, and the hon. member for Douglas West, Mr Shimmin, will be leaving us later this morning.

**Commonwealth Day Message from HM The Queen**

**The Speaker:** Hon. members, yesterday was Commonwealth Day and, as is our pattern, I propose at this stage of our proceedings to read the message for Commonwealth Day from Her Majesty The Queen, Head of the Commonwealth:

'It is highly appropriate that the theme of Commonwealth Day at the start of the new millennium should be The Communications Challenge. For much of the millennium just ended, the challenge was to relay information as speedily and accurately as possible. What once took weeks is now instantaneous. But the advance in technology brings a new challenge, of how to use rapid communication responsibly and for the common good. We have to strive to ensure that the advantages of modern communication systems are available to all, and are used to bring us all closer together, not to create fresh divisions. And we need to remember that exciting though the new ways of communicating undoubtedly are, what matters most is what we say to each other.

'The Commonwealth is an organisation so diverse and widespread that it has always depended on good communications which are helped, of course, by having a common language. Recent advances in communication technology are particularly helpful in fostering the non-governmental networks which help to make the Commonwealth so unique. The exchange of information and sharing of experiences between representatives of civil society in the different countries form an important part of the Commonwealth's activities at the start of the 21st century. Both in these networks, and in our co-operation at government level, our shared values and traditions provide a foundation for using the new technology to our common advantage.

'The challenge for the century just started will be to find ways to use ever faster communications to bring greater harmony and understanding both within each of our societies and between them, and thereby to strengthen the Commonwealth.

Elizabeth R.  
13 March 2000'

### **Right to Roam Provision – Question by Mr Braidwood**

**The Speaker:** Hon. members, we turn, then, to item 2 on our order paper and I call upon the hon. member for Douglas East, Mr Braidwood.

**Mr Braidwood:** Thank you, Mr Speaker. I beg leave to ask the Chief Minister:

*Does the Council of Ministers intend to introduce legislation to provide a right to roam?*

**The Speaker:** I call on the Chief Minister to reply.

**Mr Gelling:** Yes, Mr Speaker, section 9 of the Forestry Act of 1984 provides that subject to certain exceptions all persons shall be entitled to go upon any uncultivated mountain or moorland for the time being vested in the Department of Agriculture, Fisheries and Forestry. Now, although this is not in exactly the same terms as clause 2 of the Countryside and Rights of Way Bill which was introduced into the House of Commons on 3rd March, in practical effect it is very much the same. Section 9 of the Forestry Act of 1984 re-enacted a provision which was first enacted, actually, in 1913, and as a result of this the Isle of Man has had a right to roam for 87 years on all government owned land. Therefore, Mr Speaker, at this time I do not believe that there is a need for any further legislation in the Island, sir.

**Mr Braidwood:** Thank you, Mr Speaker. I thank the Chief Minister for his answer, but would he agree with me that although we are fortunate in the Isle of Man to have rambling rights over mountain, moor, forestry, national trust land and a multitude of rights of way - 299, to be precise, equating to 190 miles - some private landowners over the last decade have restricted access to uncultivated countryside which historically was accessible to ramblers, and legislation to enable this to be reversed would be a welcome enactment?

**Mr Gelling:** Yes, Mr Speaker, basically the questioner is putting to me the question of land that has been used by the public but not lawfully, and we know there are portions of land such as this, especially around little coves around the Island; I have a piece down at Port Grenaugh which has been used for a long time but is in private ownership and I understand will be fenced off very shortly. This is something which you get used to, but you do not have lawful rights to actually go on to that land. Now, basically the hon. member is saying it is being fenced off. Well, of course, rights of way and paths cannot be fenced off, and of course I know Tynwald's attitude towards even diversions of rights of way; we guard them very jealously that they are not removed because they are something that we have had for many, many years and people do enjoy roaming on them. But certainly there is a situation there that the hon. questioner is asking, but I do not think we have the law and I do not think it would be acceptable to introduce a law at this time, sir.

**Mr Gilbey:** Hear, hear.

**Mr Karran:** Vainstyr Loayreyder, would the Chief Minister not agree that the increasing problem which the hon. member has highlighted in this hon. House is because of the anglicisation of the way of life in the Island and that where one time most of the landowners, when I was a child, would let you wander anywhere within reason, that has been stopped? And would he also not agree that a green light would be given to those landowners who have come to the Island and who want to now follow what would be quite acceptable in the United Kingdom, and that we need to fire some sort of shots in order to discourage them from stopping the access of ramblers over this sort of land?

**Mr Gelling:** Yes, I think, as I explained in the original answer, Mr Speaker, clause 2 of the Bill that has just been introduced actually is very, very similar to what we have had for 87 years. It does not give automatic right to anybody to roam anywhere they like on private land. It actually gives people the right of access - I think it was quoted - anything over 2,000 feet unless it is designated on the plan that it has access. Now, if that applied in the Isle of Man, of course, we would only have 63 feet, I think, left at the top of Snaefell to which people would have natural access, but I think, taking on board what the hon. member is saying, he is probably right in that people allowed others to roam, but of course it was not a right they had; it was freely allowed by the owner of the land because people were taking short cuts, a little bit like the church paths that were not rights of way, but they certainly made it easier to get there and the landowners allowed it, which is becoming a little more restrained, I would agree, these days.

**Mr Braidwood:** Mr Speaker, the Chief Minister has quoted the Countryside and Rights of Way Bill in the UK, but that also gives access to uncultivated coastal land and, as the Chief Minister is aware, the Millennium Way was created for the millennium of Tynwald in 1979 out of roads, public rights of way and also on forestry land, and would he not agree that if such legislation was in place in the Island the Raad ny Foillan - the 'Road of the Gull' - right of way could have been completed and following the coast of the Island for this year's millennium celebrations?

**Mr Gelling:** Yes, Mr Speaker, first of all I would like to confirm that the Millennium Way does not come into the figures of the 300 kilometres; that is extra as well, just so it is on the record, but certainly I could not agree more with the questioner that it would have been marvellous to have a continuous path right around the Isle of Man. I know full well that you could walk from, I think it is, Port Grenaugh to Maughold, all the way around that way, but on the east coast we have difficulties with landowners and it would have been marvellous to have been able to actually have that in, but I do know that the department concerned and the officer are still trying valiantly to actually get agreement for that connection, but certainly I do not know whether or not introducing legislation would achieve anything more, sir.

### **Hyperbaric Chamber – Review of Annual Grant – Question by Mr Houghton**

**The Speaker:** We go on to item 3, hon. members, and I call on the hon. member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker, I beg leave to ask a member of the Department of Health and Social Security:

*Does your department intend to review the annual grant in support of the hyperbaric chamber to enable a nurse to be employed by the Kevin Gray Memorial Charity?*

**The Speaker:** I call on the member for the Department of Health and Social Security, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I can confirm that in accordance with the terms of the Tynwald resolution of July 1999 the department has, in consultation with the Kevin Gray Memorial Charity, reviewed the level of annual grant payable to the charity and agreed to increase it from £40,000 to £50,000 for the calendar year 2000.

**Mr Houghton:** Mr Speaker, may I ask the hon. member, does the revised grant of £50,000 enable a nurse to be employed on a full-time basis together with the chamber operative, and has this amount been agreed with the Kevin Gray Memorial Charity, sir?

**Mr Karran:** Vainstyr Loayreyder, as far as I am aware, at the meeting that was at Crookall House this amount has been agreed. The issue of the employment of a nurse was going to be taken up within this sum. I am a little bit disappointed that I now see that there are going to be charges for certain medical conditions using the charity's facilities, which does sadden me, but at the end of the day this is an issue for the charity. If there are serious financial problems, then obviously our door is always open.

**Mr Singer:** Mr Speaker, would the hon. member not agree that £50,000 is inadequate to fund an acceptable level of service as a service we would wish to see, and in response to his last reply, saying that he was disappointed at the withdrawal of services, is it not within his remit to ensure that these services are not withdrawn from any patient who is now finding those services a benefit?

**Mr Houghton:** Hear, hear.

**Mr Karran:** Vainstyr Loayreyder, on the last point, the situation is that it is a charity; it is independent of the Department of Health and Social Security. As a member who is very conscious of MS and wanting to bring a private member's Bill and has had to fight over this situation, I find it rather embarrassing that this has happened, but at the end of the day it is autonomous, and many of these facilities in the United Kingdom are autonomous too and run independently as well. I value the Kevin Gray Memorial Trust; I think it is an excellent thing. It is something which needs to be encouraged, but at the end of the day it is about financial resources.

**Mr Henderson:** Mr Speaker, would the hon. member not agree that patients sent to the chamber for treatment by GPs and consultants should at least be protected by appropriate staffing levels and would he agree that £10,000 may not be enough to do that job?

**Mr Karran:** Vainstyr Loayreyder, that is a £10,000 increase, a 25 per cent increase this year on the grant. The argument is that it is not enough and, yes, that could be well in tune, but it is not enough for a number of other organisations as well. Now, the point is, the charity has never made any representations to me about safety levels for staff.

**Mrs Cannell:** Mr Speaker, just a point of clarification. Is the hon. member suggesting that the withdrawal of services is an initiative of the hyperbaric chamber itself and not the department?

**Mr Karran:** Obviously it is a matter for the charity. I do not think they are withdrawing services; they are just charging for different services, and that is an issue of the trust itself.

