

**REPORT OF PROCEEDINGS OF
HOUSE OF KEYS**

**Douglas, Tuesday, 27th June 2000
at 10.00 a.m.**

Present:

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

The Chaplain took the prayers.

Apologies for Absence

The Speaker: Hon. members, I first of all have apologies from the Chief Minister and the Minister for Education who are in Brussels attending a European Union meeting.

Welcome to Schoolchildren

The Speaker: I have the pleasure to welcome the children from Albert Road School, Ramsey and I hope that they will find today's proceedings of interest.

Introduction of the New Member for Rushen, Mr J Rimington

The Speaker: Hon. members, we have today the very pleasant duty of welcoming our new member for Rushen. So to commence the business I invite the hon. members for Rushen, Sir Miles Walker and Mrs Pamela Crowe, as sponsors of the new member for Rushen, Mr John Rimington, to escort him to the chair.

Sir Miles Walker: Mr Speaker, I have the honour to present to you the new member for Rushen, Mr John Rimington.

The Speaker: Thank you, hon. member. Mr Rimington, on behalf of all the members I extend to you a welcome to this House. I congratulate you on your successful election and I am sure that your family are proud of your achievement. Today you start your political career in the parliament of our Island, having already served your community of Rushen as a commissioner for the past eight years. I am sure that your experience in local government will stand you in good stead in this chamber and so enable you to make a valued contribution towards the continuing and future wellbeing of all the residents of the Isle of Man. You have the good wishes of all of us for the future.

May I have your certificate of election. The certificate is in order and I have pleasure in presenting you with a copy of the standing orders of this House and ask you to sign the Record of Standing Orders on the Secretary's desk.

Mr Rimington signed the Record of Standing Orders.

The Speaker: Again, welcome, and I invite the sponsored members to escort you to your seat.

Mr Rimington took his seat in the House.

Appointment of the Lieutenant-Governor – Question by Mr Cannell

The Speaker: Hon. members, we now turn to the order paper, to questions and I call upon the hon. member for Onchan, Mr Cannell, to ask the first question.

Mr Cannell: Mr Speaker, I beg leave to ask the Chief Minister:

In the course of your involvement with the appointment of the next Lieutenant-Governor did you draw the attention of the appropriate authorities to the terms of the resolution on this matter adopted by Tynwald Court at its February 2000 sitting?

The Speaker: The hon. member for Ramsey, Mr Bell, on behalf of the Chief Minister.

Mr Bell: Thank you, Mr Speaker. I am assured by the Chief Minister that the answer to this question is yes.

The Speaker: A supplementary, Mr Cannell, for Onchan.

Mr Cannell: Yes, may I ask the hon. member for Ramsey would he consider that the rejection of a fine and true Manxman in favour of someone who has to consult the internet to find out the details of the Isle of Man is regarded as a snub to the hon. Court of Tynwald?

Mr Bell: Mr Speaker, the position, of course, of Governor is that the Governor is the Queen's representative in the Isle of Man and much though, like everyone else, I would like to have seen a Manx Governor, the ultimate decision on this obviously is for the Home Office and they have made the decision which they feel appropriate.

Mr Karran: Vainstyr Loayreyder, would the minister not agree that maybe the time has come, if we are talking of economies in other areas, when we do not need to spend something in the region of £300,000 which it costs us for a Governor every year?

Mr Bell: Mr Speaker, that really takes us into a new area altogether with obviously a very radical change in our constitution, but I would suspect that if the Isle of Man was to swap the role of Governor for perhaps a President we would still be faced with a similar sort of expense.

Mr Cannell: Mr Speaker, a further supplementary if I may, if I could perhaps ask a valued member of the hon. Council of Ministers, what representations were made, on learning of the declination, of Tynwald's intent that a Manxman would be preferred?

Mr Bell: Mr Speaker, as I answered in the original question, I am assured by the Chief Minister that strong representations were made to the Home Office to represent the opinion of Tynwald that we believed it would be preferable for a Manxman to be Governor this time round and beyond that I really cannot comment.

Isle of Man Steam Packet Company Ltd – Title in Literature – Question by Mr Karran

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

Mr Karran: Vainstyr Loayreyder. I beg to ask the Chief Minister:

Do you consider that the omission of the words 'Isle of Man' from the title of the company in some of the literature of the Isle of Man Steam Packet Company Limited is inimical to our tourist industry and generally to the public perception of the Island?

The Speaker: The hon. minister for Tourism on behalf of the Chief Minister.

Mr Cretney: Yes, thank you, Mr Speaker. I have been requested to answer this question on behalf of the Chief Minister who is off the Island, as you have already indicated.

Obviously as Minister for the Department of Tourism and Leisure I strongly support and advocate the use of the words 'Isle of Man' in all literature produced by the Isle of Man Steam Packet Company Limited or any other body. It goes without saying that the maximum amount of exposure generated can only be of benefit to the tourist industry. The fact that the Isle of Man Steam Packet Company Limited is part of a larger group has the added benefit of exposure of potential customers to Isle of Man material on board vessels, at ferry terminals and in most of the literature used by the company, particularly given the number of Irish sea routes other than the Isle of Man, including Liverpool to Dublin and Belfast to Heysham.

I feel the Isle of Man Steam Packet Company, as well as, as I have indicated, our preference for the Isle of Man clearly to be used at all times, should be congratulated for the improvements and the product now available. In particular I would like to thank them for their efforts throughout an extremely busy TT period when extra vessels were brought into operation including two SeaCats and the SuperSeaCat. These were very much welcomed by the travelling public and I hope will become an ongoing feature.

For TT 2000 there were 4,000 more passengers, 1,480 more motorcycles and 200 more vehicles than in 1999. This, together with extra sailings, has without doubt contributed to the increase in the number of passengers carried over the two years since the logo changed, from 480,000 to 570,000: an increase of almost 19 per cent.

The Speaker: Mr Karran, a supplementary.

Mr Karran: Vainstyr Loayreyder, would the minister not agree that with the identity of the Steam Packet being merged into the whole group there is a danger with the user agreement that what we are seeing is a situation where we will not be able to see the real subsidy, that the Steam Packet operation is subsidising the rest of the Irish Sea route, so it will make it even harder to make sure that the Island gets the best deal as far as it is concerned?

Mr Cretney: The minister, I am sure, with everybody else would be greatly concerned if that were to be the case. Clearly the question is about the identity of the Isle of Man Steam Packet Company and the Isle of Man in particular being mentioned with any releases they make. I think that that is very important. I think from a tourism perspective in particular that is something which we wish to get as far afield as possible, the Isle of Man, because once people discover the Isle of Man they realise what they have been missing.

Mr Downie: Is the hon. Minister for Tourism content that the Steam Packet Company are currently advertising excursions to and from Liverpool and Dublin at 50 per cent below the normal cost and does he have any indication whether this 50 per cent reduction in fares is likely to be extended to the Isle of Man Steam Packet Company, as has been illustrated in their brochures and material which have been in circulation in the north-west and many of the newspapers in the UK?

The Speaker: I am not sure that that question is relevant, but perhaps the minister might care to reply.

Mr Cretney: Mr Speaker, I am always content to answer any questions. The fact is that when the Steam Packet Company did start their operation between Dublin and Liverpool my department made strong representations at that time, expressing concern that the journey from Liverpool to Dublin was going to be at a cheaper price than the Isle of Man similar service at half the distance. So clearly if there are further promotional offers which have been offered on other routes we would like, clearly, to have them extended to the Isle of Man. I have to say, though, and I have said this publicly before, I do believe that regarding the marketing element within the Steam Packet Company in the last couple of years, the improvements there have been significant, there is no doubt about that, and I think that is reflected in the numbers.

Banks and Building Societies – Special Benefits – Question by Mr Cannell

The Speaker: Question number 3, the hon. member for Onchan, Mr Cannell, to ask the Treasury minister:

Mr Cannell: Mr Speaker, I beg leave to ask the Minister for the Treasury:

Will your department make appropriate representation to head offices of banks and building societies to ensure Isle of Man residents are not disadvantaged by being excluded from special benefits such as home income plans?

The Speaker: The Treasury minister to reply.

Mr Corkill: Thank you, Mr Speaker. In England and Wales there are several types of products offered by the private sector that enable home owners to release some or all of the equity in their homes.

An equity release product, in simple terms, allows customers to release some or all of the equity stored in the value of their homes and use the moneys to purchase an annuity. The annuity will provide an income until the date of the customers' deaths. The product provider will secure the advance by means of a legal charge over the home. Once the customers die the product provider will recoup its advance from the sale proceeds of the home.

Some major providers of equity release products are not banks and I understand that at least one of these does not offer the product in either the Isle of Man or Scotland because of the different legal systems - that is, relevant to England and Wales - for taking security over the land or property.

There are other methods of equity release available. For example, an interest-only mortgage can be taken over the customer's property for capital-raising purposes. Again the availability of such loans will depend on the business practice of the individual institutions.

It is a business decision for each bank or building society as to what products and services it offers. If a profitable market opportunity exists, then I am sure there will be one or more banks and building societies who will offer a relevant product.

As it is a commercial decision for the providers of equity release products the Treasury will not be making representations to the head offices of banks and building societies with regard to this matter. However, I will take the opportunity to raise discussion with the industry at future consultative meetings which the Treasury holds on a quarterly basis. Thank you.

Mr Cannell: A supplementary if I may, Mr Speaker. Would the hon. Treasury minister not agree with me that this is not the first example where beneficiary offers are made by banks, building societies and indeed many other commercial establishments which appear, for the reasons which he said, a discrepancy in legal systems, to disenfranchise the Isle of Man's population and will he take steps to try to overcome that whenever possible and whenever the opportunity arises?

Mr Corkill: Mr Speaker, I think by and large it is true to say that the financial institutions on the Island offer services similar to that of the United Kingdom, but we have to recognise that as a separate legal jurisdiction in our own right there are differences and from time to time commercial opportunity will be different as a result of that, but I take on board the hon. member's comments and as I said in my opening answer, I will raise it with the Banking Consultative Committee and we meet representatives from that committee every quarter and it will be on the next agenda.

Cummal Shee – Residents' Behaviour – Question by Mr Shimmin

The Speaker: We move on now to question number 4, the hon. member for Douglas West, Mr Shimmin.

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

- (1) *Is your department aware of an increasing number of problems and complaints concerning residents of Cummal Shee;*
- (2) *what action has your department taken to control the behaviour of the residents; and*
- (3) *what discussion has taken place with the police about offences which are allegedly being committed by the residents?*

The Speaker: The member for the Department of Health and Social Security, Mr Cannell, to reply.

Mr Cannell: Thank you, Mr Speaker. The department has received a number of reports from members of the public regarding incidents of damage to property in the West Douglas area over recent weeks, alleged to have involved young people, residents of Cummal Shee. These reports have been acted upon by officers of the department who have been in contact with NCH staff managing Cummal Shee, also with the police and they have subsequently responded to those members of the public who have made direct contact with the division.

Cummal Shee is a 10-bed adolescent unit, currently managed by National Children's Home Action for Children, on behalf of the department. It is an open unit in the sense that young people are not incarcerated. Staff at the unit do take all reasonable steps to control the behaviour of young people whilst within the unit and without and out and about in the community. However, there are occasions when young people abscond from the unit and in these circumstances it is not possible to always supervise them. Absconders are routinely reported to the police. Staff from the unit also look out for absconders.

In the light of these concerns, staffing levels have been reviewed. Due to staff movement staffing levels had fallen below recognised establishment units. However, there now is a full

staff situation, but members will no doubt be aware of the department's plan to appoint new service providers for residential and outreach services presently provided by National Children's Home. This is progressing well and includes the provision of new residential facilities for five young people at White Hoe which will allow for a maximum of five young people to remain at Cummal Shee rather than 10. This process will greatly improve the department's ability to provide improved levels of care and control.

Appropriate action has taken place involving the police and they are informed where children have absconded and where offences are believed to have been committed. There is full involvement and co-operation with the police at all stages.

Mr Shimmin: I thank the member for his information regarding the new regimes which will be in place and I do hope that moves some progress, but would he agree that the present management's failure to exercise reasonable control over these young people actually is exacerbating the situation by allowing them to get into more problems with the law and this makes any attempt to moderate their behaviour or deal with their needs even more difficult?

Mr Cannell: Yes, Mr Speaker, we do not flinch from our responsibility in this regard. We are not satisfied with the operation at Cummal Shee, which is why we have, as recently as last Thursday, made arrangements for new providers to have their tenders examined and probably in the next few days we shall be able to announce who the people who will be taking over Cummal Shee will be and I am pleased to say they are hoping to take effect of their new operation as early as 3rd September.

Mr Duggan: Mr Speaker, could I have an assurance from Mr Cannell that we will not inherit the problem at the White Hoe that they have had at Cummal Shee and could he give me a categorical assurance that there will be proper supervision at the White Hoe?

Mr Cannell: Yes, Mr Speaker, I am quite content that the new appointees will run it with suitably more vigilance than previously. We were not satisfied with it. We take no pride whatever in hearing that people are roaming round causing mayhem and damage. It is not something we welcome, which is why again we have provided new service inheritors. I am not in a position to say who they are yet, but they are nationally recognised. I agree the present ones are as well, but unfortunately their standards did diminish over the years.

As regards the White Hoe, I would give the hon. member for South Douglas the assurance that the facilities which have been built there at considerable cost should be able to contain the problem considerably more, although I would stress we are not in a position of locking anyone up, but of course the member for South Douglas will be aware that we are also intending to build a secure unit (**Mr Houghton:** Hear, hear.) in the same vicinity.

Mr Houghton: Mr Speaker, may I ask the hon. member if he can clarify? He has already clarified that the Cummal Shee Unit will change hands on 3rd September and we all look forward to that, but can he confirm when is the adolescent unit at White Hoe likely to come on line and who indeed will run that, sir?

Mr Cannell: Mr Speaker, the adolescent unit the hon. member refers to I presume is the open unit rather than the secure unit which has not yet been constructed. The premises we refer to were formally the railway gatehouse at the White Hoe and that will be run by a new provider which has been appointed and the details will be circulated. Beyond that I cannot go,

except to say again we are content that we have made a major move in this field and to recognise the concerns, the right concerns, of members in this regard.

Mr Downie: Mr Speaker, could the member for Health and Social Security advise us whether there are still members of staff at Cummal Shee under suspension, and could he give the house an assurance today that the new regime will have a proper system of curfews and disciplinary measures in place before these new people take over so that this House and the members of West Douglas can be absolutely satisfied that that place will be run with the utmost confidence?

Mr Cannell: Mr Speaker, at the considerable cost which we are going to pay the new service providers we will expect nothing less than that they will satisfy all of those concerns which have been expressed by the members for South and West Douglas. We shall monitor it frequently to make sure that they are coming up to scratch.

I would prefer not to comment on individual members of staff who may or may not be under suspension. I gather the matter is still being dealt with, but we are content that these new arrangements now will go a long way to satisfying the problems we have had in all of these units. We look forward also to having the opportunity to have this hon. House's and Tynwald support for the construction of the secure unit, which will ultimately follow.

Mr North: Mr Speaker, I thank the hon. member for the assurance he has given but will he ensure that the next operator will have a policy that is much more sensitive to the population in the surrounding area?

Mr Cannell: Mr Speaker, I am very pleased to say that one of the main planks of the argument put forward by the people that we suspect will be streets ahead in their tendering process which took place last Thursday morning, was that they would undertake to liaise fully and frankly with the surrounding residents and address their concerns to the point where there will be a regular dialogue both on and off the premises.

Mr Henderson: Mr Speaker, could the hon. member with responsibility in this area give some sort of estimated time when the adult secure unit is to be built at the White Hoe and when does he think that may come on stream?

Mr Cannell: Yes, Mr Speaker, we have plans drawn up for this unit. Planning permission is currently being sought and provided that is forthcoming we expect to progress without delay. It is our ambition to have this done at the earliest possible opportunity, but of course we do have to go through all the legal requirements of setting it up and not least getting Tynwald's approval for the money to go ahead.

The Speaker: A final supplementary, the member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker. While I welcome the member's comments in regard to the future regimes, can he offer any support to the existing regime between now and the employment of a new management team from September? I believe that the difficulties could be exacerbated unless there is extra support from the department in the next few months.

Mr Cannell: I am afraid, Mr Speaker, the prevalence of light nights appear to allow for more freedom of the inhabitants. As I say, we cannot just say we are locking them up, but certainly we are determined to prevent the sad situation where a number of residents of the

hon. member's constituency and other nearby surroundings were subjected to unacceptable practices, such as people roaming through their gardens. We are determined to stamp this out, and as I say, I cannot wave a magic wand and make any promises, but I can say we intend to make sure this practice ceases forthwith.

NFER Report – Publication – Question by Mr Shimmin

The Speaker: Question number 5, the member for West Douglas, Mr Shimmin.

Mr Shimmin: I beg leave to ask a member for the Department of Education:

When will the NFER Report - A Review of Special Education in the Isle of Man (dated April 1999) - be made public?

The Speaker: A member for the Department of Education, Mr Henderson, to reply.

Mr Henderson: Thank you, Mr Speaker. The simple answer is that the NFER Report will be made available to the general public and hopefully by the middle of July.

For the member's information also, the department, recognising the importance of this report, has also made application for somewhere in the region of 47 extra staff for the special needs and also the action plan that is associated with this report will be out for consultation as well.

Mr Shimmin: Mr Speaker, I am encouraged to hear that it will be made public. Could I ask the member why it has taken over 12 months before this will be made public and can he confirm that he said 47 extra staff, and if that is the case, where does he propose to get these staff from and to house them?

Mr Henderson: Mr Speaker, the department can only assess the needs in the relevant areas and it has judged them to be so and will try and make what application it can, given the manpower capping situation that the hon. member for West Douglas is aware of.

As to his other part of the question in relation to why the report took so long, it is because it has been subject to working parties, consultative forums and an initial one-day workshop to have various ideas worked out as a result of a presentation from the officers who actually did the report and assessment in the first place.

Mr Karran: Vainstyr Loayreyder, so would the member not agree it was not the fact that if it is released in July there is no Tynwald or any public sitting of the House of Keys to be able to put any input into it?

Mr Henderson: Mr Speaker, I am a bit uncertain as to what the hon. member for Onchan is driving at. If he could clarify his question for me I would be most grateful and I will attempt to answer it.

Mr Karran: Vainstyr Loayreyder, the member seems to fail to understand the parliamentary procedure that we will be in recess and so, surprise, surprise, this report comes out when we are in recess.

Mr Henderson: Mr Speaker, Mr Karran, the hon. member for Onchan's assertion that I fail to understand the parliamentary procedure is completely unfounded and utter rubbish. The report is available to the public during the summer months, it is out for consultation and we will

take cognisance of any particular areas of concern that are raised to us and our door is always open, as the hon. member likes to say, and we will take on board any concerns he may have.

The Speaker: A final supplementary, Mr Shimmin, the member for Douglas West.

Mr Shimmin: Thank you, Mr Speaker. The hon. member says that it is out for consultation. Could he explain how wide this circulation has actually been? Could he also elaborate on, when it is reported publicly or made available to the public, whether that will also contain recommendations and action proposed, and does he think that asking for 47 extra staff is a realistic way forward with the present levels or is this merely a sop to appear to be doing something when in actual fact they have no expectation of achieving it?

Mr Henderson: Mr Speaker, well the hon. member is going to have to bear with me. He has hit me with about five or six different supplementaries there.

Mr Shimmin: Three.

Mr Henderson: Now, as to the nasty assertion of the sop, that is utter rubbish. That is one area that has been identified where there are staffing needs. The department do recognise that the special needs service is a very important and vital service to the Isle of Man and that is why we are making an application for additional staff. That is just one part of the picture, though.

If the hon. member for West Douglas could repeat the rest of his questions I would be only too happy to answer, Mr Speaker.

Mr Shimmin: The two remaining questions were, how wide is the circulation for consultation and when being made available to the public will it also contain recommendations and actions for improvement?

Mr Henderson: The consultative period, as I have already indicated, will be in July. The action plans from that will be circulated to heads of schools, special education needs co-ordinators in the special needs area, special education and the College of Further Education. The public will be able to see the report and following on from the consultative process I have full confidence that the general public will also be able to see the finished action plan.