**The Speaker:** A final supplementary, the hon. member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker. In view of the ludicrous situation that we have before us, would the hon. member of the department welcome a further motion to Tynwald for further moneys to come from Tynwald to pay for such support as the second operative or the nurse for the hyperbaric chamber to work with the chamber operative so that the matter can be dealt with in an efficient manner?

**The Speaker:** Hon. members, it is not relevant to the question on the question paper.

### **Hospitals – Monitoring of Medical Standards and Infection Levels – Question by Mr Houghton**

**The Speaker:** We will turn to item 4 on the order paper and again I call on the hon. member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker. I beg leave to ask a member of the Department of Health and Social Security:

*What (a) statistical information is collated and (b) procedures are adopted to monitor medical standards and levels of infection in Island hospitals?*

**The Speaker:** Again the hon. member for Onchan to reply.

**Mr Karran:** Vainstyr Loayreyder, I can confirm that the hospitals' Infection Control Committee have responsibility for infection control policies covering all hospitals, which include the monitoring of any infection control problems that arise. The day-to-day management is undertaken by an infection control team which submits a quarterly report to the committee on a number of potential dangers of multiple resistant organisms isolated from hospital patients.

In addition, the pathology department is currently in the process of installing laboratory computer systems which will enable more detailed statistical information in the hospital. In terms of monitoring medical standards the department has embraced the principles of clinical governance, a significant factor of which is audit, focusing on quality, the effectiveness of health care, and I can advise the hon. member that the hospital service is working hard in developing a clinical governance strategy within the Clinical Audit Committee as a key component. By way of example, the audit committee has previously undertaken to study in particular infections following antibiotic treatment. The findings led to the development of a policy which improved the use of the broad spectrum of antibiotics in the interests of patient care, Vainstyr Loayreyder.

**Mr Houghton:** Mr Speaker, taking into account that the hon. member's answer was in the affirmative, why then was your department unable to answer part (c) of a written question to you in this hon. House on 22nd February this year?

**Mr Karran:** Vainstyr Loayreyder, I have not got a reply for the written question to part (c); maybe the hon. member could actually give us more details on part (c), as he must realise that I more likely have more questions than the Chief Minister.

**Mr Houghton:** Mr Speaker, I would be more than willing to do that, sir.

### **Gas Price Increase – Heating Allowance – Question by Mr Henderson**

**The Speaker:** We turn, then, to item 5 on the order paper, hon. members, and I call on the hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr Speaker. I beg leave to ask a member of the Department of Health and Social Security:

*In view of the significant increase in the price of gas payable by Manx consumers, will your department undertake an immediate review of the practicability of providing an above-inflation increase in the heating allowance payable to those receiving supplementary benefit?*

**The Speaker:** The reply is in the hands of the hon. Mrs Crowe, the hon. member for Rushen.

**Mrs Crowe:** Thank you, Mr Speaker. This is a most timely question. My colleague, the hon. Minister for Health and Social Security, will be moving a motion in another place next week to seek approval for the annual uprating of benefits, income support included, which will take effect from the week commencing 10th April 2000.

Now, the hon. member for North Douglas and his APG colleagues voted against the corresponding motion last year, and if he had succeeded he would have denied any increase at all in benefits to the most vulnerable in our society, the elderly included. I hope the apparent change of heart will translate into support for the motion that will appear next week in another place.

However, the department has no proposals to introduce a system of ad hoc benefit increases for individual items in the Manx retail price index which fluctuate in the short term. It is the policy to uprate income related benefits annually in accordance with general price indices. Indeed, that is the logical way to address the recent hikes in gas prices which result from rises in the price of crude oil. Such rises, if they are maintained, will impact upon retail prices across the board, not just in relation to gas prices and will be reflected in the amount of benefit uprating next year.

**Mr Henderson:** Mr Speaker, two supplementaries, sir, if I may, interrelated. The first is, would the hon. member agree with me that I have continually highlighted this issue with the uprating was a tax on the deaf and the withdrawal of payments to single parents, and secondly will she not agree that, although welcome as the uprating announcement she has just given us is, standard inflationary increases or other measures which are in reality only going to mark time are sufficient given the near 30 per cent gas increase?

**Mrs Crowe:** Mr Speaker, I have made it quite clear that the hon. member voted against all uprating for benefits, and that is clearly stated in *Hansard*. However, the heating costs are provided within income support, within general weekly sums called personal allowances. It is not an extra heating supplement that is the question we should be talking about; that is just a small top-up for the winter months. What matters are personal allowances that are paid all year. Now I have an example: a 75 year-old pensioner, gets a personal allowance of £64.05, a pension premium of £41.55 which totals £105.60. Now, this is to meet fuel bills, living expenses et cetera. On top of that, all housing costs are paid for a pensioner who is in a local authority property. So what it does mean is that a pensioner must meet his fuel bills and other living expenses out of the £105.60 per week, but for 38 weeks of the year there is a top-up which makes an allowance of £113.60 for the remaining 14 weeks of the year.

**Mrs Cannell:** Mr Speaker, given the gas increase is almost reaching a point of 30 per cent, is the member of the department satisfied that such increases in benefits to be moved in another place are sufficient to meet this particular increase? And further, in relation to the first answer that the hon. member gave for the department, was that her own answer in relation to the APG or was it an officer's answer?

**Mrs Crowe:** I think you will know, Mr Speaker, I have used that answer on a number of occasions; I could almost say it from heart. If the hon. member -

**Mr Cretney:** We hope it was!

**Mrs Crowe:** - feels that the uprating benefit is not sufficient in another place next year, as like last year, she may vote against it.

**Mr Henderson:** Mr Speaker, will the hon. member accept that because of this large price hike, not only pensioners on supplementary benefit should be allowed a heating allowance, but is it not high time for a complete overhaul of this payment and to include all low income pensioners for qualification of a heating allowance?

**Mrs Crowe:** I think the general uprating benefits that will come before us in another place for next year will be the time to debate that issue, Mr Speaker. At present the heating allowance remains as it is for another month and then we move on to the uprating of benefit which comes before us in another place.

#### **Crowe EPH Ltd – Financial Difficulties and Bovis Lend Lease Ltd – Question by Mr Henderson**

**The Speaker:** We turn to item 6 on the order paper, hon. members, again I call on the hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr Speaker. I beg leave to ask a member of the Department of Health and Social Security:

(3) *Can you confirm that -*

(3) *Bovis Lend Lease Ltd could have been aware that Crowe EPH Ltd were in financial difficulties in January 2000;*

(3) *the senior managers of Bovis Lend Lease Ltd knew that employees of Crowe EPH Ltd were removing equipment off the site of the new hospital and preparing to leave the Island;*

(3) *could (a) your department, as the client, or (b) Bovis Lend Lease Ltd, as the management contractor, have taken legal action to freeze the assets of Crowe EPH Ltd; and*

(3) *if so, why was such legal action not taken?*

**The Speaker:** I call upon the hon. member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, a sub-committee of the Standing Committee of Expenditure on Public Accounts has begun an inquiry to report on all the matters relevant to the awarding of contracts to Crowe EPH Ltd in respect of the new hospital and the causes of the failure of Crowe EPH Ltd to fulfil its contractual obligations. In addition, the liquidator of Crowe EPH has been making public announcements indicating potential legal action in this

litigation. In these circumstances I do feel it is appropriate that I be very careful how I respond to this answer at this time, Vainstyr Loayreyder.

**A Member:** Hear, hear.

**Mr Henderson:** Mr Speaker, I accept what the hon. member is saying and would just ask if he would be able to make any sort of comment about how come other contractors on that site were informing members of this House of what was going on and how come a multimillion pound outfit such as Bovis were completely unaware of these actions, especially when the site office is right in the middle of the new construction site with full view across the area?

**Mr Karran:** Vainstyr Loayreyder, I think it would be wrong of me to try, because of the allegations that the hon. member is making, to belittle the hon. member in any way, but I do feel that it is important that we do get to the bottom of this, and what I do not want is a situation where the taxpayer pays dearly in order that some might win some votes on this affair.

**Mr Quine:** Can the hon. member confirm that the DHSS, as a creditor, has a very significant interest in any question of dispersal of assets; and secondly, that being the case, can he confirm that his department has appointed a representative to sit on the committee of inspection?

**Mr Karran:** Vainstyr Loayreyder, obviously we would like to get our money back that we are owed as a creditor, and I would be very surprised if we have not got somebody who is representing government's interest, not the department's interest, in that, but I could not confirm or deny what the membership of this committee is at the present time, but I would be surprised if that was not the case. I think hon. members must appreciate that obviously government is a preferential creditor as far as any debt of any company is concerned. If this hon. House does not agree with that, then it is up to this hon. House to change the law, as it did agree to that at one time.

**Mr Singer:** Mr Speaker, in reply to the hon. member's first answer, he talked about the threatened court action by the liquidator, but has his minister not said that she has had no contact with the liquidator and therefore this is only a newspaper report, and will he agree that his department cannot hide behind a newspaper report when giving answers?

**Mr Karran:** I do find it rather annoying, Vainstyr Loayreyder, that I listen to these people who are wise with hindsight, have little responsibility and make these outrageous statements and who are not interested in the taxpayer's money. We want to try and get this sorted out. The taxpayer needs to be protected (**Mr Cretney:** Hear, hear.). That is more important than the re-election of myself or the hon. member for Ramsey, and I do think that I hope people outside this hon. House start wising up to some of the pantomime in here.

### **New General Hospital – Failure of Companies to Complete Contracts – Question by Mr Henderson**

**The Speaker:** Hon. members, we will move on to item 7 on the order paper, and I call on the hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr Speaker. I beg leave to ask a member of the Department of Health and Social Security:

- (1) *Have companies, other than Crowe EPH Ltd, with contracts related to the construction of the new hospital ceased work on the site before completion of the contract;*
- (2) *if so, what are the companies; and*
- (3) *what were the circumstances in which each of them ceased work?*

**The Speaker:** The hon. member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I am advised that no works contractor other than Crowe EPH Ltd has had its contract prematurely terminated for failing to complete its works contract works.

**Mr Henderson:** Sorry, Mr Speaker, the answer was too quick.

**The Speaker:** The answer, sir, was in the hands of the hon. member for Onchan to reply as he wishes.

**Mr Henderson:** Yes, Mr Speaker. I beg to ask a supplementary, sir. Is the hon. member or his department aware that there were other firms involved on the contract site such as a company called Farrands and Doyles, and were they in any rigorous talks with Bovis Lend Lease Ltd?

**Mr Karran:** I am unaware of that statement. There has not been any other contractor that has failed. Obviously we have tried to support other contractors so that they can get on with the job because at the end of the day we need to get this hospital finished now. (**Mrs Crowe and Mr Gilbey:** Hear, hear.) As I have explained to hon. members, the foundation of the way this was set up was done before I was a member of the department and more likely the fiercest critic of the previous department of the DHSS, but at the end of the day we do need a new hospital and I do feel that we have just got to get on with it now.

### **New General Hospital – Contracts Entered Into – Question by Mrs Cannell**

**The Speaker:** We turn to item 8 on the order paper, hon. members and I call on the hon. member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker. I beg leave to ask a member of the Department of Health and Social Security:

- (1) *In relation to the construction of the new hospital, what is the present value, and total number, of the contracts which have been entered into; and*
- (2) *of the contracts to which paragraph (1) refers, what is the number, and total value, of those which were entered into with Isle of Man incorporated companies -*
  - (a) *which were incorporated more than 12 months before the date of the contract;*
  - (b) *which were subsidiaries of companies incorporated in either (i) the United Kingdom or (ii) Ireland?*

**The Speaker:** The hon. member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I am answering this question on the assumption that by the word 'contract' the hon. questioner is referring to works contracts entered into by Bovis Lend Lease Ltd with the works contractors. On this basis I am advised that the answer to part

(1) of the question is £47,454,666 relating to 39 works packages, to part (2)(a) it is £7,475,179 relating to 25 works packages, and to part (2)(b) £28,988,696 relating to two works contracts. If the hon. member wants a written response on the contents of this reply I would be happy to do so.

**Mrs Cannell:** Mr Speaker, in relation to the figures that the hon. member for the department has just given, is he satisfied, then, that the policy which was sold to Tynwald some time ago, based on the fact that the local construction industry, e.g. the Manx construction firms, would benefit more than anybody else in relation to this project, that policy has been withheld?

**Mr Karran:** Vainstyr Loayreyder, hindsight is a wonderful thing. I have sat in this hon. chamber where we have had 2,000 officially unemployed and a lot more unofficially unemployed in this hon. House. The situation is, the economy is booming at the present time. With hindsight one could say that we would have been better doing it a different way. Some of us actually did say these sorts of things when we were in this House before this new House was built and were ridiculed. The fact of the matter is, we are tied into a situation and one could describe it as a bit like a big dipper. As I say, there will be ups and there will be downs before the construction of the new hospital will be done, but if we try to get off that we will end up with a lot of costs and it will actually end up with a lot more costs by running away from what has been set up at the present time.

#### **Banks – Charges on Machine Cash Withdrawals – Question by Mr Henderson**

**The Speaker:** We turn to item 9 on the order paper, hon. members, and I call on 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:

*Will you be examining the proposed increase in charges by banks on the Island for cash withdrawals from automated transaction machines?*

**The Speaker:** I call upon the hon. member for Rushen.

**Mrs Crowe:** Thank you, Mr Speaker. The Office of Fair Trading has examined the charging policy proposals made by the banks. The banks are, however, currently reviewing these proposals following considerable consumer criticism over an agreement between them that allowed for an individual bank to choose whether to charge their own customers, for the use of other banks' machines, a disloyalty charge or to charge customers of other banks to use their machines a user charge. However, I feel certain that the banks will take due regard to the continued consumer pressure for reasonable charges, so hopefully there will be no need for my office to complete any further examination.

**Mr Henderson:** Mr Speaker, I wonder if the hon. member could confirm that, although she says banks are taking into consideration the fears of the customers, some banks may be actually refusing to back down at the minute; and further to that, can she also confirm that considerable hardship will be placed on the less well-off if these charges are implemented, including pensioners, students, low-income families and the rural residents who may have only convenient access to one machine?

**Mrs Crowe:** I think the hon. member for North Douglas is a little bit presumptive. I do not sit on the boards of any of the major banks so I do not know what their pricing policy will be. What I do know is the pricing policy that they have put forward. A proposal to implement has been rejected and I am certain that continued consumer pressure will result in reasonable charges for all members of society.

**The Speaker:** Hon. members, that brings to a conclusion the oral part of our order paper this morning. We turn to the written answer on item 10 on the order paper, which I understand has been circulated.

### **Banks – Link Cash Machine Network – Increased Charges – Question by Mr Henderson for Written Answer**

#### **Question 10**

The hon. member for Douglas North, Mr Henderson, to ask the Minister for the Treasury:

- (1) *How many banks in the Isle of Man are members of the 'Link Cash Machine Network.'*
- (2) *are you satisfied with the recently proposed increased charges for cash withdrawals from automated transaction machines;*
- (3) *will the proposed charges include additional charges in respect of machines situated outside the United Kingdom; and*
- (4) *what is the estimated increase in the profits of the relevant banks in the Isle of Man as a result of the proposed increased charges?*

#### **Answer**

- (1) There are three banks that are members of the 'Link Cash Machine Network' and make the service available in the Isle of Man.
- (2) I am aware of the recent proposed increased charges for cash withdrawals from certain automated transaction machines.

It is premature directly to answer this question.

Link is a UK organisation, and for the purposes of the Link network, the Isle of Man is part of the UK.

As you will be aware, the UK's Trade and Industry Secretary has been in discussion with Link concerning the proposed change in charging policy by some of its members.

I understand, from an article appearing in the Financial Times on 9th March 2000, that the banks have pledged to find a way to avoid the proposed double-charging that has caused criticism. A meeting of the banks to discuss this is, I understand, taking place on 28th March 2000.

The matter of double charging arose because some banks intended introducing 'a disloyalty fee' when their customers used another bank's cash machine.

Some banks already make a charge to customers of other banks who make cash withdrawals from its cash machines.

In addition to the double charging not proceeding, I understand that banks will shortly have to make customers aware of the charges they will incur when making a cash withdrawal from a machine.

- (3) I assume that this question relates to charges to be levied by the banks for using cash machines located in the Isle of Man. This is a matter for each bank to determine, but I would expect them to apply an identical tariff to that applying in other parts of the UK (including the Isle of Man for the purpose of this question) for similar withdrawals.
- (4) This is not a question which I am in a position to answer and, depending on the outcome of the discussions between the members of Link, may not be applicable. However, I understand that if a customer makes a cash withdrawal from a cash machine belonging to the bank of which he is a customer, no charge is made.

### **Bill for First Reading**

**The Speaker:** We then turn to item 11 on the order paper, the Corporate Service Providers Bill, and I call on the Secretary of the House.

**The Secretary:** The Corporate Service Providers Bill, Mr Braidwood.

### **Police (Amendment) Bill – Third Reading Approved**

**The Speaker:** That takes us to item 12, hon. members, and at this particular stage, as I indicated earlier this morning, because the hon. member for Douglas West will be leaving at lunchtime on government business to leave the Island, I propose, if we can, to take the Police (Amendment) Bill, item 13 before item 12. Would the House be in agreement with that?

**Members:** Agreed.

**The Speaker:** In that case, I call on the hon. member for Douglas West, Mr Shimmin, to take the third reading of the Police (Amendment) Bill. Thank you.

**Mr Shimmin:** Thank you, Mr Speaker. May I thank you and the House for allowing this slight alteration to the agenda in order to move this third reading of the Police (Amendment) Bill. As members by now are aware, the Bill is principally to amend the provisions of the Police Act 1993. The main amendments involve: the employment conditions of the Chief Constable; the Chief Constable's right of direct access to the Council of Ministers, which will now be limited to matters relating to national security or public order; it will give the department the power, after consultation, to determine the policies, objectives and priorities of the police force, and prepare and lay before Tynwald annually a plan specifying the means by which it is intended that they be achieved.

An amendment moved to the Bill by the department now ensures that this plan is not only to be laid but is also to be moved by the Minister for Home Affairs to allow a debate to take place. It is worth stressing that the department's powers are limited to give directions to the Chief Constable as to the exercise of his functions. It may not do so in respect of any operational matters. The Bill also gives the department new powers to make regulations for

the special constabulary as the Special Constables Order 1954 is known to be out of date. It also puts onto a statutory basis the Policy Advisory Group and the Police Consultative Forum.

I should like to express my thanks to the officers of the Department of Home Affairs and the legislative draftsman in preparation of this Bill and also for the support so far of hon. members. This is a short but important Bill and I have pleasure in moving that the Police (Amendment) Bill 2000 be read for a third time.