The Speaker: A final supplementary, Mr Shimmin.

Mr Shimmin: Just a clarification. I assume that the consultation period had already begun since it is now 14 months since this report was made available to the department. Is the member therefore saying that the consultation process will not actually start until July?

Mr Henderson: I am saying that regarding the responses awaited from the people we are consulting within the schools the action plan that is under consultation might be longer than July, but that will be available for the public, as will the main report itself, Mr Speaker, and just to touch on this 14 months carry-on, the hon. member is obviously not aware that during the months of preparation of this report there have been workshops ongoing to institute action plans and that is the reason for the delay. It is not a case of the department sitting on it, it is a case of the department making positive action and input.

Autism – Statistics – Question by Mr Shimmin

The Speaker: Question number 6, I call upon the hon. member for Douglas West, Mr Shimmin.

Mr Shimmin: I beg leave to ask a member for the Department of Education:

- (1) *Does the Isle of Man compile statistics of the number of children with autistic spectrum disorders and autistic traits (diagnosed and undiagnosed); and*
- (2) *if not, how does the department allocate resources and ensure accurate forward planning?*

The Speaker: Mr Henderson to reply.

Mr Henderson: Thank you, Mr Speaker. Resources are allocated to schools to help them better identify and meet the special needs of children that attend there and the department describes a number of stages in policy, broadly describing difficulties from mild to severe and profound, in order to allocate resources fairly and to aid planning.

A quick survey on the Island would suggest that we are aware of 32 children with autism from birth to around 19 years old and a further 26 who might be described as being upon the autistic spectrum.

The Speaker: Mr Shimmin, a supplementary?

Mr Shimmin: Thank you, Mr Speaker. I will obviously support the hon. member's department when looking for 47 extra staff and would hope that they would fall within the area of covering autistic disorders. However, could the hon. member ask whether the department is satisfied that they gain sufficient information from the health services as to the number of children who exhibit these types of behaviours?

Mr Henderson: Mr Speaker, it is very difficult at this stage to work out definite figures because of the nature of the condition of autism in the first place. We have some rough guidelines in working draft format at the minute and would concur with the hon. member for West Douglas that the way forward with this particular important issue is joint working with the Department of Health and any other organisations which we would feel appropriate.

Mr Singer: Mr Speaker, can I ask is the hon. member for Education aware that the Isle of Man, with its stable population, is considered an ideal area for the study of the incidence of autism and would he discuss with his minister and the DHSS approval of such a study to take place by a recognised authority, as this would not only aid those in our population who need help but also people worldwide when the true dimension of the problem would be recognised?

Mr Henderson: Mr Speaker, without broadening the subject out too much, the answer to the hon. member for Ramsey is quite simply we would be quite prepared to examine his ideas and put that to the special services section of the Department of Education for consideration at least.

Mr Houghton: Mr Speaker, may I ask my hon. colleague for North Douglas, the member for the Department of Education, would his department certainly seriously consider enhancing their professional support by providing more educational psychologists with specific qualifications to help children with autism in the future, and if so, when would that be likely to be the case?

Mr Henderson: Mr Speaker, that process has already been addressed and has been underway for some time. Certainly for staff skill bases in this particular area, which we recognise as important, special training has been undertaken and staff have been attending courses. But nonetheless I take the point the hon. member is making and would give him every assurance that we are progressing in this area.

Mr Houghton: Hear, hear.

The Speaker: A final supplementary, Mr Shimmin for West Douglas.

Mr Shimmin: Mr Speaker, the hon. member refers to rough guidelines within the department. Is he aware that this is roughly what the department used to say regarding dyslexia and before that was actually acknowledged and accepted there was an inability to adequately resource the problem because they were not aware of the figures? Therefore would he do everything within his powers to listen to the parents of children who exhibit these behaviours to identify the genuine need?

Mr Henderson: Mr Speaker, the department is always willing to listen to people or parents of children with special needs. That is not a problem, the door is always open and I can certainly give him that confirmation here and now on that particular subject.

The question with regard to resourcing - when a child with special needs is identified the appropriate resources are made available as far as absolutely practical to meet that particular child's needs.

Mr Houghton: Hear, hear.

The Speaker: Thank you, hon. members. That completes Question Time. Item number 7 is a question for written answer which is on your desk.

Advertisements on Buses – Income – Question by Mr Henderson for Written Answer

Question 7

The hon. member for Douglas North, Mr Henderson, to ask the Minister for Tourism and Leisure:

What income have advertisements on buses operated by your department generated in each of the years 1995 to 1999?

Answer

The **gross** revenue figure generated from exterior bus advertising by my department for the financial years ending 31st March 1996 to 31st March 2000 is as follows:

	£
31st March 1996	20,887
31st March 1997	8,454
31st March 1998	22,588
31st March 1999	12,570
31st March 2000	6,720

However, these figures require to be considered in conjunction with the costs incurred in-house and the impact that this product has on service delivery given that the vehicle can be off-road for up to two weeks whilst repainting and installation takes place.

Detailed costings are not collated by the department in respect of this activity. In order, therefore, to provide some indicator of the net revenue generated from bus advertising an estimated profit margin of 30 per cent has been applied to the gross revenue figures. The estimated net revenue generated from exterior bus advertising by my department for the financial years ending 31st March 1996 to 31st March 2000 is as follows:

ESTIMATED

	£
31st March 1996	6,266
31st March 1997	2,536
31st March 1998	6,776
31st March 1999	3,771
31st March 2000	2,016

**A Bill to Establish an Exceptional Planning Regime Re Housing for First-Time Buyers –
Leave to Introduce Given**

The Speaker: Item number 8, Mr Karran, the hon. member for Onchan, seeking leave to introduce legislation. Mr Karran.

Mr Karran: Vainstyr Loayreyder, I beg to move:

That leave be given to introduce a Bill to establish an exceptional planning regime for the development of specified land in government ownership to provide housing units for first-time buyers.

I think this hon. House is united on one thing, if not on many, and that is a need for more houses for first-time buyers to ease the present housing crisis. My Bill is simple: we take up to three pieces of land in government ownership on which the Bill would give planning permission for house building, with certain restrictions on planning and ownership.

I hope leave will be given to introduce this simple and speedy way of taking action over the tragedy that is affecting so many of our young people at the present time with the present housing crisis.

This motion is leave to introduce a Bill which will allow for a private member's Bill to deal with up to three areas of land in government ownership that will be developed for first-time buyers and granted planning permission with certain planning restrictions: they can only be sold to Isle of Man workers and if these conditions are not complied with the DLGE will be empowered to purchase the property compulsorily and either sell it on to an Isle of Man worker or add it to the public housing stock; they cannot be rented out for more than the approved local authority rent, and if this condition is not complied with the DLGE will be empowered to fine the owner or sell it to another Isle of Man worker. I would hope to see the Bill printed for the first sitting of the House after the summer recess.

I would also hope that there would be costings and a fairly detailed plan of the accommodation on the sites.

Whilst I do not want to stop any initiatives from the department doing anything to ease the present crisis, we have everyone blamed apart from the curvature of the Earth. The important fact is that with this Bill it goes further than just basic planning issues. Houses should be nests, not nest eggs, and I welcome the Minister for the Treasury's wanting to go for quality and not quantity in the finance sector, which will help. It is something that some of us have been on about for some time but the danger is of pushing people back into some form of serfdom, having to work night and day to put a roof over their heads. Housing has to have far more fundamental changes as far as its approach is concerned if we believe in social justice.

This Bill is not the total answer but it will help, hon. members. This Bill is not just about helping us to get the maximum subsidy for first-time buyers' houses. We need housing in the private sector that gives an opportunity to the less well paid to be able to take part in a property-owning society, which I have always supported as a Labour man and, I am sure, many in this hon. House, putting rungs on the ladder for a caring, prosperous society to help those who want one of the basic commodities of life which is accommodation. It is not a luxury, it is a necessity and we need, as legislators, to start resolving the problems that many in our society are facing blatant exploitation at the present time.

I know there will be claims of repetition with present powers in the new Planning Act, but my Bill goes further and quicker and anyways it deals with the issue of the reselling of the property and the letting of the property.

Hon. members, I could just walk away from leave to introduce, but that is too easy and I believe this House is too easy. I am a member of Tynwald and the housing problems are so unjust on our local people at the moment. It is too easy to lay the blame at everybody else's feet, but what I want to see is it resolved and I believe this hon. House should support my move as far as this is concerned. I beg to move.

Mr Shimmin: Mr Speaker, I am pleased to second the motion in the name of Mr Karran. I have not actually discussed this Bill with him and I apologise if any hon. member was going to second it and had discussed it previously.

I rise to support it on two main grounds. Firstly, on principle I believe it is the right of any individual member of this House to move a private member's Bill and I would hope to always be able to support that attempt. Secondly, however, I think the hon. member's credentials with regard to this issue are well known and well versed. I believe he is worthy of an opportunity now of actually bringing something forward to this House. He has attempted over recent years to try and have a number of initiatives brought forward to raise the profile of this area. I now would be interested to see what he can come forward with. That does not mean I would automatically be able to support him but I do hope that he is going to come forward with something which will have a tangible improvement for the young people of our Island.

Mr Gilbey: Mr Speaker, the interest shown by the hon. member on the subject of first-time buyer housing is of course to be applauded. Indeed we are all conscious of the need to consider and explore every possibility and idea which may result in properties becoming available for occupation as expeditiously as possible, and as he says, it is a matter on which we are all totally united. I am not, however, entirely sure that the hon. member's proposed Bill would achieve that in a way that is not allowed for in existing legislation.

All our planning primary legislation was updated and consolidated when the 1999 Town and Country Planning Act received the Royal Assent in October 1999. This Bill was taken through this hon. House in great detail by my colleague the hon. member for Ayre.

Prior to the enactment of that Act the Council of Ministers had in May 1998 appointed a sub-committee to identify ways in which the planning process could be speeded up when government developments of national interest were involved. That committee reported back in June 1999 with a recommendation that the necessary regulations under the 1999 Bill should be put in place by the Department of Local Government and the Environment as soon as practical after that Bill had been enacted and the appropriate regulations brought into operation, otherwise the committee recommended that no further legislative changes required to be introduced at this time, and the department has been and is acting in accordance with those detailed recommendations which were gone into by the committee in very considerable detail, as the hon. members who sat on the committee are well aware.

Now, I do accept that there are on occasions reasons for granting permission other than in accordance with development plans when a need arises which is unexpected and unforeseen and I would stress that both the proposed system under the new Act and the existing system can accommodate and does accommodate such situations. It would appear infinitely more appropriate for my hon. friend the hon. member for Onchan's proposals to be considered as part of the consultation process relative to the department's current initiatives rather than attempting to produce a separate Bill which would clearly incur a lengthy legal process.

Again it must be emphasised that prior to the full introduction of the 1990 Act's regulations there is provision under the still existing and prior legislation to reduce the time taken to deal with planning applications which are made by the Department of Local Government and the Environment or in respect of which they have an interest. The existing process for this comprises only one stage: consideration by an independent inspector and then a report by him to the Council of Ministers for a final decision. The Council of Ministers could, of course, and I hope would, depart from the inspector's recommendations if it were judged that such an action was warranted and justified in the national interest.

This one-stage process has already been adopted in respect of Springfield/Harcroft first-time buyers' development, as I have stated, I think, on several occasions previously. Furthermore, the department intends to take advantage of this streamlined procedure for all first-time buyer schemes whether they are being developed by the department or by private developers with a major government involvement. Also, it may well use development orders or planning scheme orders where such orders are considered to be in the national interest in assisting to resolve the housing situation in relation to providing accommodation to meet the demands of the Island's population.

It is difficult to see what the regime proposed by the hon. member for Onchan could add to the existing processes and the procedures proposed under the new 1999 Act.

The Department of Local Government and I remain firmly committed to the construction of sufficient housing of an acceptable standard for the people of this Island. To this end we are committed to deliver results as expeditiously as possible.

Whilst thanking the hon. member for his continuing interest in housing matters, I regret I cannot support the introduction of the hon. member for Onchan's proposed Bill as I do not see it adding to the measures which are now currently available or will be available under the new legislation when the new orders are introduced.

I would add that the hon. member mentions three specific areas. However, it would be quite wrong to introduce a Bill in respect of three specific areas. One is not in fact zoned for development. It would be far quicker to develop on other areas that are already in government ownership, which the government is planning to do. Furthermore, I think you cannot just pluck out areas and suggest this one and that one without a full rationalisation and explanation as to why those areas should be chosen rather than other areas. The hon. member has mentioned three areas to this hon. House but previously he gave a newspaper interview in which he mentioned three specific areas. But if you are going to put forward three specific areas, either the ones he has mentioned or other ones, you need full detailed and rational arguments why those are preferable for this course of action rather than various other sites which the department is working on.

As you know, I have always been against bringing in leave for Bills which are not really necessary because they involve an enormous amount of work by the legislative draftsmen and the Attorney-General's department who are overwhelmed with work at the moment. I think all those in departments of government are well aware how things are being held up by delays on the legislative side and it must be irresponsible to bring in leave to introduce Bills with all the work involved unless one really believes those Bills are necessary.

Mr Henderson: Mr Speaker, in rising to speak to this debate on the leave to introduce for this particular piece of legislation I am 50 per cent minded not to go with it actually (*Mr Cretney interjecting*) because I think Mr Gilbey, the hon. member for Glenfaba, has made some very valid points in what he is saying, and the hon. member for South Douglas is chipping in his usual comments when we come to this subject.

Mr Cretney: You cannot make your mind up, can you?

Mr Henderson: The point is, Mr Speaker, I can make my mind up and if he could hold his tongue for two minutes I will explain why.

The Speaker: Hon. member, keep to the subject, please.

Mr Henderson: I have consistently introduced into debates on housing the principle of empty houses lying around Douglas and the rest of the Island. I think what we should be doing in here is addressing the actual roots and fundamental issues before we go galloping off introducing new and extreme legislation which can only produce problems in the future as far as I can see. It is all very well saying to meet the housing need at the minute, 'Let's just build x amount of additional houses on various greenfield sites all over the Isle of Man. We'll have 6,000, 7,000, 8,000 houses: that will solve all the problems.' In reality, at the last count - and I think that was in February - there were 70 local authority houses empty and whilst I have been pursuing my empty house strategy there have been many vacant properties round the Douglas area which would certainly make a large dint in the housing list at the minute, not just a temporary one: it would give us plenty of breathing space.

I believe we should be looking at the fundamental issues first, resolve those and then move on to the more flamboyant ways of solving the issue. This is not going to help initially and it is not going to solve the fundamental issues that I have been consistently trying to highlight in the first place and it is not fair to be jumping up the ladder six rungs when we have missed out five in between, and those need addressing first and that is my concern: if we pass this legislation we are going to be missing the fundamental issues. I am very concerned, Mr Speaker.

Mr Downie: Mr Speaker, I am going to support the hon. member in his move today to introduce this legislation, mainly because I am going to be very, very interested to see what he actually comes up with. From the scenario he has painted today - and I accept that the member has social tendencies, he is a member of the Labour Party - I get the feeling that what he is trying to push on us today is something that would have been more akin to the Ceausescu regime where government can sweep in and take over property. That is the side that concerns me.

I am absolutely convinced that under the Town and Country Planning Act there are provisions already for special cases, special planning orders and there is a way to progress areas which could be fully utilised for first-time buyers' houses and in fact my own department have been in discussion with the Department of Local Government and the Environment only this last week and we have identified an area of land that we are willing to transfer over so that some first-time buyers' houses and other types of housing can take place.

But I would just like to see the situation where a young couple save their money, they get themselves married or they get themselves into a relationship, which is more common these days than actually getting married, they buy a new first-time buyer's house, they are paying £80,000-£85,000 for the house, they need to pay £100 a week to service that loan or that mortgage, plus repairs, rates, insurance et cetera and then for whatever reason there is a separation comes along, and the hon. member's legislation, as he has indicated, says that if they rent that house because they have got into difficulties, they are only allowed to charge £42 a week. To me that is the politics of the madhouse because that is what local authority rent is on a two-bedroomed house at the moment: it is around £42 a week, depending where you live.

Now, there are going to have to be an awful lot of safeguards in this system because we are dealing with human beings here and human beings have tragic circumstances. There are all sorts of forces brought to bear on young couples and there are a lot of reasons why people have to give up mortgages: breakdown in relationships and so on. So it would need to be absolutely crystal-clear in my mind before we proceed, but I am content to let the member work this summer, and he is not taking a blind bit of notice, as I speak.

Mr Cretney: No, he is talking to the member responsible for housing.

Mr Downie: I would be content to let the member progress this Bill this summer and, if possible, put a presentation on for the members, and I would very much like to see this new Bill be introduced as early on in October as possible.

I would say that he has been successful in being granted leave to introduce a number of other pieces of legislation which we are still waiting for, they are still in his own particular legislative programme (*Laughter*), so perhaps we should be reminding you of that.

Mr Houghton: Does he know which ones they are?

Mr Downie: You must be on record, hon. member, in this House as having more consent for Bills than any other member and unfortunately we do not see the fruits of your labours very often, so I need to be convinced -

Mr Karran: Bring Bills then; bring Bills.

Mr Downie: - that you are capable of bringing this about. But I am going to give you the benefit of the doubt. I am going to vote for the motion that is before us today. I hope that you get leave to introduce because it will be interesting to see what you come up with and whether at the end of it there is any credibility when it comes back to the House and I hope you can bring it forward to us in October.

Sir Miles Walker: Mr Speaker, some time ago the right to introduce was a simple formality and I think at that time it was felt that any member should be given a right to introduce if he or she requested it. Some amendment was made to standing orders which encouraged a substantial debate at that stage and it is my recollection that the view of the House then was that if we had a substantial debate on the right to introduce and if the member made a good case for it, then obviously it should be supported. If the member did not make a good case for it or the majority of members of the House of Keys felt that, well, they would give him the right to introduce but when it was introduced they were going to vote against it, that was all a bit of a nonsense and it was far better at that stage to refuse the right to introduce. So those members who are saying 'Well, it's every member's right to introduce a private member's Bill' I would just ask to reflect on those comments.

As far as this particular request is concerned I feel considerable support for it, not because I think there is something that is being promoted in the Bill as outlined by the hon. member, not because I do not think there is anything in there that cannot be done under existing legislation or under existing conditions - and I remain to be convinced about that - but because I think we have a problem and the hon. member is seeking to find a solution for that problem.

We hear the department respond over and over again that they have the solution to the problem, that they have the land, they are seeking permission, they have gone through the one-stop inspector route, but we still do not have the houses and they still appear to be - and I hope they are not - as far away as ever.

I have a concern, speaking on behalf of many of my constituents and, I know, other members' constituents, that there are those people who still, in my view quite properly, plan to get married and there even some people, believe it or not, who get engaged and they wait and they fix their time and they want it all properly organised and it seems to me that those people are affected in a very detrimental way as compared to those people that perhaps do not think about these things in the same way, where people go and live together in a little flat somewhere, pregnancy, a child arrives, there is a need for housing, they go to the local authority, they get a house, and it happens over and over again that those people who are prepared to stand back and, in my words, organise their lives properly are at a detriment (**Mr Cannell:** Hear, hear.) and that concerns me and I find myself being unable to explain to some of these people that ring up what the system is and why they seem constantly to be on the wrong foot and I think the solution to that is more houses.

I am convinced the answer to the problem is more houses in the right price range and when I see planning applications coming in and see them being approved but with conditions that there are only five or six to the acre they are bound to be too expensive for our first-time buyers and I know it might be nice to have lots of landscaping and lots of green, but we as a community have to be able to afford that, and I do not think we can and it concerns me.

I think the other thing that concerns me is the view that comes over from department, and it is a legitimate one, that the first-time buyer problem, as we see it, is capable of being solved by the department, if you like by government, on government owned land that can be developed especially for first-time buyers and it seems to me that if people are going to rely on government to provide the right sort of housing, well it may happen, it will happen, but it will not be in the right numbers and it probably will not be in the right places. It will be in the places where we happen to own land and it will be slow, because government is slow, and probably quite rightly so, and until somehow we can put the problem onto the developers' doorstep and give them the responsibility of providing the houses for our people, then, I think, we are always going to be waiting for new houses.

The hon. member, when he was asking for leave to introduce, identified three areas of land and that is fine, but I think to introduce legislation for that specific purpose is perhaps not the right way forward and in any event those three pieces of land could be considered by the Planning Committee themselves or by an inspector or whatever, the problem being that if those pieces of land are not within the development plan, then immediately those responsible for the development plans, i.e. the Planning Committee, are going to say, 'No, because it's not in our plan.' So there is a fault there.

Now, if these pieces of land - and I would ask the hon. member to recite them again when he is on his concluding remarks - are not in the development plan, then perhaps there is a reason to support the right of introduction because when that Bill gets in front of this House we can look at those bits of land or we can look at others that perhaps have not been perceived to be developable by the Planning Committee and those responsible but this House may have a different view, and so there may be a reason there to support the hon. member and I await his further comments.

He also suggested, I think, that included in this Bill would be a provision that only Isle of Man workers could buy these first-time houses, but I would have thought if they are going to be built by government or a government agency or with government support, then that sort of condition can be put on the purchase or the sale of the houses and in fact we know, don't we, that it has happened in the past?

He also mentioned the possibility of compulsory purchase if in fact there was a danger of them being sold out of a first-time buyers' market. Well, again it seems to me that that can also be covered by a condition and in fact it has in the past and the department, when it has provided houses on this basis, has written into a condition of purchase the right of first refusal and so has been able to purchase these houses back for re-sale. Again, perhaps it is government, isn't it? It tends to buy them back when the market is going down and so it is left with half a dozen houses which it cannot sell, and we have seen that happen in various places throughout the Island, but I hope we are not going to find the economic situation facing this Island in that situation, certainly in the near future.

Also the hon. member spoke about including in this legislation some requirement to keep rents for those properties that are rented similar to a local authority rental. Again, I would hope that if first-time housing is going to be developed, it is not for the rental market and one of the conditions of purchase will be for owner-occupation. In very rare circumstances perhaps people need to rent their houses out in circumstances that we cannot envisage at this time, and I would have thought that there should be some simple condition in there which allows a department to state a maximum rent that can be obtained for the property.

So I am not convinced on those fronts that new legislation is required but I wait with interest for the hon. member's summing up and just say that I need to be convinced that the Bill that he is proposing in fact does something that it is not possible to do under existing legislation.

But I would just mark my appreciation of the hon. member for once again highlighting this problem which is a very real one and we seem to be very, very slow in reacting and responding to it.

The Speaker: Hon. members, may I remind you the item on the agenda is leave to introduce, not a full-blooded housing debate. Hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. I too, like the last member, welcome the seeking to introduce this legislation because I believe the member is expressing concerns of a large number of people, people who own properties and people who would like to own properties.

The Department of Local Government and the Environment have told us this morning that the single planning route is being used in the national interest, but, again, if it is in the national interest it does affect people and therefore I think before we get to a single planning route we do need to do an awful lot of work in this area if it affects other people.

However, that being said, I do feel that the department in the form of the minister said that they were looking for acceptable standards of housing and I think that is something that we should be looking at, we should not be looking at houses where maybe people would move in today and they are very small but that is all they can afford and with never the hope of moving on to anything bigger, and I think that is one of the other concerns that people have in the community now, that they can only afford something which is very small.

Now, with regard to the member's wish to introduce. The concern that he has expressed is the control for the future and I would like to ask him, how long would someone have to be in a property such as this before they could sell it on to maybe a next time first buyer? I mean, he has said that if it is not complied with government could take it over and pass it on to someone else, but under the Usury Act where there were conditions laid down it was for a period of time before somebody could then sell the property and maybe move on to a different sized property and realise the investment that they had put into that property.

I accept that we are all looking at affordable housing but whilst our community has become more financially viable, we have become more prosperous, there are certain members in our community who have not, they are the ones that have been left behind and they are the people in the ordinary jobs really playing the most important part in keeping the wheels of Mann turning and therefore I believe these are the people who might be in lower

paid jobs but they also want affordable housing, and that is where I feel that government should be playing a part with joint equity or whatever, and I hope that the member maybe could say something about that in his winding up.

I do not feel that we should be looking at one thing and saying, 'Deal with that first and then deal with housing', because that, I think, is what has happened in the past and that is why we have got to this situation at the moment. I believe that certain things should have been developed in parallel and maybe four years ago it was not deemed that housing was a problem, but we have a department of government who should have been addressing that and was asked to address it, but it seems that has not happened. We have got to the stage now where they are coming forward and saying, 'Yes, we're going to do a number of things', but that does not solve the problem that there are people out there who are buying up tens of houses maybe and letting them, not to the people at the lower end of the market, but at huge rents, because we all know that they are able to gain more financially than if they put money in the bank, and they are being encouraged to do that by the very people, the banks and the finance houses that are here, and therefore we have got this money and it is incumbent on us to provide housing.

But I just would take issue to some extent with the comments made by the member for Rushen because he did say that at five to six houses per acre we could not afford them, but what could happen is that the people in the lower end of the market who would like to move to slightly larger houses or a different area could be then encouraged and given an incentive to move on. People living in local authority houses may be given a bigger incentive because they do need that bigger incentive, the ones that are in local authority houses maybe, half the price of a house or something, because that is cheaper than building new local authority houses and maybe they, at a later time in their life, would be able to afford those sorts of funds.

But when we are looking at 11 houses to an acre, which I think the member for Rushen was suggesting, we are looking at standards, we are looking at open areas, which I believe should be provided with first-time buyer houses because children must have somewhere to play, there must be green areas, there must be recreation areas, and so there does need to be a commitment, whoever is developing land, on these sorts of commitments. We have passed on two occasions in this hon. House legislation which deals with planning gain which I do not believe has ever been used, and I believe that we should be pushing for it to be used and pushing the department to use it, that somebody developing land should provide these facilities for our people. I believe it is so important that we have children being able to go out and play.

I welcome the interest that the member has expressed in this particular area because of the concerns of a huge number of people, but I also want to see good planning, good quality houses and maybe look at it in a slightly different way than producing first-time buyer houses and only first-time buyer houses, because I believe that there should be a mix within our community. I believe that is the strength of our community. So I will be supporting the member.

Mr Corkill: Mr Speaker, I was interested to see this on the agenda and I am sure everyone in this House is eager to explore any method which may help to supply more housing and anything that scrutinises government's actions in that is probably worth some examination.

I am conscious of your comments, Mr Speaker, and really I rise to my feet to actually ask the mover certain aspects about what may or may not be in the Bill and I have not yet decided as to whether to support leave to introduce or not because there is one thing that concerns me and it was in the member's opening comments with regard to controls and I wonder whether he thinks now that the situation with housing is such that it is worth creating what is going to be a two-tier system of housing on the Island. That worries me because we know what other islands, crown dependencies, have created over the years because of pressures and because they have not been able to deliver housing, because we are in a supply and demand situation. We have always had that type of marketplace for property on the Island whereby at many times there has been over-supply, that is, actually depressed prices, and that has been to the benefit of purchasers and there have been long periods of time when we have had that situation. We are not in that position at the moment: it is very much the opposite. But it worries me that perhaps what could be for a short term - and it is not short term for those people who need a house now and I appreciate that - but in terms of legislation and the period of times that we make laws for that we may be into a knee-jerk reaction, changing our legislation and creating something which is going to be so socially divisive for many generations to come.

I have always enjoyed the fact in the Isle of Man that everybody, dependent upon their economic means, has access to property north, south, east and west, that we do not have reservations for local people and I would hate to think that we are in a position where we may be getting forced down that road to supply houses for our people, because quite simply it is a supply and demand situation. If more houses were available, built by whoever, built by government or the private sector, there is the space on this Island to do that. We have not got the space situation that other islands have. We do have an infrastructure issue which struggles to keep up with the pace of development but these things go hand in hand and they have to be provided in an organised fashion. But I wonder and I need to know from the hon. member what his view is with regard to the Jersey style of two-tier system for housing because I think that would be socially divisive and it is not something I wish to see as someone who represents an element of people on this Island, who has the privilege to be in the House of Keys to do so.

There is another issue with regard to the content of the Bill because I think this Bill may well be targeted at the lack of flexibility which occurs when we zone a piece of land. We are always told at certain stages of developing these plans that under certain circumstances the Planning Committee can go against zoning, that an independent inspector can come to a different conclusion, different from the zoning, but I cannot remember when that last happened

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A Member: Never.

Mr Corkill: - and I really do think that we are back to this situation of land being zoned so strictly that in fact as soon as that plan is passed, the decision on development has already occurred. The decision is not taken when the application for a particular scheme is brought forward, the decision is taken early on by Tynwald Court at the end of the zoning process, and so I would also seek to know, within the hon. member's leave to introduce for this Bill, whether he intends to put in a clause or two relative to the issue of zoning. Based on those answers, Mr Speaker, I will then decide as to whether to support leave to introduce.

Mr Cretney: Mr Speaker, it seems to me that this is quite a basic problem, it is a management of the economy issue first and foremost. We have, fortunately, an economy which is performing well and we have acute labour shortages. We also have acute housing shortages. There is a feeling of déjà vu, to me anyway, and to others who have been around for a little bit of time. I think things go in cycles, but some of us will remember the late 1980s. We had a housing crisis and that was not recognised at the time by the then minister or others when all the signs were apparent to some of us to see, and those signs have been apparent again, and I accept the willingness from the minister, Mr Gilbey, but we need to make progress sooner rather than later because social division is growing.

Now, what happened in the late 1980s was we panicked and then we threw some houses up, and we have got to avoid that again as well. Sir Miles said government is slow. Well, isn't that a bit of an understatement? I am a member of government and I accept all that but it is an understatement. We need first-time buyers houses and we need them properly planned. So I disagree with Sir Miles in that respect. I know what he is saying, but I think that when you are planning, you are planning for a long time into the future and so you have to have it right and you have to have landscaping and green areas, play areas and community facilities because if you do not, then you are just building up other social problems for the future, and I think certainly I can recognise areas where the absence of such facilities does cause problems on an ongoing basis.

Local people are presently paying through the nose, particularly in the private rented sector, and also if they are in a position to buy, and obviously if you own a house it is good for you because you are going to get more money than perhaps they are worth at the moment because it is supply and demand, and that does not need me to tell that to everybody else in here. That is exactly what the problem is: supply and demand. I thought it was interesting the other night. I was listening to the Rushen by-election on the radio and everybody recognised the housing problem but they did not seem to recognise that the principal problem was supply and demand.

For some people at the moment who are renting houses out it is seen as a convenient investment vehicle for them and I have to say, as the hon. member for Onchan has said time and time again, whilst it might be better than money in the bank, it is not helping our society and that is what we in here should be interested in. We need to provide more properly planned houses, sooner rather than later, and I think we should take whatever action we can to bring forward that.

Mrs Crowe: Mr Speaker, I too will be supporting the hon. member's leave to introduce this Bill if only to push the Department of Local Government and the Environment into action. We need to focus the minds of the Planning Committee or indeed the officer to whom the majority of planning matters are delegated. We need to focus their minds on the problem that we have.

The planning system needs complete review and for that reason alone I would support this Bill, and I would also agree with my hon. colleague Sir Miles when he mentioned the idea of looking at land that was outwith the so-called local plans, plans which I have consistently voted against.

I will be supporting the hon. member in his leave to introduce this Bill.

Mr Cannell: Mr Speaker, I think, as was the case in another place last week, considering this is not a housing debate we have done quite well. It was not an incinerator debate last week either. It still took us four and a half hours.

Mrs Hannan: That is what we are here for.

Mr Cannell: Now, I have heard here from my hon. colleague from Onchan, the Minister for the Treasury, about his reservations about creating a two-tier housing system in the Isle of Man. We are not creating it, we already have one, they are the haves and they are the have-nots, and unless we take on board the recognition of the people who were the mainstay of this Island we are going to lose all credibility as a government because we are standing promoting tax initiatives and every manner of things to induce more people to come and live here and we are saying to our indigenous population, 'I'm sorry, we cannot help you.'

So I would support the hon. member for Onchan, my colleague Mr Karran's move here for the reason which have just been outlined by the previous speaker, that if it does nothing else whatever, it keeps the pressure on those who are charged with producing the scheme, and in their defence I just open my magnificent bundle of Tynwald papers to find that we do have a report on the housing policy review which is to be presented next month and it does outline everything. I am afraid to say I have read it all before and what we are looking for is action.

Now, I have been to see the hon. minister and his colleagues in the department and I left feeling quite satisfied that everything possible was being done, but as the hon. member for Rushen, Sir Miles, said, 'We ain't seen' - well, he put it a little more eloquently than that - 'We ain't seen no houses', as they would say. That is the only test. It is no use having these reports, built up to a stack of 10 feet high. What we actually need to see is some bricks and mortar.

But I do concur with my hon. colleague from Douglas South, Mr Cretney, that in fact it is no use just throwing money at the problem and putting up shoddy, virtual, thrown up houses really, which create more problems than in fact they solve, but to talk of being concerned about a two-tier housing system, well, I am afraid if that is the view of the Treasury, then they ought to get out there and see how to satisfy some of the complaints which come my way and I am sure most other members' as well, to say the position, which has been quite clearly outlined before, is that we must get down to getting affordable housing.

I am also amongst those who have previously said, of course, that the costs of housing at £75,000 does seem like a lot but, as I have said on many previous occasions, it is only comparable to the difficulties which many of the members around my age faced when they came to set up as well and it is a case of getting the availability of the land.

Now, the hon. member is seeking leave to introduce, that is all he is doing, and you used wise words, Mr Speaker, when you said, this is not the debate, this is just one enterprising member who has maintained a consistent position, looking to do something else. When he brings it forward, it may get no further than its second reading, it may not even get a first reading, because we do not know what is going to be in it. The motion just says down here that he wishes to bring forward a measure, although it does vary from the original projection that Sir Miles outlined, that you more or less got permission as a formality. I think this is a

reasonable backstop, that we have a little chew at it first in case you get fatuous motions up for Bills which could cost money.

But I am not the slightest concerned about a difficulty which was outlined by one of the preceding speakers, 'Oh well, we cannot do this because it's going to overload the A-G and the legal draftsman's office.' They are there to serve this hon. House and Tynwald Court and if it actually prevails upon them to have more work than they can cope with, then they will have to put a case up to get more staff to service it, but we certainly will not be influenced in our decision by the fact that the poor old boys down at Victory House might be getting a bit overloaded.

Mr Karran looks for exceptional planning regimes here. Now, that is a sweeping thing and if I could spell Ceausescu I would actually write down here what it means, but in actual fact he is only maintaining the position he has put up before, that the government allegedly owns land and he wants it releasing, prising out of government's ownership because they are landbanking it for schemes which may or may not every come to fruition. I also know of considerable tracts of land, and I mentioned this before, where in fact even in Douglas a massive area of land, totally suitable for housing, was rejected by the local authority, they could not even be bothered to consider it, and that was at Douglas golf course, the bottom two holes of the Spring Valley layout. Ideal. That is the sort of thing we need to be getting onto, saying, 'Why can't you do it,' and if they will not release it, then is the time to grab it. That is the sort of thing we are looking for, and there are others, one in the venerable constituency or sheading of Braddan, Parish of Braddan. They have had a battering, okay, but they have got to do their turn. We in Onchan have done our turn. We are full in Onchan, we have not got any more to build housing, although I am saying that we are seeing the last phase of it now with 20-tonne wagons rolling through residential estates, carrying the soil from the newly instituted Lakeside development, but that is an example of where the people up in Onchan were not prepared to entertain some more houses. They pitched in there for the final part of the solution to housing for Onchan but it was rejected in favour of, as has been said before, the famous six houses to the acre. So I cannot see many first-time buyers putting their name down with Heritage Homes for a nice little semi up in Lakeside. They probably will not start this side of a quarter of a million. I would love one myself, but in fact -

The Speaker: May I remind you, hon. member that the item on the agenda is to introduce legislation.

Mr Cannell: Okay, I have been meaning to speak to you about that. *(Laughter)* It is leave to introduce, Mr Speaker, and I will be very pleased to support it.

Mr Houghton: Mr Speaker, I would just like to make one or two remarks on behalf -

The Speaker: On the item on the agenda, sir.

Mr Houghton: Yes, sir, but I do have to take issue with one or two of the points that have been made about the Department of Local Government and the Environment. The time that I have been on is only a little more than 12 months and I have seen a lot of action going on behind the scenes and the person to be commended, the hon. member to be commended for that in addition to the minister, is my hon. colleague Mr Quine. **(Mr Gilbey:** Hear, hear.) He has put an enormous amount of work into this.

The problem that faced us here was set five years ago, before my time. There has been absolutely nothing done in the past to work up all these plans for the supply that is required now, very, very short foresight, very much so, and to go along with the hon. member's measures here I feel would be extremely folly. It would be extremely folly because there are enough conditions within the planning and work that is being done behind the scenes now to allow this to go ahead.

But I do commend him for continuing to bring it up but not to focus extra pressure on the department, as indeed was commented on by the hon. member for Rushen, Mrs Crowe. We are getting down to it, first and second-time buyers' houses. It is the top of the priority. We sat and discussed it yesterday, including a review of the planning system, which will come forward in due course. So the matter is being addressed, sir. Thank you.

Mr Braidwood: Mr Speaker, speaking to the motion on the order paper, but, like previous speakers, I might have to digress.

The Speaker: I hope not, sir.

Mr Braidwood: I have a social conscience and I am not a member of the Labour Party. There are 22 members of the House of Keys here who are not members of the Labour Party and they have a social conscience and they are all concerned as well about first-time buyers.

The hon. member for Glenfaba, the Minister for Local Government and the Environment, has expressed his sentiments and I have agreed with some; the department has been working well for the Springfield/Harcroft development and is also a very sympathetic development with green spaces for play areas and for first-time buyers and hopefully for £75,000. Also, in the government ownership is Crossag Farm: a tremendous amount of land down at Ballasalla. Unfortunately the infrastructure is not there at present, although to relieve some pressure I think we must look at some sort of stand-alone facility.

I have no problem in actual fact in supporting Mr Karran's move for leave to introduce a Bill because he might come up with some extra ideas which I know the department will look at. We have just had the strategic plan announced which talks about a new town. We might have to bring that forward and somewhere hopefully which I believe should be southern between Douglas and Ballasalla where there is good infrastructure; we know where the IRIS scheme will be developed going out to Mearey Veg.

Again, I do not want to carry on and digress more. I will be supporting Mr Karran.

Mr Brown: Mr Speaker, I will not be long. I just want to really cover the point about the proposal by the hon. member as to the introduction of the Bill. I think clearly it would be easy for us just to oppose this and say, 'Well, everything's fine.' I think the difficulty we have is we are not really sure in legislative terms what proposals the hon. member may come forward with and therefore after listening to the points that have been made and taking on board the points made by the Minister for Local Government and the Environment I have to say I am minded to support leave to introduce because I would like to see what Mr Karran may be able to come up with which may help, but one of my main reasons for standing is to say that even that is not a quick fix. If the hon. member is successful in having leave to introduce, then the legislation is unlikely to be effective until February or March of next year and therefore that is a

time gap which will create a problem, whilst, okay, it may well be something that we need and that is fine.

But I would also make the point, and I think the minister covered it quite well, that in fact we as a House less than a year ago passed new legislation to introduce a new Town and Country Planning Act and that was after years of consultation publicly. We as a House were content that that met all our requirements. The minister has made the point that there is legislation in there to enable the department to take single stage planning where it is necessary and the department is doing that and that is fine. There has been criticism about the planners. Well, I have to say that if we have a problem with our planners, then we have a problem with our policy and our policy needs to be clearly defined if the planning officers are in fact making decisions that government does not like and as far as I am concerned I know the minister is aware of that and that is fine and I am sure he is conscious of trying to make sure these things are clearly defined.

But we have had a demonstration this morning of the problem we face because the problem is not just planning legislation, it is not just government's will to drive this forward, it is actually the problem comes when you have objectors because objectors have rights and they stand up and say, 'We don't want it.' And the hon. member for Onchan Mr Cannell said, 'Onchan has done its bit: we don't want any more.' Well, I would say to the hon. member, what is going to happen to the next generation of Onchan? Are they going to have to move out? At the end of the day I represent a town which for over 10 years has had no housing for local people, first-time buyers, and the biggest problem we have had is people objecting who live in houses, who do not want any more houses. So the bit we have got to bite is the policy.