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

**Mrs Hannan:** Vainstyr Loayreyder, there is just one thing that has really come to me since we have had the second and the clauses-stage reading of this Bill, and it is the momentum, I think, which has been created by the new Chief Constable who is, I believe, on a fixed contract, and what I would hope that the department will bear in mind is that while we have maybe high-profile activity with regard to drugs and various other issues, this sort of momentum cannot go on ad infinitum, if you know what I mean, and someone coming in to be Chief Constable for five years, obviously, especially if they are of an age when they might want or hope to have their contract extended, might think that they have to make these big gestures, and I would hope that we can get to a stage where we have policing which recognises, yes, that policing does have to be sometimes high profile but also has to be respect in a way, that there does not have to always be such a high-profile activity when it comes to policing and that policing is of a nature where it is in balance, really, with the community.

It is not to say that I am not supportive of activities maybe against the police or drunk-driving or whatever, but I would be concerned that this momentum goes on and on just because it is of a fixed contract. I think we should all be looking to try to increase and improve on our provision, within our financial capabilities of course, but it just concerns me that, bringing in a new Chief Constable, we have another high-profile activity and maybe it is not in the best interests of policing overall. So I just hope that the department would bear that in mind, because obviously we have agreed to this legislation before us today and it will come before us for signing, but I would just hope that with having a fixed term it is not going to be completely high profile.

The other issue is someone coming in from the United Kingdom, and I just hope, after the comments made with this legislation, that the department and departments to come will look at continued training and continued support for our police officers that have come through from the street, you might say, and walking the beat to be Chief Constable, and I hope that is an aim of the department and will be for the future.

**Mr Gilbey:** Mr Speaker, I must admit I am rather surprised by the remarks of the hon. member who has just resumed her seat. The first thing is that if she is referring to the highly successful operation in which no less than 40 drug dealers have been arrested I should point out that this was started under the last Chief Constable and was going on for about a year in forms of observation and surveillance and it happened to come to a conclusion soon after the new Chief Constable was appointed.

The other thing is, if one talks about high profile, personally I warmly welcome the highest profile being given to successes like that which involve the arrest of so many drug traffickers, and I would personally warmly welcome high profile to any other major steps to

clamp down on criminal elements for the protection of our society, and, from what I have heard, the public have been extremely pleased with what the police have succeeded in doing and would like to see this continued in the future. I hope that the police will be high profile in fighting crime for the good of the people in this Island.

**The Speaker:** I call on the hon. member for Douglas West to reply to the debate.

**Mr Shimmin:** Thank you, Mr Speaker. I would welcome and thank the hon. member Mr Gilbey for his comments on the clarification of one of the issues raised by the member for Peel, and that is that the most high-profile issue which has arisen within policing in recent months is indeed the drugs initiative, and I would confirm that the 12 months of operation that went into that is one which was started long before this Chief Constable was even considered, let alone appointed. The timing of it was beyond his or our control, and that happened to be a coincidence.

I do think there is merit in some of the comments from the member for Peel regarding the style of policing as it affects the regional areas, and I would hope that hon. members would accept that for many years there has been a move to try and change the style of policing on the Island; that has been a criticism levelled at the police in the past, and the new Chief Constable is committed to gaining public satisfaction in the areas where police are to be operating in different styles to suit the different local needs. That is an often-repeated comment from the Chief Constable, and I believe that he is serious and committed to satisfy all local areas with the style of policing they would prefer. To that end this amendment Bill gives powers to the Police Consultative Forum which, although it is only now beginning to really show its value, is an operation whereby local members of the public will be able to put their views forward to the police in their areas expressing their concerns, and the police are committed to respond to those public issues.

I would also endorse the comments regarding the training level which has been shared by the Chief Constable and the department, that there should be an opportunity for local Isle of Man police officers to gain the experience to make them eligible for application for the Chief Constable's position. I therefore do not think there is any disagreement between hon. members and I would just beg to move the third reading, sir.

**The Speaker:** Hon. members, the motion is that printed at item 13 on your order paper, that the Police (Amendment) Bill be now read for a third time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Retirement Benefits Schemes Bill – Third Reading Approved**

**The Speaker:** We revert, hon. members, to item 12 on the order paper, the Retirement Benefits Schemes Bill, again for third reading, and I call on the hon. member for Onchan, Mr Corkill.

**Mr Corkill:** Thank you, Mr Speaker. The Retirement Benefits Schemes Bill has arrived on our agenda today after an extremely lengthy and comprehensive consultation process, and of course we have then had the detailed consideration by this hon. House at the second reading and clauses stage. I do believe now that the main issues have clearly surfaced and have been decided upon by this hon. House. At this stage the Bill is in good order and can be

sent for scrutiny in another place where hon. members will now have a clear indication from the Keys on how certain issues have been resolved.

It is clear that certain human rights issues have surfaced and have been resolved in certain ways. The matter of statutory indemnity has been clarified, as has the appeals procedure for those parties who are aggrieved by the supervisor's decisions. Points for the record have been made by each side of the argument relating to the independent nature of the appeals procedure. Also, the matter of burden of proof is now clear: innocent until proven guilty. All these points are of great importance and they do stand as part of this Bill as things stand at present.

At this third reading I do wish to recap that the legislation will enable a 'one-stop-shop for pensions' approach. The Bill satisfied government policy in its quest for a new regulatory framework for domestic and international pensions. The Bill is timely, bearing in mind the rapidly growing importance attached to pension schemes. Practical but robust regulation is the aim, and this will not only protect the members of schemes' interests but it also enhances the Isle of Man's reputation for sound regulation. As I did say at the second reading, enactment of this Bill will help to protect the interests of all those who participate in Manx pensions whilst at the same time developing the infrastructure to facilitate a new market for international pensions. This will help the Isle of Man to cater for our domestic interests and diversify the finance industry still further, thereby maintaining our position in the top flight of international financial centres.

I also made it clear that in due course, hopefully no too far away, a further Bill will be coming forward from the Treasury, and this will be an Income Tax Bill. This Bill will set out measures for a fiscally attractive environment to encourage higher levels of pension contribution and to allow contributions from certain groups not currently permitted to make contributions. Treasury and, I am sure, most if not all hon. members will wish to see new providers of pension schemes availing themselves of this proposed new environment, thereby creating more choice for Manx consumers. This domestic aspect is of great importance and complementary to the international pensions market, which will be and already is being attracted to the Island. The Bill is seen as good news internationally.

I hope I will be able to answer any outstanding questions that hon. members may have with regard to this Bill. I do thank them for their detailed consideration at the clauses stage. I beg to move that the third reading of the Retirement Benefits Schemes Bill 2000 be read a third time.

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

**Mr Quine:** Mr Speaker, in common with the mover of the Bill I certainly welcome this. I think this protection for Manx pensions is long overdue and I wholeheartedly embrace what is provided in the Bill to provide that protection.

At the clauses stage a number of issues were debated at some length and of course the hon. mover has intimated that that was the case today, but I could not agree with him that all those issues have been resolved, although perhaps it is true to say that from Treasury's perspective they have been clarified, and I feel obligated to restate, albeit at this late stage, my particular concerns concerning two provisions.

The first is paragraph 7 to schedule 1, which of course was introduced in conjunction with clause 37. The statutory indemnity provided through paragraph 7 is, in my view - and this remains my view - excessive and unreasonable. Unless the offending act is shown to have been carried out in bad faith, which, to say the least, is very difficult to establish, then the insurance supervisor and officers, members and any other party acting on behalf of the Treasury or the IPA or the review committee are immune from action. I believe that is absolutely one-sided and unnecessary and unbalanced. An act carried out in good faith but incompetently or in good faith outside of the powers provided is not actionable; there is a wall pulled down between access to the law by a person who views himself as having suffered losses as a result of the actions of those officials and he cannot even access the law to have that tested. That cannot be right. Such a position must be, in my humble opinion, excessive and unreasonable, and I am afraid I cannot accept that such protection in such an all-embracing fashion is either necessary to enable the efficiency of the operators, as suggested by the mover of the Bill; neither is it necessary in relation to providing reasonable protection, particularly when you draw comparisons with other officials and officers carrying out duties of a similar nature.

I am afraid that, notwithstanding the best intentions of the Treasury officers and the Treasury itself in this case, there is inherent in a position such as this a risk, albeit perhaps over a period of time, not so much of officers adopting a cavalier attitude because of the level of protection which they have been afforded under this Bill, but they will be inclined to cut corners. I have seen it over many years. If there is an excessive level of protection officers will over a period of time become blasé towards the protection that they have got and they will cut corners. Now, cutting corners is one thing if you have access to the law to correct that situation. Cutting corners where you are denied access to the law is another situation entirely, and it is one that I am very unhappy with.

My second concern rests with clause 38. It remains my view, and perhaps more importantly the view of the expert advice I have received, that the review procedure could be in breach of article 6(1) of the European Convention on Human Rights. The issue is whether or not the review procedure provided for in clause 38 provides for the determination of civil rights and obligations by an independent and impartial tribunal. I believe that you do not have to dig very deeply into this position to realise that that is not the case. I think it is transparent in a way that if you have a procedure which provides for an application for the review, the actual form of the application and the conditions of that review - the conditions under which those reviews are held - the appointment of the review panel on an indefinite basis and the making of regulations controlling the practice and procedure of the review committee, all by and all within the powers of the executive, then by simple definition that cannot be an independent and impartial process, particularly when recourse to the High Court is limited to a review on a point of law. You cannot test the facts. You do not have access to the court to test the facts.