As far as the legislation is concerned I believe there is no problem in allowing the member to go away and see if he can come back with something that will help, but I have to say that if he gets leave to introduce and if he comes back with that my view will be that if the legislation is draconian I will not support it and that can be draconian in a number of ways because at the end of the day, whilst we have ambitions, people have rights and we are there to protect those rights, whoever they are.

I certainly have a concern with what is going on in the market at the moment. I object most strongly to people who are buying up groups of houses, as has happened in my town, buying 10 houses to rent out, which has deprived what is already a market under pressure of new houses and is causing us an even greater problem.

I would just say I will give my support to the Minister for Local Government and the Environment to get on with providing land, providing financial packages, building houses, encouraging others to build and getting incentives to help people to have an opportunity to buy and maybe the member for Onchan, Mr Karran, can come up with some new ideas in legislation that may well help us and that is fine and if he cannot, then I think we have got to accept there is nothing else we can do except drive it forward and get on with the job.

Mr Quine: Mr Speaker, yes, there is great demand for housing at this time. There is no disputing that, that is common ground, and why have we got this demand for housing? I think that is common ground too. Primarily because we have had net immigration approaching 800 a year for the last three years and secondly because the situation would have been more easily absorbed if we had had a larger land bank, I am talking now about land in the context of

its zoning. We have had something like seven or eight local plans which have gone through in the last three years, so in the context of getting local plans in during the lifetime of this House, that has been dealt with. There were several years immediately prior to that for good reason, nothing that I think was exceptional but there was good reason, but there were several years before that, tied up with a particular court case, if for no other reason, and there were no plans that went through, and if we had had a steady flow of plans let us say in the normal course of events you would have had that land, but that is not critical in the sense of meeting the immediate need because that land is there.

Now, the hon. member for Castletown is quite right of course because a large part of the problem is we have created this demand principally through letting people come in in far too great a number to be accommodated and then we are trying to jump around in different directions to accommodate that, and the people who are here are objecting to planning applications and saying, 'No, no, no, we don't want them.' And that includes members sitting in this House who have been up here today on their feet saying, 'Where's the answer to this housing? Deal with this housing plan.' There are at least four members who have spoken here today who have either opposed local plans or been in supporting constituents and objectors in fighting individual applications. That is stark hypocrisy.

Mrs Hannan: No, it is not.

Mr Quine: Mr Speaker, I appreciate your wish to get on with the business that is before us, although I would like to go on in some depth -

The Speaker: It is the item on the agenda, hon. member.

Mr Quine: Oh, I always stick to the agenda, sir.

Mr Karran: Which one? The hidden one?

Mr Brown: His own. *(Laughter and interjections)*

Mr Quine: Mr Speaker, in common with the hon. member for West Douglas and one or two other members that have spoken my natural inclination is to say to the hon. member for Onchan, 'If you have got the solution, my friend, carry on and provide it.' He has had plenty of discussions with us and if he has got this instant solution, if he can produce something that is better than what we have got I would be the last person to say, 'Don't try it, you must leave this to the department.' That is certainly not my view on it. If he has got a solution, and there have been ample debates for him to expound on that solution - and I have yet to hear it of course, I hear a lot of hot air - then my reaction is please let us give him permission, let him produce the solution.

But let us start from square one. I have yet to receive or be asked by the hon. mover of this Bill to sit down and discuss these issues with the department. He has certainly not been to the department yet to discuss these. He has been and had a very useful discussion with me about the housing per se and how we address that, but on a matter such as this I would have thought the starting point would be for the hon. member to come and sit down with our planners, with the department and say, 'We've just put through this Bill. Is there something we can do to improve it', and he can float his ideas and I am sure he would certainly not be rejected out of hand within the department.

But if today he is seeking to advance this particular Bill what I would ask him to explain to this hon. House is how it is going to help. I am still trying to find out from him how it is going to help because let us take the four basic scenarios. We have land zoned for building and it can be in government ownership and if it is in government ownership, as has already been explained, there is a fast track procedure for dealing with that, not an arbitrary procedure, it is a fast track procedure, but there are public rights, there are people who have got rights to make representation and to take it through appeal et cetera, but there is a fast track procedure, so if that land is in government ownership I do not see, if I picked up what he is getting at, how that is going to help us. If we have land which is zoned for building and it is in private ownership, as has been already made public of course, government can and is seeking and is purchasing that land and it has already been made clear that the Council of Ministers are happy to support compulsory purchase. Now, whether Tynwald will support compulsory purchase is another matter, but as far as the policy is concerned, if we cannot negotiate a purchase for vital land we can go to compulsory purchase, so, again, how is what he has in mind going to be an improvement on that? And if we have land that is not zoned, which is the other scenario, and that seems to come into his picture to some extent, it is not zoned, well if it is in government ownership the approach is through a development order, we can go for a development order. There will be some outcry about it because of course you are denying some of the statutory rights that would ordinarily be available to those people, but you can do that, and if we have land that is not zoned, that is in private ownership, again we have access to a development order which is largely a fast track procedure.

So if we have these provisions here I would like him to explain to me what is in his mind in the context of this Bill that would in some way improve on the existing procedures which we have? If he can say to me that, yes, this is how it would help, this is specifically how it would help, then please tell us, that is fine and I would be sympathetic to supporting his case. But at this point in time I doubt if anybody in this hon. House has an understanding of what he intends to bring forward. I certainly have not because I have not been privy to his discussions on this matter.

It may be that if we are to resort to very arbitrary procedures, then of course you can achieve a lot in a very short period of time but whether this hon. House or whether another place can live with such arbitrary procedures, that is another matter.

I would just ask the hon. member to make his case. At this point in time quite honestly he has not made his case. He is flying a kite but he has not made his case. Make that case and I will have no difficulty whatsoever in supporting his leave to introduce this Bill.

Mr North: Mr Speaker, I will be very brief. I think we should support this initiative. I, like many other members, I think, have been frustrated with planning over the years and the lack of movement, and I understand everything that the previous speaker has said and, yes, there is a development order which has to come from the department. If this has got a new initiative that could help I would ask the hon. member, if he has not actually already thought of this, is this going to be enabling legislation so that we have got the flexibility of an order and who is actually going to be able to initiate this specific legislation? There is a need for some flexibility. We keep being told that there is flexibility there. Every time we come for it it is not there because there is some reason why we cannot do it.

So I think the hon. member should be supported with the initiative and let us see what is in the Bill. Make it broad and with enabling powers perhaps to use a bit more broadly together so that it is Tynwald that is making a decision and not relying on breaking through all the time the policies that the department has quite rightly built up.

The Speaker: I call upon the hon. member to reply. Mr Karran.

Mr Karran: Vainstyr Loayreyder, I thank the majority in this hon. House for their support. I thank the hon. member for Middle for supporting the leave to introduce. I think it is important that when the Bill as drafted comes back to this hon. House after the summer recess and after I have had consultations with the DLGE, I intend to try and bring them along with me, there will be a detailed plan of what will be in the Tynwald order because I think that will be important at the present time.

As far as the hon. member for Ayre is concerned, I am not interested in who is wrong, who is right, what has happened. We have people out there suffering now and we need to take action and I would have hoped that the hon. member would have had the grace just to have supported my leave and maybe then obviously he would have the opportunity, if I do not come up with the goods, to then say, 'Well, I told you so: it's not so easy.' But the situation is what my Bill will do is it will specify certain areas covered under the Bill which will get planning permission with a detailed planning order which would have to get the approval of Tynwald. That is what I want to do. If there is a will in this hon. House, it can be done and the point is that I believe there is a will in this hon. House.

I would like to say to the hon. member for Castletown he talks about the rights of the individual. Our people have a fundamental right and we have a right and responsibility to provide decent, affordable accommodation for our people, and that is a problem at the moment and whoever is to blame, the important thing is today we need to start going forward. We have got the housing report from the government which seems to identify other areas where I did not think the priority housing problem was.

I hope the hon. member for North Douglas will change his mind as far as this is concerned because I am not trying to blame him, his leader or whatever. It has gone beyond that. We have got to get on and get something done and I believe that we need a red light out there to stop the very people who, as the hon. member for Castletown was on about, buy up bulks of houses for investment purposes. We need to start developing a social programme where homes are nests, not nest eggs, and we need to make sure that we create the environment for that to flourish.

I thank the hon. member for Rushen, Mrs Crowe, for her support as far as this is concerned. As a person who has done some development she appreciates the frustrations and understands the problems that are out there at the present time and I think my hon. colleague is quite right, there is a two-tier system. He is so right. There are the haves and the have-nots and we have a situation where people are blatantly, disgustingly being exploited at the present time, exploited for a basic commodity of life.

I understand the concerns of my hon. colleague who talks about a two-tier system as far as housing is concerned. I believe we are going to have to do something, be ruthless as far as residency is concerned and immigration, and I believe we do not want to follow the Channel Islands where there are more second generation Jerseyans in Portsmouth and Plymouth and

they will tell you, the ones who could succeed stayed, the ones that could not succeed were got rid of. We do not want that in the Isle of Man, and the working people were replaced by cheap labour from Portugal at some sort of feudal level. We do not want that in this country as far as I am concerned.

So I do hope the hon. member will support leave to introduce. At the end of the day this House will have the detailed proposals of my Bill and the order so that they can see what the order will be when it goes to Tynwald, so it will happen.

I have to say that I am very appreciative of the hon. member for Rushen, Sir Miles. We do need more houses and I think that is basically the problem we have got. We have got not enough houses and we have got a lot of money floating around this economy which has been using the housing system as an investment, not just in this country, but we have a situation in the Republic, with them being part of the European monetary system, where their investments can only get three or four per cent, so they are better buying up flats for £120,000 and getting £12,000 a month on the likes of income as far as their capital investment, and believe it, they are another problem that we have at the present time. I think some members do not appreciate the real problems that we have as far as that is concerned.

As far as Mr Downie is concerned I thank him for his support and I think he will be interested in what I come back with. I think it is important that he just clarifies this long list of private member's Bills that have not been forwardly come back with because most of my Bills would be the alternative to the salmon production for John West: they generally get rejected at this level and not given the opportunity, so I think he is wrong there.

Mr Gilbey, the hon. Minister for Local Government and the Environment - this Bill is not out to attack the hon. member. I want to try and get something sorted on this and I hope that the hon. member will still change his mind and come along because I will fully consult with the hon. member as far as this is concerned because it needs to be sorted out. It should be sorted out. We have so many excuses at the present time and yet the crisis gets ever bigger, and if nothing else, by giving leave to introduce for this Bill it will give a red light to those who are blatantly going out there and investing in property. If they know that there is going to be a large amount of houses come out on the market they will stop it. We have the absurdity in Douglas North's constituency where some people own something in the region of 64 housing units in Governor's Hill. We have the situation we have in the Castletown area where they tried to get some first-time buyers houses and they bought them up en bloc. My principles will not affect those properties but I believe that my Bill will be the first stop as far as trying to develop houses and rungs on the ladder so that ordinary working people who are not working in the finance sector can be part of a property-owning democracy. I hope this hon. House supports.

The Speaker: Hon. members, the motion is that leave be given to introduce a Bill to establish an exceptional planning regime for the development of specified land in government ownership to provide housing units for first-time buyers. Those in favour say aye; those against, no. The ayes have it.

A division was called for and voting resulted as follows:

For: Messrs Quine, North, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Cretney, Duggan, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Mrs Hannan, Messrs Singer, Bell, Karran, Corkill, Cannell and the Speaker - 19

Against: Messrs Gilbey, Houghton and Henderson - 3

The Speaker: Hon. members, the motion carries, 19 votes in favour, 3 votes against.

Bills for First Reading

The Speaker: We now move on on the agenda. I call upon the Secretary of the House.

The Secretary: The Rehabilitation of Offenders Bill, Mr Bell; the Residents Bill, Mr Cretney; the Constitution (No.2) Bill, Mr Quine.

Criminal Justice Bill – Third Reading Approved

The Speaker: Hon. members, item number 12, the Criminal Justice Bill for third reading. The hon. Mr Bell for Ramsey.

Mr Bell: Thank you, Mr Speaker. The Criminal Justice Bill 2000 makes a number of very important miscellaneous amendments to the Island's criminal justice system.

The main section deals with the range of sex offences, headlined by the introduction of a sex offenders register which I believe will be of considerable assistance to the police in their ability to monitor known sex offenders and give greater protection to our community. The Bill also covers ill treating residents of nursing homes, controls on knives, the introduction of anti-social behaviour orders, curfews and tagging and other sentencing changes. The final technical abolition of whipping is also included.

The Bill itself was largely non-controversial and there were no items of concern raised until the end of the debate when a number of new issues were raised. Following debate the main additional change to the original Bill was the introduction of a new clause lowering the age of consent from 21 to 18 for homosexual acts.

In general, though, the Bill has had extensive consultation for more than 12 months as well as extensive exposure on the radio and in the newspapers. I believe we have listened fairly to all of the issues raised and have done our best to accommodate all the points which we considered relevant. I hope we have managed to strike a fair balance throughout the Bill which now gives the courts greater powers in a number of areas to increase sentences where appropriate while at the same time allowing them to be more imaginative in others. It also offers the opportunity for more non-custodial and rehabilitative options for minor offenders.

This is a major piece of criminal justice legislation and I am most grateful to hon. members for their patience with what has been a long and at times somewhat complicated presentation to the House. There are no outstanding explanations required from the clauses stage and I therefore beg to move the third reading of the Criminal Justice Bill 2000.

Mr Shimmin: Mr Speaker, I am pleased to second this Bill. In doing so I would like to congratulate both the minister for the actions he has done prior to and the delivery of the Bill and all the officers of the department in the consultation process. It has been very extended, it is one that we would have liked to have moved sooner but the importance of the issues probably bears the scrutiny that it did take and I commend the Bill to the House.

Mr Houghton: Mr Speaker, I would like to endorse everything the hon. member for West Douglas, Mr Shimmin, has said about this. There has been an enormous amount of important legislation gone through with this Bill apart from one clause, and I will not mention that today.

But, however, as I say, I would like to join the hon. member and I am sure every other member in this House in congratulating the minister and the department for an excellent job and indeed all those other Bills that the hon. member for the Department of Home Affairs has brought through, and I have to say we do not see eye to eye on many occasions, but he has worked extremely hard for the Isle of Man Government and this hon. House in this and, as I say, I congratulate him. Thank you.

Several Members: Hear, hear.

Mrs Cannell: Mr Speaker, I also rise in support of this particular piece of legislation despite the reservations in respect of one clause previously mentioned by the previous speaker. However, what I would like to put to the minister for his consideration between now and when we recommence in October is to ask him if he could some time in October give us an update on the victim support scheme that was introduced prior to the introduction of this piece of legislation.

A case has come to me quite recently whereby a victim who had to appear in the Isle of Man Court was very, very upset, his family was very, very upset because there was not any back-up for him from anybody who was qualified in order to give support in those situations and, further to that, that the victim's name was used in the press seems to have caused an awful lot of hardship and upset. The case has come to me and the question was put to me by this young man's family, why is it that the press can use the names of victims? There does not seem to be any kind of preclusion there that the victim in question ought to be in a position where his permission has to be obtained in order to publicise the case that has come before the courts. It is all of course wrapped up in some kind of victim support scheme.

I wish him well and I do hope that the Legislative Council do not find too much fault with it and it has a smooth passage but I would ask him please give us an update on the victim support scheme, how it is operating and how we can enhance that. If he could give us an indication in October. Thank you.

Mr Karran: Vainstyr Loayreyder, I would just like to say that I am supportive of the Bill. Obviously I was disappointed that we did not manage to get the knowingly infecting individuals as part of the Bill. I do hope that the hon. mover will make sure that that part of the piece of legislation will be considered as a priority because I think it is a growing issue as far as health is concerned without talking about HIV but the likes of certain viruses which can leave a woman barren and other things where I believe it should be a criminal offence.

I am glad to see the Bill going to get a third reading because I do think that there are a number of good points in it. One of the good points is the fact that we are at a reasonable level now to be able to defend our position as far as the age of consent at 18 because it is an adult thing, whereas before it would have been seen as blatant discrimination, leaving this section of the community at 21 when everybody else was at 18, and I think that is something which this House should be commended for, for the statesman like way it has dealt with this, instead of in the past doing things which would have been populist but not right.

Mr Cannell: Mr Speaker, just a minor point. The hon. member for Douglas East has referred to the press's use of victims in certain circumstances of court cases. I would urge that a look is also taken where defendants names are published in certain cases and they are subsequently acquitted. Far more damage is likely to ensue from the publication of people

who can either be acquitted because juries are not convinced of their guilt or indeed where a mischievous accusation has been made by someone in a court case just purely to try to bring someone down and it is not detected at committal proceedings. It is a very grave risk indeed because in a place such as the Isle of Man it is probably more likely that some mud will stick to someone's name however well cleared that defendant might subsequently be. A jury may take quarter of an hour to acquit, but the mud sticks, and I am afraid what we need to ensure, and I am sure the hon. Bill's mover will give us this assurance that this can be taken into consideration, is that in a sexual case of rape or indecent assault a defendant's name is not published until he has been convicted.

Mrs Hannan: Vainstyr Loayreyder, I rise to support the legislation but just with a word of caution because I think we hear, we see, legislation that passes before us and, yes, it is all very good, it is in green form and we discuss it at length. It leaves us, it goes to another place, we sign it but really it affects individuals and it affects individuals in many different ways, as we have heard just in this very brief discussion at the third reading stage, and I am concerned that we give the courts the power but the courts then operate on what we have passed and while it all seems very well, it then becomes outside anyone's control really and just one of the areas that I am concerned about is the anti-social behaviour orders because I think, while that sounds all very good, somebody causing problems in the community for someone else and an authority and quite often the nearest authority will be the local authority takes action, it is very difficult in some cases for the people in this instance maybe to be able to get proper representation, have their case heard properly, get proper social reports where they can be helped, and if these people are thrown out on to the streets, who is then going to be able to pick up the pieces of trying to house them and support them when it comes to this particular situation? I think it is all very well giving people powers but you then have to look at what happens subsequently to these particular people and they are the most vulnerable people in our community, whether they are children whose parents have difficulties or whatever, and I would hope that in time we can develop more social awareness where we can help people.

The member for Douglas East talked about victim support and, yes, but I think there are two sides in some of these instances where people need support and therefore I am just raising my concerns that it is not just a simple, straight question of green and black but it is real people's lives that we are dealing with and sometimes when they are up against maybe a local authority and the court and the court gives the local authority possession of a property or whatever or takes action without back-up and support, then I feel that it is the weaker members of our community that are being attacked in this instance and I think if we are going to introduce legislation we should also introduce support measures for people affected by that sort of legislation.

The Speaker: Can I call upon the hon. Minister for Home Affairs to reply?

Mr Bell: Thank you, Mr Speaker. Can I thank the member for West Douglas for his seconding and support and in turn actually thank him for the support he has given me over the last couple of years in progressing this Bill.

I would also like to thank Mr Houghton, the hon. member for North Douglas, for his support. We have not always, as he said, seen eye to eye on everything but I think after considerable discussion over this Bill we did come to a satisfactory compromise which I think kept all parties reasonably happy.

I am quite sure with the passage of time and the growth in wisdom of the hon. member for North Douglas that he will ultimately come to recognise the sensible approval of clause 55 and will thank us for that at some stage further down the road.

Mr Houghton: I will go for leave to introduce to bring it back.

Mr Quine: Don't hold your breath!

Mr Bell: The hon. member for East Douglas, Mrs Cannell, refers to the victim support scheme which, although it has nothing to do with the Bill, was a scheme which my department introduced several months ago and will be assessing as time goes on, as I have given this assurance previously. We are putting a considerable amount of money into the scheme to fill what we believe has been a deficiency in support for victims. My understanding at the moment is the scheme is working very effectively but I would simply suggest to the hon. member that if she has a particular instance where there is a problem, if we were given the details we could investigate and perhaps we could see whether there is a failure there to give the relative level of support.

In terms of publicity, again perhaps I do not know the circumstances of the case she refers to but certainly data protection have already intervened in the publicity on some issues, particularly on road traffic accidents, so there may be a mechanism there perhaps which would achieve what the hon. member wants.

There will be ultimately a report from the victim support scheme but certainly I hope by October I will have a better idea of how the scheme has operated and I may well be in a position to give members an update at that stage as to progress or otherwise, but I would just at this stage like to put on record my sincere thanks for the volunteers, the people who are working with the victim support scheme. I think they have done an excellent job and so far, as I have said, I have heard nothing but praise for their efforts and I do believe they fill a very vital service to our community for those unfortunate people who are victims of crime.

The hon. member for Onchan, Mr Karran - again I thank him for his support. He has raised one or two issues which he would like us to look at. I, again, have mentioned this previously, that in embryo at this stage there is, for my sins, a Criminal Justice (Amendment) Bill - I think 2001 I guess it will be - in the early stages of collation and I would simply ask all members now if they have any issues they would like us to look at while we are progressing this Bill, please would you. . . Perhaps someone could pass on the message to the hon. member for Onchan. If members have any issues they would like us to look at, please come forward, do not hesitate and come forward and tell us well in advance what you would like us to look at because it is a bit late in the day when the Bill is finally drafted to suddenly be faced with quite important issues to try and react to off the cuff. So I would just make that offer to hon. members: come and talk to us if you have got a concern and we will see what we can do on that.

The hon. member for Onchan again, Mr Cannell, refers to defendants who are acquitted but publicised, and this issue in particular, I know, has had extensive coverage in the United Kingdom but for some high-profile cases. Again I do not know whether data protection might be a vehicle which could be used in this particular instance, but I am well aware of the very serious damage it has done to the individuals who have been wrongly accused and I have to say also the families of these people who are drawn into this web by vindictive prosecutions.

So it is something certainly we can have a look at and again if he would like to expand on the concern he has we will see if there is any necessity to include it in a forthcoming Bill.

Finally, the hon. member for Peel, Mrs Hannan, makes reference mainly to the police handling of this new legislation. It will take some time because it is a very complicated and wide-ranging Bill. It will take some time for all the elements of this Bill to become active.

The anti-social behaviour orders which the hon. member refers to I believe will give some assistance, some respite to people, particularly on housing estates, where there are troublesome neighbours. It is not, though, an arbitrary measure which will be used willy-nilly against people who are considered to be causing a nuisance. There is a clear process that the authorities will have to go through to take action against these individuals and I would simply remind the hon. member again, because she has raised this point once before, it is not the intention of the anti-social behaviour orders to throw people out on the street. It is not a measure for eviction. It is a measure to try and reduce noise and general nuisance from certain individuals, from certain families, in a particular area. So I can assure the hon. member it is not the intention of this Bill to be a short cut to evict problematic tenants, which I think is what she refers to.

She also has made reference to the victim support scheme. I would also just like to add on that that my understanding is that certainly the intent of the victim support scheme when it was set up was not just for people who are directly victims of crime, it is also there to give support to families and indeed the families of offenders in some cases who are the innocent parties and sometimes do have to suffer as well. So the intent, if not the practical application at this stage, is to ensure that the victim support scheme covers all victims whatever involvement they may have in a criminal situation.

So with that can I once again thank members for their forbearance on this Bill. It has been a long and complicated procedure to get to this stage but I do believe that the Bill will provide a measure of reform to the criminal justice system which will be of considerable benefit to the Isle of Man. So I beg to move, Mr Speaker.

The Speaker: Hon. members, the motion is that the Criminal Justice Bill be read a third time. Will those in favour say aye; those against say no. The ayes have it. The ayes have it.

Corporate Service Providers Bill – Council Amendments Considered

The Speaker: Item number 13, the Corporate Service Providers Bill, for consideration of Council amendments. Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker. The Legislative Council have proposed two small amendments which the Financial Supervision Commission have no objection to.

The first amendment is in clause 1 and schedule 1 and it is on page 28, in paragraph 6(1): for 'or alternate director' substitute ', alternate director or secretary'. This amendment only serves to clarify the position of a person who acts as a secretary by way of business.

The other amendment is in clause 2 and schedule 2 on exemptions and is on page 33 in paragraph 12 in sub-paragraph (1) after 'director', wherever occurring, insert 'or secretary'.

Mr Speaker, I beg to move that this hon. House agree the Council amendments, sir.

Sir Miles Walker: Mr Speaker, I rise to second the resolution by the hon. member, and when I am on my feet can I say that I look forward now to the implementation of this Bill. It has been a long time in its formative stages in getting through this House of Keys and the other place and now eventually back here and I look forward to its implementation because during the passage of this Bill there has been a view oft expressed in the private sector that because we are putting this sort of legislation into place the business that this Bill covers is not wanted in the Isle of Man and I would just like to refute that. The business that goes on in the Isle of Man, as carried on by the vast majority of corporate service providers, is business that is essential to a thriving and growing financial sector. The fact that it is being regulated does not mean we do not want it. It does mean, though, that there are some individuals carrying out this business that have not done it in the best possible way and have not perhaps had an eye for the reputation of the Isle of Man.

This is important legislation and I would just congratulate the hon. member the way that he has handled it and he has talked to the industry and spoken to the members and accepted the few amendments that have been put forward, but I look forward to the implementation of this legislation and its sensitive application by the Financial Supervision Commission.

The Speaker: Mr Braidwood to respond.

Mr Braidwood: Thank you, Mr Speaker. I just totally agree with all the sentiments expressed by the seconder.

The Speaker: Hon. members, the motion is that the Corporate Service Providers Bill Council amendments be now approved. Will those in favour say aye; against, no. The ayes have it. The ayes have it.

National Health Service Bill – Second Reading Approved

The Speaker: We now move to item 14, the Contracts (Rights of Third Parties) Bill, Mr Cannell.

A Member: He is not here.

The Speaker: Not here. We now move on to item 15, the National Health Service Bill, Mr Karran, for second reading.

Mr Karran: Vainstyr Loayreyder, the aim of the department is to promote this legislation, to combine and update the current primary legislation relating to the National Health Service on the Island. Much of the 1948 Act is still in force but now over 50 years old. A number of areas fail to meet modern-day requirements. When the Act was prepared, in common with other Acts at the time, it was very detailed and precise, leaving little room for changes and to move swiftly in order to meet the changes and needs of the health service.

In drafting this Bill the department has taken the opportunity to make this piece of primary legislation enabling in character so that more detailed elements of the National Health Service can be dealt with through subsidiary legislation, regulations and orders in another place.

It was, however, felt that it was appropriate to enshrine in primary legislation certain principal duties and responsibilities. These include the fact, subject to any specific provisions currently laid down in the Act itself, that regulations be made under the Act that services will be

free of charge; the provision of consultation with bodies recognised and representing the professions and the consultative bodies are established under clause 2 of the Bill; the maintenance of a list of practitioners approved to provide services under the National Health Service.

It is not expected this Bill will have any effect on public revenue or expenditure or personnel.

The Bill has consulted with many bodies at the present time: the Health Services Advisory Council, Noble's Medical Staff Committee, Ballamona Medical Staff Committee, hospital managers, including senior hospital staff, primary care managers, the Isle of Man Medical Society, Isle of Man groups, the GP sub-committee of the Medical Society, Isle of Man Dental Association, the Manx Chemists Association, the senior nurse adviser. These have been twice.

I beg to move the second reading of this Bill.

Mrs Crowe: Mr Speaker, I am delighted to second the National Health Service Bill 2000.

Mr Singer: Mr Speaker, I was pleased to have been able to attend the meeting last week arranged by the minister which was there to explain the background into the need to introduce the new Bill and its content. There is no doubt that the present Act needs revising, as much of it still relates to the 1948 Bill and therefore the Bill in itself is to be welcomed.

The proposals put forward must also be worthwhile, they must be practical, they must have a positive effect and must clearly define the way forward and it is this definition of the way forward that causes me a difficulty in that whilst understanding that this is primary legislation, as mentioned by the hon. mover, and that there is much detail to follow in the following regulations, my view is that any balance at the moment that one would expect between the two parts is not there. The primary enabling legislation presented in the Bill before us is extremely vague and gives no indication as to what will be in the regulations, which is the meat of the Bill, and the hon. member for Onchan may well wish to enlarge on the reasons for this but certainly myself and, I believe, other members would wish to be acquainted with current departmental thinking on what will probably be embraced in the secondary legislation in line with the hon. minister's intimation at the briefing that the department had already taken a view on various key issues.

The NHS Bill has a great influence on our lives, particularly on the sick and their families, and it is important to understand the total implications of the Bill before the next stage is reached and I say this for three reasons. Firstly, we have only one bite of the cherry, so to speak, and can either accept or reject the regulations when they come before us. Secondly, the regulations may well not be introduced speedily and we will either have a new Bill or a part Bill and we could be working with the old regulations which would be completely unsatisfactory. And thirdly, as this Bill is so important it would be helpful to study the department's detailed proposals and views so as to have the summer to comment to the department and discuss possible points of concern in order for the Bill and the regulations to be fully understood and amended if necessary so as to receive the wholehearted support of members at the next stage. I would therefore request of the hon. mover that the department's views and proposals are supplied to hon. members as soon as possible and I would welcome a positive reply from the hon. member of the DHSS on that particular item.

Having then made those comments as to the way I feel we should be proceeding forward with this Bill I would like to make a few comments on its contents and the need for greater explanation of certain clauses and also commitments which I consider should be there but are not proposed at this stage.

Under clause 2 there is no indication as to the make-up of the one consultative and executive body. If, as indicated at the briefing, it is to be of six medical personnel and six lay-persons I think this will be seen as a compromise accepted by neither side and therefore a recipe for disaster. I personally think we need at least two basic consultative bodies, one representing the medical profession, the server, and one representing the community, the recipient of the service, to initially comment on the consultative items. Representatives of both sides could get together as a joint committee to discuss their recommendations and iron out problems at a second stage if that is possible but one committee will not fully represent either side of the discussion if there is any large degree of disagreement.

A committee which disagrees amongst itself may at first sight be attractive to the department on the premise, 'Well, if you can't agree amongst yourselves, then we'll do what we want to do', but in the long term it would cause a total loss of confidence in the actions of the department by the medical profession and the general public. So I do think that this particular proposal does need further thought.

I would also like to see a greater commitment to regular peer audit in the primary legislation. Occurrences in the last couple of years, both here and across the water, have clearly indicated the need for regular checks on the standard of service and the competence of those providing the medical treatment. It is no longer acceptable for these peer audits to be on an ad hoc basis. In order to protect the interests of the patient, the nursing staff and the reputation of the medical profession these checks must be thorough, independent and according to an agreed timetable. This will encourage providers of the service to be up to date with the most modern techniques of medical surgery and medical provision. One cannot rely on errors only being discovered when something goes drastically wrong or expect other staff to blow the whistle, with possibly dire consequences to their own employment.

In relation to clause 4 I think we have to ensure that the removal of a patient off a doctor's list is justified and that a consultant cannot dismiss a patient from further consultation because they have sought a second opinion elsewhere and undergone treatment in line with that second opinion.

Clause 13 relates to the disqualification of a practitioner and it is essential that incompetent practitioners do not slip through the net and I think that this particular clause will now be much more likely to ensure that this does not happen.

When I was refused permission to introduce a Bill to set up a form of community health council suitable for the Isle of Man I was told that this would be covered within the National Health Service Bill. I cannot see such a provision being made in this Bill before us. There is nothing in this Bill which provides a body to represent the rights of the patients, a body which directly represents the patients and helps them on a one-to-one basis to understand and question the health service. There is no patient charter.

The consultative body which I referred to initially, which is in clause 2, will certainly not do this job. There is a vague reference there which says the department may establish

committees and other bodies. So I would ask the hon. mover directly: are you intending to provide an independent body, not only on matters of complaints, to be an intermediary between the health service and the patient under this Bill? The hon. member at this stage might also be able to indicate whether his proposed complaints procedure makes arrangements for an independent body to represent patients and the setting up of an ombudsman.

I do not wish to take up any more time of the hon. House at this stage, but I hope that what I have said explains my original comments, that it is important to be able to comprehend the full extent of this Bill, to have the time to understand the proposals of the department and then make a judgement as both understanding the department's philosophy and its proposals. Thank you, Mr Speaker.

Mr Duggan: Mr Speaker, I would just like to ask the mover regarding people having to go away for treatment. When we get the new hospital in situ and fully built and all the equipment in it, will it be possible to have more facilities there in order to stop people having to go away for treatment? They get very good treatment across, I understand, but then again it is a lot of trauma and stress for the families, so we need to have as many facilities as we can locally.

Mr Brown: Mr Speaker, I welcome this Bill and I specifically welcome what is quite an important matter within the Bill which is of course fundamental to the provision of the health service and that relates to clause 1. I am very pleased that the legislation is to reflect the original National Health Service Bill, or Health Service Act as it was, by retaining clause 1 which states that the Department of Health and Social Security shall continue to promote in the Island a comprehensive health service designed to secure improvement in the physical and mental health of the people of the Island, and the prevention, diagnosis and treatment of illness, et cetera. This is quite fundamental because of course we have seen a major, major change in the United Kingdom legislation for health services where in fact that has been changed and the result of that is that of course there is no statutory duty for the UK health service to provide such a facility, and this is a major matter, I believe, for the Isle of Man and therefore I welcome the retention and re-enactment in this piece of legislation to secure and for this legislation to ensure that the Isle of Man DHSS provide the service that we wish to see. Of course there is a provision to enable charges to be made as appropriate, as there always has been, but that of course will be a matter for another place, Tynwald Court, whether or not it wishes to support charges being implemented, but the main premise, if the House passes this Bill as it is, is to provide a free health service for the people of the Isle of Man, and in this day and age I think that is something we should be very proud of and I hope the House will support that, as I am sure they will.

One question I would ask for the hon. member is that under clause 16 of the Bill - and I will take this further because I had initially asked about this - it is there regarding school medical services and my concern is the exemption from that service for students attending King William's College and the Buchan School, the vast majority of whom are now residents of the Isle of Man because of the change in the nature of schooling at that school and I think that it is unreasonable not to provide that same service for residents of the Isle of Man who are students at those schools and I certainly would be looking to promote an amendment when this Bill comes back for clauses, as this is an issue I have raised previously with the DHSS, and I believe it should be included because of the fundamental change in education and the

people who are attending education at that school and therefore I will certainly just raise the issue with the member so he is aware of my concerns and, as I say, I will consult with the DHSS on this issue.

Mrs Cannell: Mr Speaker, I would like to concur with the comments and observations that were made by the hon. member for Ramsey, Mr Singer, because when we were discussing the implications of a proposed new Health Service Bill, which has been a long time in coming to this hon. House, we were assured that a proper formal procedure would come forward establishing the route for complaints. Now, we were actually promised that that would be up and running prior to the introduction of this legislation, but I have yet, as mentioned by the hon. member for Ramsey, to see it and it is certainly only paying lip-service, I believe, in this particular Bill in relation to that, so I would like some explanation as to also what the department thinking is and I believe it is essential that members are given the opportunity of having a look at least at the draft regulations before moving any further with this Bill in October.

Further to that there is just one other thing which we have been criticised for in the past and yet again we have an ideal opportunity with this particular Bill to insert something in to establish some form of credibility and that is in relation to statistical information on diseases, on cancer, on meningococcal, for instance, and that sort of thing. There is no presumption in here that the DHSS should keep regular statistical information on the health of the nation.

Now, in 1991 when Liverpool University did a health services review they were fairly critical in criticising at the time that we have insufficient information. Bearing in mind what came up in another place only just a week ago in relation to this sort of thing I would have thought it prudent to have included some kind of provision within this Bill. I would like some kind of advice from the hon. member whether or not his department has any commitment in relation to that, because it is essential, not only in the provision that the department should provide a health and social security, provide a comprehensive health service, but all the good things that are contained within this Bill are going to be fruitless if at the end of the exercise there is no onus on the department to keep up with statistical information so that they can properly monitor the health of the nation as we move forward in this century. Thank you.

Mrs Hannan: Vainstyr Loayreyder, I welcome the legislation. I am concerned that we introduce legislation for a number of issues and I suppose the same criticism comes up time after time - 'Why isn't this included and why isn't that included?' - but I would hope that the mover of the legislation can explain why some of the provisions are not included in this legislation and I would have thought the reason for that is that it can be changed. That it is not cast in tablets of stone, that it can be changed along the way to take account of some of the changes and changes of direction that the department wants to take from time to time.

There is just a number of issues that have been raised, because I think this legislation is pretty straightforward. It deals with all the issues that I think are of extreme importance to certainly my constituents, which are the provision of services, the need for nurses, health visitors, midwives and their provision and their operation and also ophthalmic and other services which certainly are provided in my constituency. I know in some smaller rural constituencies they are not provided. But I do see that the regulation within this legislation is a much clearer piece of legislation and I think it is a direction in the future.

However, with regard to the gathering of data, I would have thought that would come under the director of public health, which is not necessarily the health service, but it is outside of that and it is looking at the director of public health who gathers the data and makes pronouncements on that data and I know data has been put together, certainly on the amount of cancer that is available and other aspects with regard to public health and of course we should remember that public health is not really the National Health Service. The greatest advances in public health have been clean water, sewerage and those sorts of areas and really the National Health Service looks at dealing and treating with some of the illnesses that are created, but the major step forward this century, the 19th and 20th century, has been the public health and what we have been able to afford during that time to improve the health of the nation.

I am surprised that the member for Castletown suggested that he wanted more information about the school medical service because he did not elaborate on why he thought it should be extended to the private sector -

Mr Brown: Yes, he did: because they are all residents.

Mrs Hannan: He did not elaborate on why. If people are resident they are resident and they come under the National Health Service, not the school medical service.

Mr Brown: They do not.

Mrs Hannan: So the member did not move that. Now, people have chosen to go outside and yet the member is saying that they should be supported in the private sector and I am concerned, because I do not feel that the member did elaborate on why it was necessary to extend the medical services to schools.

Mr Brown: Because they are our children.

Mrs Hannan: If people are paying for education and they have chosen to go outside the system, then I believe it should be the school that organises the medical service in that particular area and it is being suggested that the medical service available for everyone else should also be available there when people have taken the decision to move outside of the state system, but I will be supporting the legislation with minor comments along the way. Thank you, Vainstyr Loayreyder.

The Speaker: Can I call upon the mover to reply? Sorry. The hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr Speaker. I am perfectly happy for the Bill to come forward, as it has been in the legislative programme for some considerable time and I have no difficulty with the Bill per se, that creates no problem. Looking through the Bill and trying to draw a line in comparison, I think in substance it is very much what we have, albeit perhaps not in such an up-to-date form and not substantially different from the fundamentals embraced within the present legislation.

I was grateful of course, as I am sure we all were, those of us who attended, for the briefing that was arranged by the department. That was very helpful. It gave us an opportunity of course to raise a number of issues and to seek a number of explanations from the department and from the law draftsman. Again that was very welcome. In the course of that briefing the minister did intimate, in response to particular issues that were identified by

members, that in respect of at least a number of these key issues the department had addressed their approach to these key issues and it was known to them as to what mechanism, if you wish, they intended to put in place, and at that juncture I asked the minister if she would be so good as to provide a supplementary brief for us, identifying these key issues and spelling out her department's current thinking in terms of what they were going to do about these key issues. I do not think the minister took exception to that at all, she was trying to be helpful.

Just going on now to one or two of the clauses which I would like to put down a marker on, clause 2, as has already been, I think, mentioned by at least one contributor, deals with the setting up of consultative and executive bodies, so that is quite an important enabling provision. It also, of course, allows the department to set up committees and other bodies for exercising departmental functions and I have no problem with that, with a large department such as the DHSS I am sure there is good reason to use that sort of delegated structure to get things done quickly and efficiently, but I am concerned that there is not a specific mention of, again, a matter that is dear to my heart and that is a community health council. I feel that this is essential for the Isle of Man, to have a community health council, there to be consulted in relation to the provision of services, there to monitor the delivery of those services and to report to the public on the delivery of those services, but also, I think, as happens elsewhere, to assist members of the public who need to be provided with a little guidance in considering how they are going to process or progress what they may consider to be complaints or grievances in relation to the department.