No credible case has been made for rejecting the alternative procedure embraced by the amendment I put forward. Surely it is no case to hold that the effectiveness of the Treasury and the IPA officials needs the comfort of such indemnity to be effective when it flies in the face of the indemnity provided for the police and others tasked with carrying out similar functions. I would ask hon. members just to have a look, when they have a moment to spare, at the Police Powers and Procedures Act 1998, section 82, and the Police Act of 1996, section

14, and try to draw a line of comparison between the level of protection which is afforded to the police on the one hand carrying out very complicated fraud investigations, quite a close parallel to the type of investigation being conducted by the insurance authorities, and those of the police. I am afraid it is transparent that either one or the other must be wrong, and I do not think there has been any suggestion that the police are inhibited in the manner in which they investigate fraud cases.

I fear that the legislature will be required to revisit these clauses in the not-too-distant future, probably as the consequence of costly court proceedings. That I would regret deeply. Sincerely I would regret that because I think we have had an offer during the clauses stage, a procedure, that very largely coincided with that preferred by the Treasury but which, built into it, counters the assertion that it is in conflict with article 6 of the Convention on Human Rights.

As I said, I will support the Bill because I believe that this Bill is important. This level of protection is required and it would be churlish, I think, and counter-productive to vote against a Bill that provides such important protection on what is essentially a procedural issue, but in doing so I believe these two matters on which I have serious reservations are going to resurface and probably not in the too distant future. Thank you, Mr Speaker.

**The Speaker:** Hon. members, I call on the hon. member Mr Corkill to reply to the debate.

**Mr Corkill:** Mr Speaker, I thank the hon. member for Ayre, Mr Quine, for his comments and, as he intimated, he has restated the arguments which he put to this hon. House at the clauses stage. The clauses were decided upon and I thank him for his opening comment that he sees the Bill as welcome protection, I think, long overdue - words to that effect - and I am sure that in spirit we are all trying to achieve the best way forward.

I do still disagree with him on the two main points which he has raised. I think he used the expression about cutting corners and the temptation for the supervisor and the officers of the IPA to cut corners given the protection, as he stated it, that paragraph 7 in the schedule offers, and I would dispute that as being the reality. The fact is that the supervisor is responsible - and this is clearly stated in the Bill - to the members of the board, as it were, the members of the IPA. So he is not able to act in isolation with the powers that are given under this Bill in any way whatsoever. I think we should also pay heed to the reality of the regulatory framework which the Isle of Man enjoys and has enjoyed for a number of years now and the practice that has occurred during that time and the experience that we have enjoyed during that time where these sorts of issues have rarely, if ever, surfaced or manifested in the way that the hon. member for Ayre is trying to indicate. So I understand his fears but I think they are overstated, but I thank him for the record for restating that argument.

Now, that was with regard to statutory indemnity, of course, and the clause as stated in the Bill did remain unamended and stands part of the Bill, so, just referring to my previous notes, what I would like to say is that there has been some change from the existing situation in our legislation because the statutory indemnity as currently in operation exempts the authority from any court proceedings, but only in respect of any good faith action carried out within its powers. However, in recent years it has become open to question whether a statutory indemnity of such breadth is consistent with the European Convention on Human Rights.

So there have been changes incorporated in this Bill to move forward, and I think what the hon. member is saying is that the human rights elements of all these pieces of legislation

is a moving target, and perhaps I would agree with him that we will be revisiting not just this piece of legislation but many pieces of legislation as we get a better understanding of what human rights legislation is going to entail, but what I would say is that at this point in time there is a lot of confusion even in the UK with regard to these sorts of issues. They are far from resolved and the pendulum may well swing back the other way in the international debate. So I do believe that this piece of legislation, this particular schedule, is right for this time and right for the foreseeable future. What that timetable will be I cannot predict.

The hon. member has also mentioned article 6 of the human rights and I do not wish to re-run the arguments except that I think we are going to have to disagree. As I said at the clauses stage, the hon. member has expert advice and I also have expert advice, and the two do not match up. It was ever thus, I guess. But what I would say also is that the hon. member has drawn parallels with police functions and I can understand why he is doing this. He mentioned the situation with regard to fraud but we are dealing with a different situation here; we are dealing with a regulatory framework, not a black and white fraud situation, and I think there is a difference. I disagree with the hon. member in saying that we have to have the two the same; I think there is an either/or situation here where the legislation as quoted in the Police Powers and Procedures Bill is fine for that particular purpose if we are dealing with fraud and the black and white facts that the police need to be into with regard to a prosecution in that sort of situation. There is a difference between that situation and this regulatory situation where you have got more of a watchdog scenario by the supervisor and by the Insurance and Pensions Authority. The function there is to stop things going wrong rather than actually chasing the situation after an offence has been committed. And so there is a different culture and a different environment for the officers to work to.

I think those are the two main points. I thank the hon. member for his overall support, because apart from these two differences of opinion there is a great deal in this Bill which I think all members have agreed with and I do think, as I said in my opening comments, that it sets up a very sensible framework for the future, but I would say maybe we will be amending it at some undetermined timescale in the future with regard to the human rights issues. I cannot predict that and that is the problem in moving this Bill that has occurred, but I do think that what is known about the interpretation of the convention as things stand today has already been included in the Bill. So there has been progress in that respect but maybe more progress to come.

On that comment, Mr Speaker, I beg to move that this Bill receive its third reading.

**The Speaker:** Hon. members, the motion is that printed at item 12 on your order paper, that the Retirement Benefit Schemes Bill be read for a third time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Agriculture (Miscellaneous Provisions) Bill – Third Reading Approved**

**The Speaker:** We turn, then, to item 14 on the order paper, the Agricultural (Miscellaneous Provisions) Bill again for third reading, and I call upon the hon. member for Douglas West, Mr Downie.

**Mr Downie:** Thank you, Mr Speaker, hon. members. As members will no doubt be aware, the purpose of this Bill was to amend legislation relating to agricultural holdings, wildlife, sea fisheries and agriculture.

Clause 1 of the Bill sought to bring about amendments to the Agricultural Holdings Act of 1969 and will have the effect of enabling a tenancy of bare agricultural land return between one and five years to expire at the end of its term without giving the tenant further security of tenure. The new provisions will only apply if certain conditions are complied with: first, the arrangement must be agreed by the proposed tenant, secondly the landlord, and the tenant must jointly notify the Department of Agriculture, Fisheries and Forestry, and thirdly the department must acknowledge receipt of the notification because these conditions must be complied with before a tenancy is granted and they cannot apply to tenancies entered into before the commencement of the Bill.

Clause 2 makes a number of amendments to the Wildlife Act of 1990, and the effect of the amendments is to require occupiers of land to obtain a licence from the department before killing or taking birds in areas of special protection, and in addition the clause will enable the charging of fees in respect of the registration of captive birds.

Clause 3 contains amendments to the legislation relating to the charging of fees by the department. The alterations are in the nature of a statute law revision exercise which is to simplify existing provisions and, as I said on a previous occasion, the fees will become the subject of orders to Tynwald and there will be an opportunity to have some dialogue as far as increased fees go.

Clause 4 inserts into the Agricultural Marketing Act 1934 powers of examination and entry to ensure compliance with import restrictions imposed under that Act. The powers will be of particular relevance in relation to restrictions approved under special arrangements agreed with the Isle of Man by the European Community. Agricultural products which are imported in breach of the restrictions will be liable to forfeiture.

Clause 5 amends the byelaw-making powers of the department under section 2 of the Fisheries Act 1971. The amendment clarifies the powers of the department in relation to the carriage of undersized sea fish on board vessels and the possession and sale of undersized sea fish in the Isle of Man.

Clause 6, as members will be aware, provided for the short title of the Bill and enables the department to bring it into operation by means of an appointed day order.

There were no amendments moved. The only issue, that was raised during the debate at the second reading: Mr Cannan welcomed the introduction of the Bill, and could I also state that the section that Mr Cannan referred to, clause 1, dealing with the five-year tenancies, has been fully supported by the National Farmers Union and Mr Speaker did circulate a letter to members advising of the situation.

The hon. member for East Douglas, Mrs Cannell, raised a couple of points about the wildlife section, clause 2, the taking of birds and so on, and also raised a point dealing with clause 4 about illegal imports into the Isle of Man and our relation with EU-derogated products.

I think the Bill is long awaited by people in the agricultural community. There have been lots of enquiries to the department from young people who are keen to take up the provisions, particularly in clause 1, and they see this as a way in which more land will be available to them on this mid-term basis. Mr Speaker, I beg to move.

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

**The Speaker:** Hon. members, in that case, no hon. member wishing to speak to it, the motion is that printed at item 14 on the order paper, that the Agricultural Miscellaneous Provisions Bill be read for a third time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Body-Piercing of Minors Bill – Second Reading Approved**

**The Speaker:** We then turn to our final item on the order paper, item 15, the Body-Piercing of Minors Bill for second reading. The hon. member for Ramsey, Mr Singer.

**Mr Singer:** Thank you, Mr Speaker. During the debate at which I sought the permission of this hon. House to introduce this Bill, hon. members raised several points which I hope to be able to answer during this debate. Some of the points, whilst not directly relevant to the terms of this Bill, are important in the context of how departments can help particularly young people understand what are the risks involved in body-piercing and be able to consider these points before committing themselves.