Now, I think the absence of a body such as that is a serious deficiency. The minister intimated of course that she did not have a body such as that in mind, but she did have in mind an advisory type of body with equal numbers of medical or professionals and lay people, but I cannot see how that type of body could fill the role, which for want of a better term I will call a community health council. Indeed I am sure it could not happen because you would have either an imbalance in terms of the knowledge within that council, the professionals versus the lay parties, or you will have a situation where there was no real decision of merit taken.

Now, I am sure the hon. mover will say to me, well this is a matter for secondary legislation, and I can appreciate where he is coming from in making that recommendation, but I would suggest to the hon. member that it should be available to each and every one of us in this hon. House to consider whether the matter should be in secondary legislation or whether it should be in primary legislation and we should at least have the opportunity to put before this House a proposition that we may have that a matter is of such importance that it should go into primary legislation, but of course it is very difficult to do that until we know specifically what is proposed. We can hardly jump in and say, 'Well, I'm for this mechanism', if we have not already had spelt out to us the entirety of the proposition that is going to be put forward by the department, and that brings me back again to what I believe is the importance of obtaining from the department this brief on these important key issues.

Related to that of course is a matter that has been under consideration by the department now for a considerable period of time, in fact years, and that is the complaints procedure. Again I appreciate we have been told there is a new complaints procedure which is about to be introduced, that it is imminent. Indeed the hon. member only a few months ago

floated past me some ideas in relation to that, but we still have not got this definitive complaints procedure.

Now, some of us may hold the view that that is such an important matter that that should be in primary legislation and it should not be left to secondary legislation where it comes before another place and we have the option to accept it or reject it but not to amend it. I think there is a world of difference between trying to arrive at a suitable mechanism through the processes available to us in putting in place primary legislation and the processes that are available to us in trying to do something similar through the secondary legislation. My own view is that that is such an important matter that at least the fundamentals of the system should be embodied in primary legislation and what I mean is, for example, if we are to have or not to have a health services ombudsman. I believe we should have a health services ombudsman. I believe that is vitally important.

Now, when the hon. member, very kindly some two or three months back, briefed me on his proposition, the line of appeal at that point in time was to be the hon. member himself. Now, with great respect to the hon. member, I do not think that that would represent a comparable mechanism to having an ombudsman in place and an issue of whether or not we have an ombudsman I believe should be confronted when we are dealing with the primary legislation, because you cannot go back afterwards. We either confront it now or we are into amendment Bills and leave to introduce and all the long lead time in trying to put that right. So that is certainly a second key issue about which I would be concerned and would wish to know what their approach on it is going to be before I would be happy with this Bill.

The third item that I would like to make specific mention of here, again I think that this should be in primary legislation, if for no other reason than I think it would strengthen the arm of the department in exercising the requisite control and here I am talking about peer audit over some of the very, very competent, and the great majority are very competent, surgeons and medical specialists, but we are aware of the problems that can arise and I think it is now broadly accepted that there needs to be proper provision for peer audit of medical services for specialities in particular. You could of course bring that through in an administrative form, and perhaps the department will suggest that in some way that is there now. They could bring it forward or seek to bring it through through secondary legislation, but I believe that that is so important to the health of this nation, it is so important to underlining the confidence that the public should have in the medical fraternity that that should be confronted in primary legislation.

Mr Speaker, as I say, so far as this proving the principle of the Bill, that creates no problem for me at all, but I do have these concerns which flow from the key issues and what I was going to ask the hon. member is, if he would be so good as to give us an undertaking now, before we even vote on the second reading, to say that within the next two or three months, well certainly within the next two months I would hope, he will arrange for us a complimentary briefing to address these key issues, just to explain to us the department's thinking on these key issues, so at least we will know the approach being taken by the department and we will have ample time before we come to the clauses stage in October or whenever that is going to be. We will have ample time to take legal advice and to prepare amendments if amendments should be needed. I do not think that is an unreasonable request

at all and provided he is able to do that, then, as I say, I have no difficulty endorsing this Bill for its second reading. Thank you, Mr Speaker.

The Speaker: I call upon Mr Karran to reply.

Mr Karran: Vainstyr Loayreyder, to the hon. member for Ayre, I would be quite happy to have him in if he makes a hit list, come into the Crookall House and we will see whether we can pin down the problems that he seems to have. I thought we had solved most of them, admittedly with the exception of the complaints procedure, because I want to make sure that we put in safeguards and one of the things that I have always been keen on is that secondary legislation is not just laid before Tynwald. It has got to be approved and that is something I have been keen on, that with any changes in the present legislative package you have to have approval of Tynwald and that is something which will give the opportunity to the hon. member as far as that is concerned. So I think there is no problem. If he wants to make out his hit list, we will be more than happy to have him up at Crookall House and go through his concerns some time in the summer recess. I want good legislation, and I think some points are naive but some points have valid reason, so we can have a look at that.

I think regarding his idea on his peer audit you will find that things are moving on that front at a rapid thing, but we have to be very careful and I have to be very careful because I had a situation where I had rather unparliamentary letters from my medical mates in our health services that were not very complimentary about myself and quoting hon. members in here had said to them how awful that nasty Mr Karran had been to you, and I do think that some in this hon. House have to be a little bit more consistent, saying one thing in here and then meeting them out in the golf club or at the lodge or wherever you meet them, saying other things to them, so consequently I end up being a completely unpleasant individual.

Mr Brown: Wait till you need an operation! *(Laughter)*

Mr Karran: As a committed socialist, I will be on the boat or the plane or whatever. *(Laughter)*

I have to be perfectly honest with you, Vainstyr Loayreyder I think the issue of peer audit is something which has been a matter of evolution and not revolution, especially in the Isle of Man, and I think the hon. member knows from his time as a member of the health services it is not easy to get these things sorted out.

I would say regarding his points about the complaints procedure that the proposed chairman of the complaints procedure has got the final draft. I thought I had given the draft of the details as far as the complaints procedure, because at the end of the day, as certain members have said, it could be me that was on the operating table or it could be my mum or my dad or my brother's kids or whatever. So it is not in my interest to cover up incompetency within the medical profession as the member for health, and I have to say that some of the comments are well meaning but actually counterproductive. The fact that they were going to come to me as one of the layers of appeal was actually an extra layer and gave them an extra bite of the cherry. Actually what has happened with the perception being seen is that it has actually taken that layer away, which would more likely have worked more in the interest than been against it because it would have been that extra layer that has been taken out, so that gave them another appeal.

As far as the point of an ombudsman is concerned I am quite known as far as my position as far as an ombudsman is concerned. At the moment the Council of Ministers have got a committee sitting looking at an ombudsman and I wish them well. I hope that they do not have the problems that I had sitting on a committee when we were described as the good, the bad and the ugly and I am not sure which one I was but the fact was we did not get anywhere there, but I do believe now there is a sincere commitment as far as an ombudsman is concerned.

The issue under clause 2 and this community health council and how wonderful it is - I think it is wonderful over here that members of Tynwald, the local MP, can be found in the Co-op, in Shoprite and when I first became a member of this hon. House my majority was six and eleven and I think that is a very good concentrator of the mind when not turning a deaf ear to constituents' legitimate complaints. So I think the fact is that we have really got that there.

What I am hoping in clause 2 is maybe one day we will see the administration committee back as far as the hospital is concerned, and I do have some concerns and I keep on lobbying to try and improve that. I believe the health service is special, like education, and it should be in the ownership of the people, and I think that that is the sort of thing that could be looked at, maybe we might see an administration committee, but I do think that with any moves as far as a community health council, especially with the fact that it has failed in the United Kingdom, I cannot see why it should improve here.

So as far as the hon. member is concerned I am happy to meet with him, come up with his hit list, if I can agree with his hit list, then we will support his amendment, if not, well we will come to a what-d'you-call-it.

The issue of the hon. member for Peel is quite right, every resident on the Island will have GP services, every child is not suddenly divorced from any medical treatment on the Island, but as far as I am concerned if the hon. member gets the approval of the Council of Ministers as far as whether King William's College or the Buchan are included in the school health service, that is an issue for him and the Council of Ministers and if he gets it, good luck. It is not something on my priority list that we need to lose a load of sleep over but that is what the hon. member wants.

I think the hon. member for Peel also put out the most important thing and that was that there would be the opportunity for more movement and flexibility with the approval of Tynwald than at the present time. There are many bodies that I sit on that meet once every blue moon that really are a nonsense and also many bodies where I would like to see a complete change over because they are not very useful at the moment, and I think this piece of legislation will go down that road.

I have already had the hon. member for East Douglas on about the complaints procedure. The position is quite simple at the moment: I am waiting for a complaints officer to be put in place. I have a chairman, I have at least two members on that body that will accept posts. I want a complaints procedure just as much as anybody else does because it is in our interests, because we do not want it covered up any more than you want it covered up.

On the issue of figures, well I have to say that there is a danger with data. I have data that would mean that I should be giving people awards for productivity, if I listened to some of the statistical information, and yet I know that is not the case. I believe it is important the issue

that she raises, that we need accurate and legible information. That is coming about: again evolution, not revolution. We have to bring people along as far as this profession. This profession has been unquestioned until recent times and I think it is great to see it starting to be pushed and it is on the hit list of the public health officer as far as data information is concerned. He is very keen on it and he is looking.

I would like to say that on the Liverpool University review I have to say that if you were asking me as a former member of the DHSS who was then thrown off meeting with this august organisation by a previous minister, if the truth is known, most of it was a dreadful waste of money as far as that review happened and basically, as I say, I think that is something as far as that is concerned.

The hon. member for South Douglas Mr Duggan wanted to know about waiting-lists and going away. Well, at the moment unfortunately to the hon. member, I am sending members away again on initiative. The department agreed with me this time but hopefully when we do get the new hospital we will be able to do more.

One of the big problems at the moment is our restrictions on operating theatres. The other problem I have is the fact that the medical establishment, as I had better not call them anything else, have very strong control over the operating theatres and there is a theatre user group and I have yet to get any sort of control as far as that is concerned. I would say that unfortunately the Gaiety Theatre group would be pure amateurs as far as trying to get control as far as their institution is concerned.

So I think the point is that the new hospital will mean more flexibility and that obviously has not really very much to do with the Bill but it is a point that the hon. member raised.

Mr Singer was on about the problems of having everything in regulations and improvements having to be approved by Tynwald. Well, it has been a battle to make sure that everything has to at least be approved. At one time it was, 'Oh well, we'll have it all laid and if people want to pick it up they can pick it up.' But we know what happens in practise when it is laid: it is never picked up because it is a bit of a nightmare. I think the point is that he is welcome to come along with the hon. member for Ayre with his points and if we can find some middle ground as far as that is concerned I am happy to listen.

On his point as far as the advisory council is concerned I think the fact that there are six lay people and six medical people, not just doctors, on that side is a good thing, and I think the problem he has had in the past is that the vested interest groups make their decisions behind closed doors with no accountability to anybody and when they do go to these other groups where they dwarf the lay input they are intimidated. I think the hon. member is premature to complain about this new body. I think this body, with the right sort of people on it and maybe changing the electoral college as far as the lay people are concerned - that might be a point so that they are not just department cronies - could be an argument, but I think he is totally wrong as far as that is concerned. I think he will find that that body will do everything that is needed in order to protect our citizens in there.

He talks then about the medical staff having to be made accountable, and I think we are all as one as far as that is concerned. I think it is important that hon. members have to relay that information to them when they are talking to them on a private basis in order that it does not always seem that the member for Health is some sort of anti-Christ to the medical

profession, because that is not the case. I think what I am trying to do is pursue the legitimate concerns of members in this hon. House who are representing their constituents' interests. I hope that this hon. House will support the second reading, it is enabling legislation, and I beg to move.

The Speaker: Hon. members, the motion is that the National Health Service Bill be read for a second time. Will those in favour please say aye; those against, no. The ayes have it. The ayes have it.

I think, hon. members, this is a suitable time for the House to adjourn for lunch and the adjournment will be until 3 p.m.

The House adjourned at 1.10 p.m.

Contracts (Rights of Third Parties) Bill – Second Reading Approved

The Speaker: Hon. members, we will now resume our business and I call upon the hon. member for Onchan, Mr Cannell. For the second reading, Contracts (Rights of Third Parties) Bill 2000.

Mr Cannell: Thank you, Mr Speaker, and firstly may I apologise for the discourtesy in not being present when the item was originally called. It was an inadvertence and I regret it.

Few know how I have waited for this moment to come (*Laughter*) as I rise to move the second reading of the Contracts (Rights of Third Parties) Bill 1999. It is a technical piece of law reform promoted by the Council of Ministers on behalf of the Attorney-General. Although the details of the Bill are technical, I will try, as a layman, to explain to hon. members the basic thrust of this Bill, but if I may leave the total detail to the clauses stages, which I expect to be in the autumn, when I may be in a better position to have fully mastered its implications.

A basic principle of the law of contract in the Isle of Man is that only the persons who have entered into a contract can enforce it. This was also the law in England and Wales until the Contracts (Rights of Third Parties) Act 1999 was passed at Westminster. One of the reasons for changing the law in the Isle of Man is to ensure that people on the Island are not placed at a disadvantage relative to those across the water. The more fundamental reason is that both in the Isle of Man and in England the rule that a person who had not entered into a contract could not enforce it created more than a few problems. The principle that a person who has not entered into a contract cannot enforce it is known by lawyers as the 'privity of contract rule'. It was established in the middle of the 19th century in England as a rule of common law. In an early English case, *Tweddle v Atkinson*, 1861, a couple got married. There had been a verbal agreement between the father of the bride and the father of the groom that the bride's father would pay the groom a sum of money. In the event the bride's father refused to pay up and the groom tried to sue him. On the basis of the verbal contract between the two fathers, the court held that the groom was not a party to the contract so therefore could not sue for the money. Despite the privity of contract rule being heavily criticised over the years, this principle has been maintained by judges. In another case in 1968, *Beswick v Beswick*, an elderly widow could not enforce a contract which had been made between her late husband and her nephew which required the nephew to pay her £5 a week in return for the husband transferring his business to the nephew.

However, I am advised that it is not just these homely examples where the problem which this measure seeks to rectify lies but in the commercial world. For example, on construction contracts the main contractor will often undertake responsibility to the client for the entire project, although aspects of the construction contract, as we all know, may be sub-contracted. These contracts contain standard provisions about obligations of care and skill in the construction, but under the contract, because of the privity of contract rule, the obligations could not be enforced under the contract by those who financed the development, nor could they by a tenant of the development nor subsequent purchasers. Other legal techniques like collateral warranties have to be used to achieve this desired result.

On insurance contracts the privity of contract rule poses particular problems for group insurance contracts. For instance, a group health insurance contract entered into by an employer for the benefit of employees cannot be enforced in contract by the employees against the insurer because they are not parties to the contract. Liability insurance contracts taken out by a building contractor for the benefit of sub-contractors, agents and employees could not be enforced by them for the same reason.

Travel contracts which are made by one person on behalf of a group of travellers - only the person making the contract can enforce its terms under the law of contract. So, for example, if a father booked a family holiday for his wife and children with a travel company which contracted to provide specified flights and accommodation, only the father could bring an action in contract for failure to provide what had been specified.

Hon. members, these technicalities may have quite considerable financial implications. In strict law, a person suing in contract could only claim for loss that they have suffered and not the losses suffered by others. As I have said, lawyers in England have had to devise various devices to get around this. Sometimes the courts have had to resort to doing it as well and I am informed that this is the case in respect of travel contracts, and I think in this instance this is where we probably ally ourselves more to the Bill, because I am sure that many of us have undertaken contracts on behalf of families or sports clubs et cetera. Nevertheless, the law reform body for England and Wales, the Law Commission recommended in a report in 1996 that the law should be changed to avoid all of these complicating factors and to a large extent get rid of privity of contract.

The recommendations of the commission were largely enacted in the United Kingdom by the Contract (Rights of Third Parties) Act 1999 and this Bill which we have before us this afternoon would make the same changes in Manx law and place both commercial enterprises and the private citizen entering into Manx contracts on the same footing as someone who now enters into contracts governed by English law.

It is a little complicated but I think we see the principle that the extension of the right for possible litigation can be extended to all persons involved in contracts of this nature be it something simplistic like travel arrangements or be it considerably more technical. I think it is to be commended and I would ask the hon. House for its support.

Mrs Crowe: I am pleased to second and reserve my remarks. Thank you, Mr Speaker.

The Speaker: Does anybody wish to speak? In which case is there any further comment the mover may wish to make, Mr Cannell?

Mr Cannell: Just to formally move, Mr Speaker. Thank you.

The Speaker: Therefore the motion before the House is that the Contracts (Rights of Third Parties) Bill be read a second time. Those in favour please say aye; those against, no. The ayes have it. The ayes have it. The Bill is read a second time.

**Misuse of Drugs (Cannabis) Bill – Second Reading Approved –
Bill Referred to a Committee**

The Speaker: I now move to item 16 on the agenda, the Misuse of Drugs (Cannabis) Bill, and I call upon the hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I started to write a detailed response to many of the points that have already been answered in leave to introduce and I decided that members had the answers and would not appreciate the repetition of keeping you here any longer. I think the hon. member for West Douglas put it quite right when he stated that Mr Karran's credentials as being a very fierce, outspoken critic of drugs put him in a good position to be the person who can handle the publicity that might be attached to this issue. I know that he fiercely opposes any softening to the drug culture on the Island and I would stand by that. So let us stop any nonsense today about going soft on drugs. This Bill is trying to help to stop very desperately sick people from being mixed up with criminals and drug abusers.

There is an old saying that I was brought up with: 'Judge not thy fellow man in his condition, but put yourself in his position.' I actually happened to be in this situation with two respectable friends of mine, the married partner with MS ending up with a row because the partner with MS said she was going to try cannabis when her condition got worse, whether it was legal or not, and there was me sitting in the middle of this row because the other partner was saying that he was not going to be made into a criminal. It must be a total nightmare scenario to see your loved one in a great deal of pain and there is nothing that can be done as far as traditional, medical intervention is concerned, and yet to be in the situation that you could end up becoming a criminal by doing something for the one that you love. I find it very cruel and in this particular case, these people, people who had never ever done anything illegal in their life, both of them. What a sad situation society puts some people in! The fact that very sick people in this country are being forced to mix with scum that push drugs for pleasure, especially among our youth in our society, is wrong and indefensible.

I was frankly surprised not only at the unanimous support for this Bill to get leave to help to use cannabis to ease the medical problems of MS but by the number of people who supported this legislation who are at the moment being forced to use it illegally. Admittedly, most of them do smoke it, but there were some that were taking it by other ways and I am sure, with the right advice and not being left just to try a good a job as possible, you would more likely cut down the numbers that are smoking cannabis illegally at the present time if they were doing it under medical supervision.

I had a sad situation only the other week, where a wife who has to face the horrors of this disease in particular, which would be the main persons I would see using this drug, but there would be other cases that would benefit. Some are very fortunate, but are very rare, in that they can have a remission that lasts the rest of their lives. Her husband has been fighting MS for some time with a bad heart condition, with a pacemaker, which aggravates the medical intervention in the first place. They have two young children. She has the problems of having a

husband whose health is not going to improve. She has the nightmare situation that he is the breadwinner and all of the financial headaches that are going to happen as it becomes more impossible for him to earn any sort of living. Apart from having the nightmare of having to live with a very sick husband who is unfortunate enough to be in acute pain with MS so he has been using cannabis to try and relieve the major pain that he finds himself in and says this is the only thing he has found that eases the pain, up to now, and he is, in the UK, under the consultants that are doing clinical trials at the present time, to add to all the problems that the wife has of having a very sick individual she gets raided like a common criminal with her children there. Is it right that the likes of her and her husband, who have got enough on their plate, should be subjected to this?

It is not only bad for them, but it is equally bad for the police. Their time is finite. Their having to deal with this sort of case must take up considerable resources which could be spent better in other ways. At the moment the police are in a no-win situation. They are the bad guys by penalising some very sick husband, yet they have to do their job because that is the law of the land at the present time.

Out of all the notes that came from the Council of Ministers there was only one valid point, I felt, of the many red herrings, and that was the point that if the person was licensed to smoke cannabis there should be restrictions in public places. I agree with that and I would hope that the medics who would prescribe this would not be looking at smoking anyway in the first place, but I feel they should have the flexibility. This could be dealt with under an amendment to my Bill but the medical professionals may decide that it is not preferable that the cannabis should be smoked in the first place, but I do feel that the doctors should be given the flexibility to decide what is the best way as far as that is concerned. But again, that could be amended at the clauses stage if members felt that way.

The only point that I would like to raise that came out of the leave to introduce is the point that came from the hon. member for Peel, not just a health professional, and we hear a lot about that and being a nurse, but as a wife of a GP, validating the power of the drug companies and big multinationals. They are extremely strong. I know that, as a member for Health and a member of the DHSS.

I was equally surprised at receiving so much support quietly from many in the medical profession. I hope this Bill will get a second reading. It is a very long way from being made law and we have a long parliamentary recess, the clauses, the third reading and then it goes to the Legislative Council.

I would like to clarify another piece of misinformation that seems to have been put out that somehow we are breaking international law. I fail to understand this when I see some countries who have gone a lot further than what I want to do in this piece of legislation, and yet they can manage to live within the convention that is there at the present time. Only last week we heard that Hawaii has legalised cannabis for medical use, just one of a number of states who are part of the United States, who are signatories to that convention - another red herring that seems to be getting put out as far as this issue.

I hope this hon. House will support the second reading of this Bill for the sake of the small minority who should not have to be treated like criminals, should not be forced to have to associate with the scum that push drugs to our young people for recreational use. These

people are sick people and this avenue should be able to be used if the medical professionals feel it is worthy of doing so. I beg to move.

The Speaker: Hon. members, those who feel warm may remove their jackets. I call upon the hon. member for Ramsey, Mr Bell.

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

Mr Downie: Mr Speaker, I will not be voting in favour of the second reading of this Bill today for a number of reasons.

First of all, I want to just identify to members of the House exactly what cannabis is and what controls are available under existing legislation. Cannabis as a substance is controlled under the Misuse of Drugs Act 1976, schedule 2. The Act prohibits the import, export, possession and supply of all controlled substances. Cannabis is placed in part 1, that is class A of schedule 2, and is subject to the highest form of regulation. The Department of Health and Social Security has the power under the Act to issue licences to allow the cultivation, importation and production and the supply of cannabis. The possession of cannabis can be licensed by the Department of Local Government and the Environment under section 5 of the Act. Therefore a mechanism exists where medical practitioners could apply for licences to permit the importation, supply and possession of cannabis, and this would enable the substance to be used for therapeutic purposes - all contained within legislation available today.

Now, the Medicines Act provides, in addition to the controls under the Misuse of Drugs Act 1976, any substances used as medicinal products are subject to regulation under the Medicines Act 1976. This department - that is, the Department of Local Government - has a statutory responsibility to ensure the safety, quality and efficacy of all medicinal products before issuing a licence. At the present time the policy of the department is that only those medicinal products which have been approved by the United Kingdom Medicines Control Agency should be used on this Island. Cannabis as a substance would be unsuitable as a medicinal product and it would need to be refined by the extraction of its active ingredients and be subject to recognised tests for safety, quality and efficacy. At the present time these tests are being carried out in the United Kingdom under the auspices of the Royal Pharmaceutical Society of Great Britain. The licensed medicinal product, nabilone, currently contains an active ingredient, which is a synthetic extract of cannabis. It is licensed for the prevention of nausea and vomiting caused by cytotoxic chemotherapy, and is used in persons who are unresponsive to conventional antiemetics. I would argue that legislation already exists within government and within the member's own department and he, in my opinion, should be pursuing that line rather than come before this House with legislation.

Now, just to broaden this a little bit, it is well known that proposals to legalise the medicinal use of cannabis or its extracts are the subject of debate in a number of countries, including the United Kingdom. Regrettably, however, there is little, if any, specific information on the possible timescale for the completion of clinical trials and the decision-making process which will then take place. What is known, however, is that both the UK and the Isle of Man are moving towards evidence-based decision making in terms of what should be available under the NHS. Such decisions will therefore take account of the outcomes of treatment régimes and the proven efficacy of drugs used. It is this move, therefore, that prevents some

difficulties for the Department of Health, who apparently do not support Mr Karran's Bill, and this has been outlined to him on a number of occasions during correspondence with him regarding the Bill.

I understand that discussions have taken place between Dr MacLean from the health service's Advisory Council, the Isle of Man Medical Society and the GP sub-committee of the society. The consolidated advice was that, as the Medical Research Council of the UK is sponsoring trials into the clinical effectiveness of cannabis, any decision as to whether cannabis should be permitted to be prescribed should be postponed until that evidence is clearly available. Dr MacLean has also expressed particular concern about the proposal in clause 7A of the Bill, which includes smoking the drug as one of the methods of use, and he points out that this carries the same risk as does the smoking of ordinary cigarettes and therefore should not be supported by a health department.

During last week I noticed a particular section which was in the *Daily Mirror* and I will circulate this to members: 'Cannabis Helps Cancer Tumours To Grow Faster. Cannabis was at the centre of new health fears last night after it emerged the drug could cause cancerous tumours to grow faster. People who take the drug are risking a dangerous "double whammy" effect on their immune systems, it emerged. Not only are they increasing their chances of lung cancer due to the high tar content in cannabis, they are also damaging their ability to fight all forms of the disease by taking the drug, it is claimed. Scientists in America have found that the major chemical compound of cannabis which give users a high is responsible for increasing the spread of cancer. The findings are a blow to the pro-cannabis lobby, which has gained ground in recent years with sufferers of the debilitating disease multiple sclerosis calling for legislation on medical grounds. Regular users who suffer from MS claim it helps ease distressing symptoms, and government-backed studies into the benefits of cannabis extracts are currently under way. Cabinet coordinator, Mo Mowlam, is said to be backing MS sufferers, but Home Office ministers fear Labour will be seen as going soft on drugs if it gives into their request. Earlier this year, senior doctors from two royal colleges delivered a stark warning over the dangers of cannabis, which is addictive as well as lung diseases which can be spread to psychotic episodes and to schizophrenia. The study by American scientists published in the latest edition of the *Journal of Immunology* yesterday revealed that the chemical tetrahydrocannabinol (THC) promotes tumour growth. It works by increasing immunity-suppressing chemicals in the body, meaning cancerous cells are able to proliferate.'

I have some sympathy with the mover of this Bill, but it appears to me to be extremely strange that he is completely at odds with the advice given by his department. He seems to fly in the face of the medical officer of health and all these other people who we rely on for strong medical opinion and, just to finish off, I want to read a letter that has been brought to my attention from the chief medical officer/director of public health, and was sent to Mr Karran on 19th May, the subject of which is the Misuse of Drugs (Cannabis) Bill, 2000: 'Peter, you asked me to comment upon the above Bill although, as you mentioned, you are aware that I have some difficulties with it. My general position on the Bill is, of course, well known to you and has not changed. In short, as you know, I am keen that we base our strategic decisions in health care provision firmly on an evidential base. To establish any other precedent would run the risk of undermining this stance - a stance which I believe to be in the best interests of the people of Man. We should therefore await the results of clinical trials currently being carried out. If

these trials demonstrate that components of cannabis are indeed clinically effective, then I would have no objection to the Bill going forward, but not until proof positive is available that we are advocating, or even condoning, an effective treatment. I have one further, perhaps more minor, problem with the Bill as it stands: a common method of taking cannabis is of course by smoking the drug, often in combination with tobacco. Given the extreme dangers of smoking, I would have preferred to see the option of smoking left out of your Bill, given that the active smoking tobacco carries with it serious risks to health. Obviously, taking cannabis by other means would not be open to this particular concern. In any case, I suspect that any therapeutic preparation is likely to be prepared in such a way that it would be taken rather than smoked. I do, of course, appreciate that you would have preferred more support from me on this Bill, but I would reiterate that my support really has to depend upon objective evidence of clinical effectiveness before taking such a move.'

Now, I am of the same opinion that the medical officer of health has taken and I think the member's move is premature and, if his advice has been strong enough to hold up a major plank of government policy like incineration, we should do the same when we are talking about legalising cannabis. Thank you, Mr Speaker.

Sir Miles Walker: Mr Speaker, when the hon. member for Onchan was on his feet moving this resolution, he made the point that he, as an individual, was not going soft on drugs. I take that point and I am sure that it should not be a reflection on the attitude of this House that we are not going soft on drugs either. The hon. member who has just resumed his seat made the point that this sort of legislation perhaps could give that perception, and I just draw the attention of members to the remarks made by the mover of the resolution.

Mr Speaker, as far as this Bill is concerned I am going to support it at second reading. I do so on the basis of the fact that cannabis resin may not be used on the Island until it is licensed by the DHSS, and I have no doubt at all in my mind that that licence will not be given until the clinical trials, again referred to by the hon. member who has resumed his seat, have been completed in another place. At that stage I think that if those trials show that the use of this drug for treatment of certain diseases - and the hon. member, Mr Karran, has been specific in his view that it is multiple sclerosis that he is concerned in - until those trials show that there is some use of this drug for the treatment of MS.

I have been involved with the Multiple Sclerosis Society in the Isle of Man since its inception, and I think it was 1972 so that is for 28 years that I have been vice-chairman of that organisation. Multiple sclerosis is a debilitating and miserable disease. (**Mr Houghton:** Hear, hear.) When I say it is a miserable disease, it is the disease that is miserable and not the sufferers because, thank God, it is not a disease that is mentally debilitating, and I have great regard for the sufferers of multiple sclerosis and their general attitude to life. To be inflicted with a disease that at this moment in time there is no known cure for is a matter of grave concern. I think if some assistance and help and relief from this disease can be given by the use of cannabis and if in due course that relief is proven by the clinical trials that have been referred to, then I think it is something that I would like, on a personal basis, to support. (**Members:** Hear, hear.)

I think this piece of legislation from the hon. member is well-timed, I am sure it is well thought out and I am sure it is well meaning. Mr Speaker, as the mover is a member of the DHSS and, as he very clearly states in this legislation, it will only be applied where a licence

from the DHSS is given, then I feel completely satisfied that we are on the right road and I am pleased to support this piece of legislation.

Mr Houghton: Hear, hear.

Mr Quine: Mr Speaker, I do not think there could be anybody in this House that does not have sympathy for what the hon. member is trying to achieve or what he believes he will achieve through this Bill. He believes he will achieve, quite clearly, some relief from at least those who suffer from MS and I can fully understand that; I can fully sympathise with that. Looking to the Bill it is, I suppose you could say, simple in the extreme. We propose to introduce a new section 7A to the Misuse of Drugs Act 1976 simply requiring regulations under section 7 to be made to allow cannabis or cannabis resin to be used subject to licence by the DHSS for named patients and for medicinal purposes and subject to a doctor's certificate, so that is all pretty clear, I think, and I have no worries about that in terms of what he seeks to achieve by it, but I do have to wonder whether it is as straightforward as all of that.

To my mind this raises all sorts of issues. Perhaps the first one is, of course, whether or not cannabis, in point of fact, can serve a medicinal purpose, and that is a matter which we have heard is under examination by eminent professionals in the United Kingdom and elsewhere and the jury is still out on that. I am not saying that MS sufferers have not claimed that it eases their burden, and that in itself can be no bad thing, but in terms of addressing the direct question of whether or not it has an efficacy in terms of its medicinal value, that is a matter which surely we do not have information on before us at this point in time to pass judgement on and the United Kingdom do not have it, because that is the reason why they are looking at this and why they are trying to come to a valued judgement in that respect.

Then, of course, we have to ask ourselves, if it has a medicinal value, if we could establish that, then who determines that it is the appropriate medicine for this particular situation. How does it relate to alternatives? How does one relate it in terms of the form of the drug and the content of drug? It seems to me that, reading the literature, these are again matters in respect of which no formal decision has been arrived at, and that does worry me because we could be jumping the gun, perhaps with the best of intentions, in trying to assist a very worthy cause. And in trying to look at this in absolute terms as one possible solution to the problem, I think what we are missing also is a valued judgement in terms of the alternatives.

Again, one can just do one's own research in this scenario and try to do the best you can off the literature, but in terms of the professional advice it seems to me that there are certainly professionals who argue the case very strongly that there are alternatives which would achieve the same end, and again, the hon. member shakes his head and I respect his right to express that view, but the fact is that professionals cannot arrive at a conclusion in this respect. They are still out in terms of pronouncing a judgement in respect of this matter.

Then I have to ask myself again, what are we talking about? I know where the hon. member is coming from and I respect his position: he is coming from it from the point of view of trying to help MS sufferers, but are we in point of fact trying to provide a situation where we are going to seek to prescribe or permit the use of this particular drug for one condition or for several conditions? Again all sorts of claims, substantiated and otherwise, could be made, given a legal foundation for the use of this drug for various circumstances, and that to me

seems to open the gate or leave open avenues which could be exploited by people that may not be as well intentioned as the hon. member in seeking to move this Bill.

Then of course, last, but not least, as we know when we consider use of drugs and misuse of drugs, which are two separate things, we have to ask ourselves that, having regard to the way in which this drug would be applied, certainly as suggested in this legislation, there are problems attendant, in trying to accommodate this particular use, which relate to not only the acquiring of this drug and the certification of the efficacy of this drug, the quality control on this drug but also to the storing of it, to the securing of it, to the counters of it being abused and misused, none of which are certainly addressed in this legislation. What concerns me greatly is a point made by one other hon. member here today, and that is of course in terms of the manner of consumption. This Bill makes specific reference to smoked or otherwise ingested, or otherwise used. Now, I have to ask you, of course, how do you police that? It is one thing for a doctor, if you could find a doctor, to say 'Yes, I believe there is some value in this drug and I am prepared to prescribe this drug and here you are, you can have this drug in your home to smoke.' How do you apply reasonable controls over that home scenario that evolves from that so as you do not have abuse of that drug? Very difficult. Indeed, I would suggest that to a large extent it is impractical to balance the need to allow legitimate use of that drug through that particular means of ingestion and at the same time apply reasonable controls against the abuse of that drug. I do not see how you can strike that balance. It would be very, very difficult.

I have the distinct feeling that if this drug has a medicinal value then there is a path to follow in making that drug available to the people who would benefit from it, and I believe that, from what I read, that process has been entered upon in the sense that in the United Kingdom we have certain trials that are under way where they are trying to evaluate this particular drug, and I am sure that those trials will embrace the form of ingestion of this drug, because it is quite a different matter for saying that this drug, cannabis or whatever its chemical component is, has a value and maybe used in this tablet form, for argument's sake, as part of a prescribed and licensed medicine. It is quite different from looking at it that way and looking at it from the point of view of saying, 'We are not sure about the value of this drug'. It will be very difficult, of course, for the DHSS to issue a licence under those circumstances, but even if they could issue a licence to say 'You can take this in the most rudimentary form that you can imagine - that is, the smoking of this drug with the problems that flow from that in terms of implications for the lungs and for other health problems that may emanate, I just cannot see a licence being issued in those circumstances and therefore I have to question whether it would achieve anything. Certainly this idea that we can brush that all aside and simply say 'You can smoke this drug because you get some feeling of betterment from that process' - much as all of us would sympathise with the people who are convinced in their own minds that this drug would help them, I think there is a national interest, there is a substantial public interest that cannot be brushed aside as we address this problem; it has got to be taken on board as part and parcel of this problem.

Mr Speaker, having regard to all of these matters - and I am cutting short what I would like to say in this Bill because I recognise the importance of the proposition - I feel that what the best service that we could provide to the public and, not least, to those who possibly could benefit from this is for us as a House to form a committee, sir, and have a look at this in some

depth. Let us try to marshall the arguments for and against. Let us look at it objectively and evaluate it, and with that in mind I would like to move that this Bill be sent to a committee of three members to investigate and report, sir.

The Speaker: Hon. member, you cannot sent it to a committee, with respect, until after the second reading has been approved.

Mr Quine: Point taken, Mr Speaker. I will be quite pleased to move that at a later juncture, but I think the point is made even at this juncture that perhaps we could bear in mind that that may be the way forward for us to look at this.

Mrs Crowe: There will be no-one more surprised than the hon. member who has resumed his seat if I say that I agree with most of what he says (*Mr Quine interjecting*) and I would like to ask the hon. mover of the Bill if the relief is available in any other form than smoking. I brought forward a private member's Bill to this House to raise the age of the purchase of tobacco to 18 because in a white paper that was published called 'Smoking Kills' I was made acutely aware of the drastic health consequences of smoking and I think it is now established that that is the case: smoking kills. Now, if there is another form available for the relief of sufferers of MS, if there is a tablet form of cannabis that has been approved by the regulatory bodies, fine, but what I would say is that if the ingestion of this drug is by smoking, then I am afraid I could not support it. I have actively campaigned to try and help and eradicate some of the early age of smoking, and any smoking we know now will kill you. That is quite definitely a fact. Smoking kills. Now, whatever else one might do to relieve the dreadful symptoms of MS, we do not actively want to encourage smoking.

I would say that I would agree with the hon. member for Ayre and that if it needs to be sent to committee for consideration I would support that, but I do really think that this drug should be available, if it is the case, in some kind of tablet form so that the relief can be obtained and the tablet, of course, will have to have gone through all the regulatory stages to gain approval and that is what I would suggest.

Thank you, Mr Speaker, and I would be grateful for clarification from the mover if it is available at this time in some tablet form that has gone through the regulatory system.

Mr Singer: Mr Speaker, I think some of the points that have been made today have been very important and do need consideration. The possible and probable positive effects of cannabinoids in the relief of the pain caused by certain diseases such as MS, AIDS and other diseases, whilst anecdotal, do seem to be generally accepted and, due to the presence of the cannabinoids - that is, the THCs we have heard about - that is the compound that is giving the relief. Now, the Institute of Neurology in London have shown in a strain of mice with a similar disease to MS that cannabis actually did reduce the symptoms. It is thought that with synthetic chemicals, tetrahydrocannabinol, which is a THC, is the active chemical in cannabis which gives that effect, but you can get a synthetic compound. So the discovery of this effect on the mice is pointing the way forward to new drug treatments, but moving away from cannabis to a properly controlled synthetic drug.

Medical opinion, however, is still looking at the evidence. The British Medical Association say that drugs extracted from cannabis and licensed should be legalised. I think that is an important thing to take into consideration as well, but meanwhile the Institute of Medicine in the USA, which was under a White House initiative, investigated the effects of cannabis.

There are 400 chemical compounds in cannabis; 60 are these cannabinoids - that is, the THC's - but unfortunately, as has already been mentioned, smoking cannabis also delivers harmful substances, including many found in tobacco smoke and therefore this particular committee, the Institute of Medicine, declared that there was risk and that risk they say can be overcome by the development of a rapid onset delivery system for cannabinoid drugs. The Royal Pharmaceutical Society has already been mentioned in this, and they did announce last November that they were seeking funding for a full trial of cannabis and they were going to undertake this trial in tablet form, whilst running it in parallel with the trial using of the synthetic THC's.

Now, the hon. member for Rushen mentioned 'Was there anything already available?' The answer is, yes, there is already something available. The THC's are available, but they are not licensed in the United Kingdom for the use against MS.

So there does seem to me the possibility of a great advancement if there is the will to produce cannabis-type drugs, but regulated drugs, to ease the problems of MS, AIDS and these other terrible diseases. But I believe that there is a problem in that this Bill as presented will make it difficult to police the use of prescribed cannabis and ensure that it is not used for recreational purposes by others; I think this is one of the problems. However, I do believe that we should be encouraging the investigations and trials into the use of THC's and also that the police and the courts should be cognisant of the use of cannabis by those genuinely suffering from certain medical conditions whilst these trials are being completed. However, I do not believe that this Bill, whilst well intentioned, takes into account the technicalities or problems that can practically arise within the community.

I am confident that our medical profession do support the BMA in their views and therefore this Bill is not the right way to supply medical treatment, but by legalising the THC's which, as I say, are available, and I would repeat again, I do think the courts can be a great help in the situation that we are now in, recognising the fact that cannabis in its present form is used for medical reasons, and if they did that it would immediately ease the situation of the sufferers on this Island.