At the leave to introduce I described in detail the medical risk factors of body-piercing and I therefore do not intend to go through those again. However, hon. members will hear comments from the medical profession, both on practical experience of having to treat these problems caused by both body-piercing and tattooing and also from research into the overall aspects of the risks.

The view that was expressed by an hon. member of this House was also repeated, questioning the responsibility of and the cost to the NHS of treating what is considered by some to be self-mutilation when in its more extreme forms. I went out to consultation, as you are aware, and I hope hon. members will have taken the opportunity to look at the replies I received and what was overwhelming support for the Bill. I will be referring shortly to that consultation.

It is forbidden by law to tattoo a person under 18 and it was only recently that I saw a tattoo that had become infected. This was on a person who had been tattooed before but for some reason infection had taken hold and was causing quite a severe problem. Now, this was on an adult and on a person who is aware of the risks. However, this hon. Court has previously accepted that tattooing should be banned below the age of 18, and certainly the risks of infection and disease which we discussed previously are similar for body-piercing as for tattooing. That is why I judged, taking into consideration the comments I received from the replies to my consultations including the medical profession and the body-piercers themselves, that the age should be 18 and not 16.

Two or three members did previously mention that perhaps 16 should be the age and their argument was that one is permitted to be legally involved in other activities at 16. My opinion is that comparisons are not necessarily correct as other legal permissions are not until the age of 18 and so I feel each matter should be judged on its merits. For example, the Irish Republic have recently announced that they intend to raise the minimum age for purchasing tobacco from 16 to 18.

Age identification was a matter that concerned hon. members, and the Bill does put the onus on the body piercer to have made every effort to have a person's age verified and the onus is on the body-piercer to refuse to undertake the operation if they have any doubt. Hon.

members will see, on page 2, lines 15 to 20, that there is a defence of reason to believe that the person on whom the body-piercing was performed was not under the age of 18.

I know that the hon. member for Rushen, Mrs Crowe, is particularly concerned at the delay in the introduction of Smart cards to identify a young person's age and I fully support her stance. I would urge a speedy introduction of these cards even at government expense, as it will help alcohol and cigarette retailers, body-piercers, lottery ticket sellers, et cetera to avoid breaking the law whilst helping young people from being denied their entitlements.

The hon. member for Garff referred to the role of education in informing young people of the great risk factors, and the hon. member for Onchan, Mr Karran, remarked on the need for educational leaflets. Certainly the comments of the education department to which I will refer are extremely sympathetic to these points.

The Bill is uncomplicated and seeks to insert in the Local Government (Miscellaneous Provisions) Act 1984 a clause 23A which says that a person shall not pierce any part of the body of a person under 18 unless the young person's parent, which includes the guardian, consents in writing. A married person under the age of 18 is exempt as under the law a married person is no longer the responsibility of the parent.

The hon. member for Onchan, Mr Cannell, raised the question of parents under 18 giving permission for their child to be body-pierced. This is covered under the definition of 'parent', page 2, line 8, and states ' "parent", in relation to a person under the age of 18, means a person of the age of 18 or over having responsibility for him.".' So that point is covered.

The Bill also exempts body-piercing under 18 for medical reasons by a registered medical practitioner or someone working under his direction, and the Bill also increases the maximum fine to more closely take into account inflation over the last few years.

If I may now refer to the replies to my consultations, a copy of the Bill and covering letter was sent to all premises registered for body, ear-piercing and tattooing. The judiciary, the Departments of Education, Local Government, Home Affairs, DHSS and the chief medical officer as the director of public health were also consulted. I also invited public comment with the kind assistance of the media, and I would like to thank all those who took the time to write, particularly members of the public, and I do believe that I received comments from a good cross-section of people.

From premises which solely undertook ear-piercing I received one letter, and to quote a phrase it said 'We support your Bill wholeheartedly'; they felt there should be an official legal document to be signed by the parent. This is a matter that needs to be discussed with DoLGE, although I can see that need for signature on a prescribed form might inconvenience a person who may have to travel a distance to get the form, travel home to get the parent's signature and then return with that signature. However, on the other hand it may persuade a young person from making a speedy decision which they then regret.

I take the lack of further response from ear-piercers as an indication of no objection and the fact that they already as a policy decision require parental permission as far as young people are concerned.

The reply from the judiciary indicated that there were no comments on the Bill.

I received two written replies from body-piercing clinics. Both were in full support of the Bill, one supported the 18 age and the other 16 except that genital piercing should be 18. Both respondents wished for stronger regulations and one pointed out that during TT week body-piercers and tattooists from over the water were performing body piercing without being checked for competence or hygiene control. These are two items which again I need to refer to DoLGE.

The Department of Home Affairs response states that the Bill has been discussed with the various divisions of the department and they have no serious concerns on the contents of the Bill. The department has no firm opinion on the subject of age except for the Isle of Man Constabulary which is supportive of the 18 years for consent.

The Department of Education are in agreement with the principles of the draft Bill. They are clearly aware of the safety requirements to be put in place during PE and sports lessons with respect to obvious body-piercing of the nose and ears: the rings or studs have to be taped. The department comment that piercing of more intimate parts of the body would not be obvious to the teacher. The director of education further comments that the dangers of body-piercing can become an integral part of the Life Education programme, which promotes awareness of the harmful effects of alcohol, tobacco and drugs. This willingness to expand the Life Education programme is one that I and, I hope, hon. members will applaud.

The Department of Local Government and the Environment, safety and health division, considered the Bill. They offer their full support to the Bill and have no reservations. I have also discussed with them if the current hygiene standards legislation was adequate, and they are of the opinion that it is and will be enhanced if the Bill is enacted.

The director of public health spent a lot of time on researching this matter after I had discussion with him and made his judgement from a list of 14 scientific references. He was certainly concerned at the risk factors and says that he believes the potential risks to health are significant, and it is essential in his view that such consent as is given to this process is truly informed. He finishes with a quote as follows: 'In my opinion, given the psychological approach of most young people to the perception of risk, it would be prudent to require parental consent below the age of 18 for body-piercing to be undertaken.'

I received two responses from medical doctors in response to the media publicity. Both doctors expressed extreme concern that body-piercing was legal, certainly under 18, and both voiced their views from the practical experience of having had to treat the consequences when things have gone wrong. One doctor commented that society has a duty to protect minors from decisions which they may later regret and may be irreversible, and he also questioned the right of a parent to agree to assault on a child by a third party. There was also comment by the doctors on the risks that I described at a previous discussion of the Bill and, as I mentioned earlier, the cost to the NHS of treating what was termed as self-inflicted damage to the body.

I received telephone messages, all but one expressing support. The one critic expressed the view that young people of 12 should be allowed to make their own decisions. Several people did take time to write to me, all expressing support and detailing the distress that they as parents had been caused by their young children being body-pierced without their permission. I also received letters from parents of young people who are concerned and

worried that their young children would be body-pierced without their knowledge and therefore wished to see this Bill introduced to reduce this possible scenario. I received letters of support also from people who just wished to voice their opinion whilst not indicating whether or not they had children.

One letter came from a person whose daughter arrived home with her tongue pierced. She was then 13. The mother spoke to the piercing establishment and on the consent form where a parent's signature should have been it was blank - not even a forged signature. The writer of the letter was told by the piercer that the girl looked 16. This particular girl arrived home this year with her eyebrow pierced. She is now 14.

Another lady wrote that during her bad illness her daughter and her friend came to visit her in hospital with their noses pierced. A member of the family went to the police, and as a result the police interviewed the body-piercer, who was officially cautioned for assault. The decision was after consultation with the Attorney-General's department. One of the young girls in question was 11 years old. This letter, more than any, indicates the need for this Bill, the fact that the Attorney General's office considered that the body-piercing of an 11-year-old did not under the present law guarantee a conviction for assault.

Mr Speaker, hon. members, I seek your support for this Bill to demonstrate our duty to protect the young people in this community. Eighteen rather than 16 is the age I recommend to you after having considered the previously expressed views of this hon. Court, the overall views of the various departments of government, the public and particularly the medical profession.

I would sum up the overall intention of this Bill by using a quote from one of the consultation replies which highlights the responsibility of all the community towards the young generation, and the quote was as follows: 'The health of our youth, both mental and physical, should be of prime importance. It is a sad fact of these times that this battle should have to be waged.' Mr Speaker, I beg to move the second reading of the Body-Piercing of Minors Bill 2000.

**Mrs Crowe:** Mr Speaker, I am pleased to second the hon. member for Ramsey's Bill, which will make it an offence to pierce the body of a minor without parental consent. It does seem a shame that a lack of responsibility by some has forced the need to regulate, and regulation for common sense, but legislation is required to provide protection for our children.

I will not reiterate the case made by the hon. member for Ramsey, but there are sufficient instances of infection and scarring that can severely damage our young people. I know of a case of a 15-year-old girl. It was a joke; it was a great dare to have her nipple pierced, but now, after months of pain of infection and the resultant residual scarring, she has now been told she will never be able to feed any children she may have naturally, and I do think that we need to have this legislation in place to protect what are children, 15 years old.

The Bill has my full support, but once again I ask for the introduction of a Smart card system, an age-related card for children. The Office of Fair Trading now recommend that 16-year-olds purchase a provisional driving licence so that they can prove their age, but a system introduced through the Department of Education would be preferable, and I believe that department is at present looking into this.

My private member's Bill to raise the age of the purchase of tobacco has now been passed, and we will be leading Ireland and the United Kingdom in this provision so a common enforcement age of 18 will apply then to tobacco, fireworks, alcohol, solvents, et cetera. So I too would agree that the common enforcement age should be 18. Thank you, Mr Speaker.

**Mr Houghton:** Mr Speaker, I rise to give support to the hon. member today as this Bill makes its way through the legislature. Body-piercing has grown in its popularity over a number of years and indeed will continue to be encouraged by peer pressure on more individuals. Some of these may be more vulnerable than others. In the wide consultation process the hon. member has taken in the presentation of this Bill he has received very good support from the responsible businesses who are qualified to undertake body-piercing.

The hon. member has also received support for this Bill from the Department of Local Government and the Environment's environmental health and safety division, of which I am its chairman. The hon. member has made reference in his opening speech where he may require further information from my division, and I shall be pleased to extend that support to him wherever necessary. I am sure Mr Singer, the hon. member for Ramsey, will receive the support of this House in bringing a small but vital area of protection for the young and I commend him for his efforts. Thank you, sir.

**Mrs Hannan:** Vainstyr Loayreyder, I do have a concern with this legislation that is before us. Why should a parent be able to give consent for their child to be either tattooed or have body-piercing? As the member said in his opening remarks on the second reading of this legislation, he stated that there was an area here whereby the person doing it could have been or at least certainly was cautioned for assault, and could it not be that the parent is an accessory? And so I am concerned that we are with this legalising an assault on a child under the age of 18. We do not like it when it happens when they go out and do it, but we do know that children as young as two and three might say to their parents that they want their ears piercing or whatever. I am not aware of any children that actually have their ears pierced and they are actually dragged screaming and shouting.

The other area that concerns me, because I am concerned that we tend to look at other cultures and we say what other cultures are doing when parents give their consent is not acceptable, but we are saying here that body-piercing and tattooing is okay as long as there is written consent, and what we are saying is not even written consent, the member is suggesting that there is a form that somebody gets and puts a signature to. It is not a letter where I have taken everything into account, I understand what it is all about and then sign it. We are suggesting that there is a form and it might be inconvenient for the person to travel to pick up this form to then sign it. I would have thought, if we are sensible and reasonable about this, that we do not want to make everything so easy that somebody just signs on a dotted line.

The other area that also concerns me is that, should a person be married, then that person, whether they are 16, 17, 18, does not have to have consent. It seems at odds with what the legislation is saying, that there should be protection for young people under the age of 18. I realise that parents have to give consent for marriage before the age of 18, but I do not think that that should take away the responsibility of society as a whole to say that because you have married and now you are not the responsibility of a parent someone under the age of 18 can be tattooed or have body-piercing. So I am concerned that while we are certainly giving the member permission and have got on our high horses about these things being carried out,

I think there is a bit of backing off by saying that just because they are a parent they can in actual fact give this consent to this, which, as the member for Rushen has clearly stated, can be quite a devastating procedure in various parts of the body, and that parents will come under pressure - so and so has had their nipple pierced or have had a belly-button ring or penis or vagina or whatever, and why shouldn't they, because they are mates? And I think it was the member for Douglas North who suggested peer pressure, and I do not think that this is actually addressing some of the concerns that were expressed when we give approval for the bringing forward of this legislation. It does concern me, Vainstyr Loayreyder.

**Mr Corkill:** Mr Speaker, this is a short Bill but, as is so often the case with a number of social issues, the ramifications can be quite far-reaching. I support this Bill; I think, in my time as a pharmacist, I have seen so many infections, even with ear-piercing, that I think - well, I was very encouraged to hear the hon. mover of the Bill talking about Life Education, because I think there is a duty on us all to actually discourage this type of activity as much as possible purely on health grounds. There are problems, as the hon. member who seconded the motion, Mrs Crowe, said, about infections and permanent damage, but this Bill is about protecting minors, protecting juveniles, and I think we do obviously have a duty to do that, and so I was very interested to hear the hon. member for Peel, Mrs Hannan, wondering whether the parents should have that right to sign a piece of paper so that in fact this type of activity can actually be entered into by someone under the age of 18 and these sorts of questions - whether it is 16, whether it is 18 - the arguments will go on and on because we never seem to come up with a consistent age, and I suppose we have to live with that whatever the piece of legislation is.

I think the age of 18 is pretty well pitched. Certainly my experience in life is that individuals up to that age are very often rebellious by their nature; that is what growing up is all about, and sometimes there is a need for an outlet for that rebelliousness to be satisfied, and it seems to be the fashion that body-piercing is that type of rebellion at the moment. I think that that is to be regretted, that peer pressure, fashion, encouragement by some, is actually forcing minors to enter into this type of situation. A few weeks ago I was on the Tube in London, sat opposite what I would say was an apparition. (*Laughter*) This was a young person who had pierced just about every part of the body that was visible: nose - both sides; both eyebrows; a cheek; lips; tongue, and also the knuckles - quite incredible, a ring in every single knuckle joint, in the flap of skin, and I was staring at this person as you do in the Tube (*Laughter*) - because there is nothing else to do - and he spoke across the gangway to me and said, 'What are you staring at?' Well, I was absolutely horrified that somebody would actually go to the trouble to mutilate their body to this extent, but this is the fashion that we are dealing with and so this Bill, I think, is making a statement that perhaps things have gone far enough.

Now, we always have to balance the situation that once you start to regulate and make something illegal, what of course you do encourage is a black market, an unregulated market, which is then even worse than what you have started with, and it is striking this balance between the two. I would certainly hope that this legislation has some impact, even if it only highlights the dangers to the community, particularly to young people, about what this body-piercing can actually lead to. There are degrees, of course: ear-piercing is traditional and not really thought too much of by society, but it is this different type of body-piercing which, to older generations, unless you have seen it in foreign cultures, is quite. . . well, I find it quite disturbing.

Now, I think that this Bill has got the balance just about right, because at the end of the day, if it is over the top, you will create a black market; you will create a situation where minors who are intent on this body-piercing will find some way somehow of getting it done, and it is much better, of course, that is done in a regulated environment where the proper health and safety and the health issues can be taken into account. But I do hope, as the Bill progresses - and I am sure it will - that the opportunity is taken to highlight as much as possible the health risks that are involved in this activity, because we concentrate so much on the fashion and the rights and people having to make their mind up about these sort of things, but the health issue, certainly with my background where so many antibiotics are having to be used to treat these soft tissue infections, I think is really to be regretted and it is so unnecessary, really, just to satisfy a minor who wishes to rebel against the system, against their parents, or whatever. We do have a duty to manage that situation, and I think this Bill does go a long way to help that situation, so it has got my full support, but I do expect that there will never be agreement on whether it should be 16 or 18; this is a debate we often have with other pieces of legislation, Mr Speaker.

**Mr Brown:** Mr Speaker, in principle I support the Bill but I have a number of points that I would like to raise at this stage, so hopefully the member will be in a position to give consideration as to whether or not there are any amendments needed for the Bill when we get to clauses or whether or not some of the points in the Bill are clear.

Firstly, can I just make the point: I am wondering about the use of the term 'Body-Piercing of Minors Bill 2000'. Now, I understood the legal definition of a minor was not in fact a person under the age of 18 covering the ages down to 14; in other words, my understanding was a minor was a person of the age of 14 and below, and I would ask the hon. member to clarify that because potentially we are redetermining the legal definition of minor if in fact we are going to approve this Bill with that title and say that a person under the age of 18 is in fact a minor, and I just wonder whether or not the member may be able to answer it, if not now, then certainly later. I do think it is an important question because of course the definition of 'minor' runs throughout lots of other legislation where we have passed it over the years, and I think the last thing anybody wants to cause is confusion. That does not mean we could not, if we wish, then determine that persons under the age of 18 require permission to have their body pierced, but the title of the Bill may need to be changed so it does not mislead, which is a concern I would have.

Also, I think it would be helpful if the member could cover the point in his reply as to what happens if a person indicates that they are a parent but are not. My reading of the legislation, without the benefit of all of it, of course, is that in fact the offence would be created by the person who undertakes the body-piercing, and I would be interested to know what the offence is for somebody who writes a letter and signs it saying that they are the parent when in fact they are not the parent or the guardian in terms of the legislation. What will the offence be against that person?

Also, what I would like to know is why the hon. member does not think it is actually of benefit to have a legal form to sign. In his presentation he made the point that there was a form already with somebody and it had not even been signed and the person had had piercing undertaken. Now, clearly we need to be clear; if we are going to introduce legislation like this, then there have to be clear lines where the person who is undertaking the body-piercing

stands and where then the other side, the person and the parents, stand, and any other person who may well act to be the parent when they are not legally the parent, otherwise the only person who is going to be able to be successfully prosecuted would actually be the person who undertakes the body-piercing, and if you then look at page 2 under the actual clause that is in there, which is the new subsection (10), the person who undertakes the body-piercing, if they can actually prove that they at the time believed that person, reasonably believed they were 18, then in fact they will not have committed an offence. So the situation could be that a person who has been able to get someone to sign to say that they are a parent and has then had the body-piercing carried out on them can then argue 'I thought they were of that age'. How does it cover the person who undertakes the body-piercing?

So I think that would be helpful to try and tie up, and I would have thought that the best way forward would in fact be for the Bill to specify that it will be on a form determined by the Department of Local Government and the Environment, because there is no point in a written letter, because quite honestly we can have situations already where young people who are very clever at trying to find ways around things will actually enable a letter to be made that shows the parent has given them permission to do certain things in certain circumstances, and I think a legal form would be of much greater benefit but, more importantly, I would have thought by having a legal form specified by the DoLGE it actually gives strength to the Bill if in fact a case has to be taken against somebody who has undertaken body-piercing against a minor or a person under 18. So I would ask the hon. member maybe to look at that, because I do think that is quite a key issue and I think it is unfortunate it is not in the Bill, and I think it is something that I hope he will give thought to.

The other point I would like to raise is the point that was raised by the hon. member for Peel about the young person and the parent may be giving permission. Surely the way round that is that if you have a proper legal form - because if we are going down this road then we need to tie it up properly - the person who is under the age of 18 also has to sign the consent form, so in fact you have the parent giving consent and the young person giving consent; otherwise you could have a situation that a young person argues that 'my parent signed it and I did not want it to happen.' So again, if we are going to try and tie this up, surely both parties should give consent to the body-piercing. I do think that that is important to try and cover this issue, because we are stepping into an area which we are going to try to regulate, and if we are trying to regulate, for the reasons the hon. member has outlined, and where there is genuine concern - and I certainly echo the concern where you have got 11 and 12-year-olds and so on - I am not over sure about when they are 16, 17 and 18 - and it is quite an irony and I understand why the member has put it in, that if you are married it is okay but if you are not married, by the way, it is not okay. I think there is a bit of a problem that this House has had during the life of this House as to what is the right age - is it 16, is it 18, is it 17? - and we have not really sorted it out, because we are not really sure what it is. It seems to be 18 that is favoured - I have to say I am not sure why on occasions - and our let-out has always been, 'Well, if they are married it is okay.' Surely, what matters is the age and their responsibility. Just because somebody is married it does not mean that they are more responsible than somebody who is not married. So again I would just ask the mover of the Bill to try and respond to those points, either now or certainly at clauses stage.

Just another point that he did mention was that concern had been expressed about people coming here to do body-piercing during the TT period. Well, the law already covers that, because my understanding of the legislation which was brought in some time ago is that the DoLGE has powers and persons who undertake body-piercing have to be licensed on the Isle of Man; therefore, if they come onto the Isle of Man from across and they have no licence, they are committing an offence. And not only do they have to be licensed, but they actually have premises that are licensed and that are adequate for body-piercing. So again we have this legislation in being now; the key is enforcement, and the key to any legislation we have is enforcement. We can pass what we like, but unless we have the provisions to enforce and unless the legislation is clear as to where the parties stand, then in fact the legislation we pass will be ineffective, and I have to say my reading of this as I see it, Mr Speaker, is that I think we are in danger of passing legislation that is going to be deficient in certain areas because it does not tie the parties together in a legal term so as not to allow a loophole and I certainly believe very importantly that if you are going to at least make this work or let it have a chance to work there should be a proper legal form which it would be an offence not to comply with, and also an offence for person who forge signatures et cetera, which I do not see covered in this legislation.

**Mr Gelling:** Mr Speaker, it is really following on from the hon. member for Castletown; I thought he was actually going to reach the very question which is just puzzling me a little, and I would ask the mover if perhaps he could clarify it, but if not, perhaps at a later stage, and that is that we are covered here about a parent, we are covered by someone that is married, but what if the person is 17 and a single parent, not married and they have a two-year-old child; that person surely is not therefore married and is not over 18 so cannot give permission for their own child to have body-piercing, or does the grandparent, i.e. the grandparent of the child? Again, it is just following on and that is something I think again that I could do with clarifying.

**Mr Gilbey:** Mr Speaker, it has been a very interesting debate to listen to and, having heard the hon. member for Peel, I do wonder if we should think very carefully about there being a right for very young minors to be body-pierced, even if the parents agree. Could there be an argument to say that if it is totally illegal to body-pierce anyone, say, up to the age of 12 and it is subject to parental consent, it should be acceptable for minors between 12 and 18? It does seem to me really it is very objectionable. I agree with the hon. member for Onchan, Mr Corkill: the thought of body-piercing, perhaps all over different parts of the body, for someone of a young age, 12 or below, and I wonder whether the hon. mover of the Bill would feel that that would be a reasonable amendment to have so that you could save any danger for those below 12.

**The Speaker:** I call upon the hon. member for Ramsey to reply to the debate.

**Mr Singer:** Thank you, Mr Speaker, and may I first of all thank everyone who has contributed and can I thank Mrs Crowe who is obviously struggling today with her bad throat; can I thank her for her support? Certainly the example that Mrs Crowe gave of body-piercing on a young person where the body-piercing went wrong is very sad because it has lasting effects, and the problem is body-piercing young people whose bodies are still maturing; I think that is a serious consideration we have to take into account.

I thank Mr Houghton for his support. He also talked about young vulnerable people. If this Bill does go through and is accepted by this House and is finally enacted I thank him for his offer of further support through his department.

In reply to Mrs Hannan, I would say that one of the questions we have to ask is, is it practical to actually stop body-piercing? This was referred to later by the hon. minister for the Treasury, in that if we do say 'No, it cannot be done officially', then are people going to start to do it unofficially? Is it going to become a do-it-yourself thing? I think we have to take this into consideration. Certainly tattooing, as I said, is totally illegal under 18, so there is no matter, written consent or not. But the onus is on the body-piercer to ensure that the person is 18 or over, and I would hope that no-one would decide to get married so that they can have their body pierced. The question was asked, when a person is married why can they have their body pierced as they do not have to get permission to have their body pierced when they are under 18? The answer is that that is the law at the moment and that is as I am advised by the AG's department - that the person who is married but is under 18 is no longer the responsibility of the parent. I do believe that education can contribute greatly to reducing this peer pressure and that the Life Education system that we use will bring to the attention of the young people the knowledge of the dangers which perhaps they would overlook at the present time or they just do not want to know it; it is just a case of keeping up with fashion. There will be, obviously, an opportunity for the hon. member, if she feels strongly, to move an amendment in two weeks' time. I suppose it all depends in the end when one feels a person has the right to take charge of their own life - with reservations, of course - and I felt that this age was 18.

The hon. Mr Corkill also talked about parental rights and whether we should be giving approval at all and I do thank him very much for telling us about his friend on the Tube. It was similar to when my picture was published in *The Courier* with the pierced gentleman next to it a few weeks ago, and of course people are asking, 'Which is you and which is him?' But I do thank Mr Corkill for his support. I hope the balance is right here, but I certainly think it is right because of the willingness within government departments to help highlight the dangers.

I thank Mr Brown for his support in principle and I do think he has raised some important points. As far as the title of the Bill is concerned, I am advised that the definition of a child is a person under 14; a young person is aged 14 to 17; and a minor is a person under 18, but I will take further advice on this. I also discussed with the AG about the need for a form; in fact I was in favour of an official form, and I was persuaded by the AG that we did not need one. I will take that matter up again, Mr Brown, because obviously we want to get it right; we do not want to leave ourselves open to abuse of the system.

Mr Brown talked about not only having to get the permission of the parent but also the young person. That is all right unless we are talking about very young children who have their ears pierced, because obviously a child of two, three, four would not even be responsible, and therefore one would question whether, under 18 or under 16, a child is responsible anyway by giving their signature. Again, it is something that I will look at before two weeks' time.

Also the point about the people coming over - the matter was raised with me. It is not necessarily relevant to this Bill but it is relevant as far as DoLGE are concerned because, again, we need to stop these people coming over just for the two weeks, taking advantage

here and of course the people who have to sort out the mess when they have gone home is our doctors and probably some of the body-piercers on the Island.

The Chief Minister did ask a question which I thought actually that I had answered. It was a question put by Mr Cannell at the initial reading when he questioned the fact of a parent being under 18 giving permission for a child, and I think if you see the definition of the word 'parent', it does say 'parent, in relation to a person under the age of 18, means a person of the age of 18 or over having parental responsibility for him' so that the person under 18 having responsibility for him - and that is the definition by the AG's department - would not be able to give permission. The 17-year-old parent, the 16-year-old parent, the 15-year-old parent cannot give permission under this definition of 'parent'. Again, it is something I will double-check, but that was a question I raised because it had been raised at the previous discussion and that was the AG's comment, but again I will confirm all this for next week.

I thank Mr Gilbey for his contribution. If we are going to think about banning body-piercing for young people, say, under 12, one would then have to, I think, make an exemption for ear-piercing where it is traditional that ear-piercing happens to a child of two, three, four, five. That could well be, if Mr Gilbey felt strongly about it, an amendment that I would certainly consider very closely, because I felt very sad probably a little bit sick, I would think, from the letter that I quoted of these young children of 11 who were taken advantage of without the parent knowing, and I think this is something that we need to stop.

I hope that this Bill will stop it, but I certainly think that we do need this Bill. I hope members will support his Bill so that at least the body-piercing will be done by people who we hope know what they are doing and will not go to the back streets or underground or on a do-it-yourself basis. So I hope members will support this second reading of the Bill which I now move, Mr Speaker.

**The Speaker:** Hon. members, the motion is that printed at item 15 on your order paper, that the Body-Piercing of Minors 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. I would remind the House that, as you have been formally noticed previously, we will be hopefully completing our election to the Legislative Council next Tuesday and the House will now stand adjourned until 9 a.m. on Tuesday next, the 21st. Thank you, hon. members.

*The House adjourned at 12 p.m.*