If I could briefly refer to Sir Miles's comment on 7(a), where he said he was going to support this because it did say that it could only be issued in accordance with a licence issued by the department, but that licence would not be issued when THC is approved; as I read it, the department could issue the licence tomorrow in order for the doctors to prescribe cannabis resin or licence it without any definite approval by the BMA or any such group of people to whom we would look for advice. So I believe this is an issue of today, but I do not think it is an answer that we can get today. It is not the right time, we do not know enough, but I do think one of the things we can be doing as a government is to be encouraging the trials that are taking place so that we can have a speedy introduction of an acceptable form of medication containing these cannabinoids, because I personally believe that they will ease, and they have been proven to ease, the problems that people suffer, the MS sufferers and the other people I mentioned.

So I do not believe I can support this Bill at this present stage; I do hope, though, that we will see the licensing of the THC's and that we should be encouraging the licensing of the THC's so that we can then get a prescribed form to which everybody would be agreeable and we can get some relief for the sufferers. Thank you, Mr Speaker.

Mr Brown: Mr Speaker, I think one of the difficulties the House has is that we are looking at a two-clause Bill in isolation and not really referring back to the Misuse of Drugs Act 1976 of which this will become, if it is passed by the House, a component of that legislation.

The 1976 Misuse of Drugs Act provides all sorts of controls on drugs, the use of the drugs, offences, everything covering the medical fraternity, covering the individuals who may use drugs, so many of the points that have been raised by members about the control and the use of it or abuse of it are already provided for in our law under this 1976 Misuse of Drugs Act.

So if we put that on board we then look at the provision which the hon. member has put in in these two clauses. One clause we can forget because it is just the title, and therefore clause 1 is the main component. Clearly it is an enabling piece of legislation. Even if this House passes it in its format nothing will happen unless and until the DHSS are satisfied that there is a requirement to permit cannabis to be used in certain circumstances. So I do not think we need to overworry on that aspect - in other words, it ultimately is controlled. And again that is not unusual; most of the drugs that doctors prescribe are not generally available. They are controlled drugs, they are actually put on a list by the DHSS, Tynwald approves them for use and then they become a drug that is available on prescription, but they are not available generally, and if people did use them generally they would be committing an offence under the Misuse of Drugs Act, so there is nothing different there. Already doctors prescribe heroin; that is already done. That is an illegal drug; that is not a drug that we allow to be used generally, so I think we really need to just focus in on the basis of what the hon. member is trying to achieve.

Now, if we start from that premise that it is a component of a major piece of legislation, which provides all the safeguards the public are looking for, then all we are doing is saying, do we add another section into that legislation to allow for a use of another drug that at the moment there may not be a provision for? Now my looking at the Act is that it may well already be available for the DHSS to actually prescribe the use of cannabis under the existing legislation, because under clause 5 - and it is headed 'Restriction of possession of controlled drugs' and 4(1), which is 'Restriction on production and supply of them et cetera' and there are other clauses, it actually covers the Department of Health and Social Security prescribing the use of drugs. So why then, if they determine to prescribe the use, can't they say cannabis is one of those drugs they are going to prescribe at some stage? So I think there is a doubt there that I have in my mind.

I think it would be very helpful for the member who is moving this private member's Bill if he could clarify why he is not agreeing with the advice of the director of public health in terms of the use of this drug by smoking, if his Bill is successful, because I think that is quite an important question that certainly I would like answered: why the member believes, regardless of the advice he had, where he is endeavouring to pioneer, if I use that term, a piece of legislation, that he is flying blatantly against the advice of the director of public health in regard to smoking. I think all of us could say, 'Well, if it is in tablet form or if it is in a powder form or whatever, then that is clearly controlled,' but why does it need to be in a smoking form? I do not know the answer to that because I have not looked into it enough, and I think the member who is promoting it - at least I hope - has and can explain that.

I am certainly minded to support the second reading. Clearly, if the member cannot respond to the issue of smoking - and I am likely to have a concern about that anyway - then I

am one who would support, if a move is made to put it to a committee, to actually put it to a committee, because I believe that that would be very helpful for the House and I believe it would answer some of the concerns that we have and which I am sure the public would have, and I would also like to be clear that the Misuse of Drugs Act 1976 does not provide the DHSS with the provision already under that Act to actually allow cannabis to be used.

So those points are where I come from, Mr Speaker. I certainly, based on the evidence that we have had from another member about what the director of public health said, certainly would not support the use of this drug by smoking. I believe that would be inappropriate, but whatever, I think it is important that we look at this. One thing we should keep in our mind is if there is not adequate provision in the Misuse of Drugs Act 1976, it could actually be beneficial to the House to have an enabling clause to allow cannabis to be used, because if the United Kingdom, who we take a lot of our evidence from, decides that, yes, there is merit in using it, then it could be a year or two behind them before we get legislation introduced and passed through the House of Keys.

Mr Downie: They already have. Read what you are looking at.

Mr Brown: So if there is not permission in the Misuse of Drugs Act 1976 to enable this to happen, then clearly there could be a benefit to us enacting our own legislation and having it ready to go when we want it to go, and with that I certainly look forward to the response from the hon. member, because I have no problem in supporting the provision of access of drugs medically controlled, as we do with all medical drugs that are only able to be issued by a doctor or a GP. If this is another one that is going to provide help to those who are ill, then I do not have a problem with that and I do not believe the public do. The name might make people fear, but the controls are already there in legislation. So I look forward to the response from the hon. member.

Mr Corkill: Mr Speaker, as one of three House pharmacists I thought I would take the opportunity to comment.

Mrs Crowe: Advertising!

Mr Henderson: Hear, hear.

Mr Corkill: I have found the comments so far very interesting and very encouraging, I have to say, Mr Speaker, because medicines are important things. They are only substances, but at the end of the day they are substances which society treats in a particular way, and the whole process behind the research behind the legal aspects of particular drugs is to make sure that the benefit to mankind is maximised and that the deficit, the side-effects, minimised. That is the whole theory behind pharmaceutical medicine, and that is centuries old if not older - the principle behind that. And so I have been concerned about the way this Bill is constructed because I did not wish to see that principle being ridden roughshod over. I know the hon. member's intent is quite genuine, and the fact that he has persisted with this Bill despite the opposition from within the Department of Health I think shows how genuine he is in terms of promoting the cause behind this Bill, but I think, as the hon. member for Ayre went through perhaps firstly, there are many practical considerations to be taken into account, not least the licensing regime.

Now, whether we like it or not the Isle of Man generally is in parallel or in sync with the UK medicines licensing regime. That is what we follow; it is what we have. And so to produce legislation which actually jumps in front of what is happening in the UK is obviously going to cause problems. Now, I know the hon. member is likely to say 'Oh, well, we are following on the coat-tails of the UK,' but I think when there are very genuine reasons for that that there is nothing to be ashamed of in that, because at the end of the day as an Island we do not have the resources to apply, in the same way as the UK Home Office is, with regard to the research into cannabis.

Now, there is no mystique about cannabis. It is not really a particularly special thing in terms of what substances there are available to mankind. Up until the late 1950s it was prescribed anyway. It has been a prescribable medicine but of course in the 1960s it got a reputation for being abused, authorities clamped down on it more and more so, and eventually, in terms of its medicinal use, as far as I can understand it, the door has been absolutely slammed shut on it because of the abuse problems. That is what society has done to regulate it not just in the UK but in many other countries. Now, there is a shifting mood again, perhaps, that this substance could be useful, and the hon. member for Ramsey, my colleague Mr Singer, has explained the content of cannabis. I think it is very important because when I actually opened this Bill and saw that the smoking of cannabis was to be permitted, I was horrified because that does ride roughshod over that major principle of maximising benefit and minimising the side-effects. It does not make sense, and the trials which are going to be announced sooner or later - well, I do not bet very often but I would be absolutely amazed if it endorses the smoking of cannabis in terms of producing it as a medicine to the marketplace to people to take under certain circumstances.

Now, doctors are very free to prescribe many, many substances - not necessarily licensed medicines - to patients for particular situations, but at the end of the day that then also causes them problems with regard to litigation and the fact that they are prescribing medicines which are not licensed. And so there are some very real practical issues to be overcome and I do not believe this Bill as it is written does that. The position is going to come clearer in time, but I think we have to accept that we are not really masters of our own destiny here. We are able to promote our own legislation, we are able to pass this Bill as we so wish, but I really think at the moment it is not in the public interest to do that.

Now, with regard to MS sufferers, as Sir Miles said, it is a very miserable disease and a lot of MS sufferers do not particularly see this as the way forward for them, but there are some, quite a few, who do and they have obviously experimented and found that relief, and I think it is incumbent upon us as government, as the system, to make sure that we do actually produce the maximum help with the maximum safety, and I am not sure that that is in place yet.

So it really is difficult for me at this stage with my training and my thoughts on medicines to be able to support a second reading when I know that the facts are not there, that the facts are going to be soon but not now, and I really will be listening very carefully to what the hon. member has to say in his winding-up in order to get my support at this stage. A committee has been spoken of; maybe that will delay things enough for us to find out the facts and, let us be honest about it, if a committee does that then the UK information will be provided in due

course. At the end of the day the timetable of progress that the UK has is bound to have an effect on what we do here today.

Mr Shimmin: Mr Speaker, an interesting debate, but particularly interesting to me were the comments from two of the ministers, my hon. friend, Mr Downie, and the Minister for Transport, Mr Brown, the hon. member for Castletown. I was fascinated to hear from Mr Downie that this may already actually be within the powers of the Acts that we have available, and I would be very interested in finding out from the mover of this Bill whether that is the case, because that would appear to make this somewhat redundant if that is already available and the resistance is therefore within the Department of Health to actually activate or utilise the Acts that are already there.

Many of the comments the hon. member for Castletown, Mr Brown, made were ones which I would echo. It strikes me that when drafting this Bill the member was almost tongue in cheek with the comments on smoking or other use, because I do not think he believed in all honesty that that would actually get through.

Just as a layman's interpretation of why that might exist, the people who have experimented with the use of cannabis in order to try and alleviate conditions for which they can find no available medicines on the market at the moment - inevitably, if somebody is experimenting with cannabis to try and find pain relief, the most available form of that would be to actually smoke it, and when you are desperate to relieve pain the main advocate of use of cannabis for this condition by nature of the only available option for them is to actually smoke it. Therefore I am sure that many of those people suffering with these conditions who have experimented and have found some relief have used it through smoking. There is not an available alternative at the moment, which brings me to the next point.

I believe this Bill, however well intentioned and however enabling, if it indeed is necessary, is destined to go no further than awaiting the sort of information which the previous speaker has just spoken about. We all know that that, particularly after this debate, is on the cards. Therefore the department are unlikely to license anything until such time as the medical evaluations have been done.

Also interesting, the previous speaker talking about how cannabis was prescribed back in the 1950s, and I will be interested to find out in what way it was prescribed then. The mechanism of utilising that prescription certainly was a different world, and back in the 1950s smoking was perceived as being positively a medical benefit and therefore at those times it may well have been prescribed in that form. If not, I will be interested to find out in what form it was prescribed back in those days.

The main benefit, to me, of this Bill and the reason why I will support it at the second stage is what I do believe it achieves: it moves on the debate on the Isle of Man so that, as and when such time becomes available in the United Kingdom and all the medical hoops have been jumped through, the committee that is most likely to end up deliberating this Bill in the future has actually moved on the debate, and I am grateful to the member for that opportunity.

Again, agreeing with Mr Brown's comment's, I do believe the majority of the members of the public of the Isle of Man would have no concern about this type of use of cannabis to alleviate pain symptoms for people. The mechanism of delivering that pain relief they might question, but I think to the majority of people this would seem fair. Let us look after the

patients in whatever way we can. This Bill, I would think, is likely to be moved for a committee. I think certainly it will be amended so that smoking is removed. As such, with those understandings I am happy to support the second reading and I wish the member well.

Mrs Hannan: Vainstyr Loayreyder, in a way I am slightly disappointed with the reaction there has been to this legislation, because when the member came forward to seek permission to introduce, quite a few members spoke quite positively about this introduction of this legislation and the ability to use cannabis for medical purposes. I certainly supported it and I support it now. Certain members have said, 'Oh, well, it is there already within the Misuse of Drugs Act.' However, this morning when enabling legislation came forward, there was criticism. You have got primary legislation this afternoon, you have got legislation which is positive and you do not like it. You say, 'You have got it already, it is there,' but this is actually positive, it is actually saying that the elected members, the representatives of the people in this House actively support the use of a very complex but a very valuable drug, and what a number of people are saying this afternoon is that that very valuable and very complex drug should not be available to people who are in pain. (*Interjection*) I think it is all very well for people in here to say, 'Oh, no, it is not, you can do this and you can do that' and 'We will not do it until this and we will not do it until that' but people in pain and people who can get relief of some of the symptoms . . . We have heard about MS but also backache is another one which it is used for, and therefore to say, 'Oh, these people can wait' - some of these people cannot wait. Some of these people have conditions that we cannot possibly imagine, and yet to use this very complex and available illegal drug does help some of these people with this condition.

It has been illegal since the 1970s, but people were able to use it before that time and that is why it came into the Misuse of Drugs Act. However, as the member for Castletown has already said, really dangerous drugs that are much more addictive than cannabis are prescribed every day, day in and day out, and they are prescribed for people in hospital who tend not to get addicted to it there; they are prescribed for people who are terminally ill, and these are some of the conditions which you would be looking to use this particular drug with.

I was contacted by somebody who has experience of compassion clubs in Canada, and they are authorised there by a doctor and then these people can use it with a serious situation, which is virtually what we have before us here today. They are authorised; they have a licence, a certificate or whatever. They gain relief and they do not question its efficacy, because it works for them and they regularly use it when their condition becomes serious again.

I believe that these people use cannabis because there is no alternative, and this is what the people in Canada have made me aware of - that there is not anything else that gives that sort of relief. My concern is that we have this drug and people are not able to use it for medicinal purposes, but it is there and people do break the law, and I do not see there is anything in us bringing in legislation that might just help a few people even if they use it illegally. The legislation is there and maybe the courts will look on their condition in a bit better light, even if the Department of Health and Social Security does not authorise its use. It does not have to be smoked.

Mr Karran: No.

Mrs Hannan: It can be taken in other ways. Many people visit Amsterdam just to visit the coffee shops and I believe it can be taken in cakes.

Mr Downie: Not for medicinal purposes.

Mr Henderson: What does that mean?

Mrs Hannan: Sorry, what does what mean? It can be -

The Speaker: Address the chair, please, hon. member.

Mrs Hannan: Vainstyr Loayreyder, it is available in cakes and various things.

I think Mr Quine asked the question if it has medicinal value, and I think that a number of people would say that, yes, it has, and the MS Society do support it, and many people have supported it.

Comment was made about the synthetic drug. I believe the synthetic drug only uses part of it. It does not have the efficacy of the actual plant itself.

Now, if we were looking at the introduction of some drugs we might be in the same situation here today talking about aspirin, and we might say, 'Oh, you could not have that, it makes people's stomachs bleed; people can die from taking too much of it.' We know that, but it is a very complex, very valuable drug and it is also from a plant. It treats many things: it reduces inflammations, treats infections, so it has all sorts of added properties to it and therefore, when we are placed with legislation such as this - and I congratulate the member on introducing it - then I will be supporting it and I think we should get on to providing this facility for people and not carrying on all summer looking at it in a committee. I should we should get on with it. So I support the legislation, Vainstyr Loayreyder.

The Speaker: I call upon the mover to reply.

Mr Karran: Vainstyr Loayreyder, I thank the hon. member for Peel and her input. I think it is important that hon. members remember that this is about medical use, not about recreational use, but at the present time people with chronic health conditions who have no effective drug therapy are being forced to have to associate with the ones who are promoting and pushing the drug culture in this country, and that is what is happening because we are tied up in rhetoric, because that is what it is - rhetoric.

The hon. member is quite right there are other ways than smoking, and I find it rather amusing that I hear about smoking. I was the one that actually moved to the amendments to the hon. member for Rushen's Bill in the first place, so I am fully aware of the dangers of smoking.

I do not want this Bill to be seen as we are going soft on drugs, we are wanting to legalise it for recreational use, for being dealt out willy-nilly. We do not want it dealt out willy-nilly, and that is why it has to be prescribed for certain prescribed diseases and it has got to be prescribed how it is used by a medical practitioner. So if this Bill goes through you are not going to see people walking round with reefers all over the streets of Douglas; it is nonsense.

The hon. member for West Douglas, Mr Shimmin - I thank him for his support. The problem you have as far as the present legislation is concerned - it depends on who interprets

it, and it is very strange that, as the member for Health, it was totally impossible to do anything for these legitimate people who have no other . . . Cannot do anything - impossible!

Now, we are told at the 11th hour, 'Oh, there might be a way after all.' It does bring into question the undermining of the political heads of these places by civil servants if that is the case and it can be done, and I do not want to say that you should bake it in cakes, you should smell it, you should do whatever. It is not me; it will be the GP that does that. That is the reason why I have put in the Bill how the GP decides as regards how it should be used.

Going on to the valuable point that the hon. member, my colleague, said as far as this issue is concerned, he showed out one of the biggest chinks of light of the hypocrisy over this. This drug was used in the 1950s, even later than that, quite legally in this country and in the adjacent isle. It was actually used and shown as a proven aid for childbirth. That was one of the things that they used to use it for.

The reason why they changed the law - if they would have been taxing this I am sure they would never have made it illegal in the first place. That is the truth of the matter, but the point is they changed the law because it was being abused, but it was being abused like many other drugs, and that is what the hon. member does not seem to get over: the fact is, there are all these other drugs that can be abused at the present time that are presently legally prescribed but can be abused and are abused in some cases, and I am sorry, there might be the case where somebody might get a hold of an illegal amount of cannabis under this piece of legislation, but I think it is more important that I am not having the situation I had with one particular individual where their partner has left them because they cannot live with them any more because of their disease and they are rolling round in agony looking for someone to go and find some drug-pusher to provide them with the stuff. That must be wrong in this hon. House.

A Member: GP.

Mr Karran: It must be totally wrong. We are legitimising these scum-bags that live off pushing drugs by sending very desperately sick people. As I said in the beginning, I was in this incredible situation, unbelievable, where I had these two people who I have to make sure that I do not identify but had both respectable jobs - one had dealings with the medical profession, another had dealings with another profession - and had never been in trouble in their lives, and this is the sort of thing we are allowing to happen at the moment, and the real reason that the hon. member does not want any change in the law is because at the moment we have the system. We have the multinational drug companies and we have a situation where we have all got a nice set-up as far as that is concerned.

The issue is, this drug was used for specific medical conditions; for the last 1,500 years it has been known of for different medicinal purposes, so it is nothing new.

The red herring of smoking - if the hon. member does not want to give the GP the right to allow the drug to be smoked, then move an amendment. That is all the member has to do - move an amendment, but the point will be that this House will not be turning round and saying to anybody they can smoke it; this House will be saying to the GPs that are interested in prescribing this drug on strict guidelines by the department that they have given them the flexibility either way.

Mr Brown was on to me about the Misuse of Drugs Act. We have gone through the Misuse of Drugs Act as far as this is concerned and I have taken a lot of consultation as regards the health service, and the number of people who say, 'You are right, but don't put it in black and white.' The number of people who hold responsible positions that say, 'It is a bit of nonsense at the moment that we have tied ourselves up in rhetoric as regards the availability of this drug to be used.

I want it made quite clear once again to the member for Castletown: I do not want this thing being given out willy-nilly. If the doctors come up with a way of inhaling it, that might be the way forward, but that would have to be under the flexibility of the prescribing officer, which would not be me -

A Member: Thank God for that!

Mr Karran: - the DHSS, it would be a doctor that would be doing that and they would be making the decision about this. So I do hope the hon. member will support the second reading of this Bill.

Mr Singer made a very interesting point about the amount of chemical compounds that are within the drug, and he is no wiser than I am and most people are on why this drug works so well. The fact is, it does. The fact is, as my hon. colleague says, if we discovered the aspirin today it would be banned. That is the truth of the matter, and the hon. member who is the Treasury minister here says it, and that is the sort of thing that we have to weigh up. We have a problem at the moment as far as this is concerned. Is it right that we should be forcing desperately sick people to have to associate with drug-pushers to try this remedy? They should not have to at this present time and this Bill will put down the framework for that.

The hon. member for Rushen mentioned about using it in other ways, as the hon. member for Peel has said about putting it in cakes. Actually, people in this country put cannabis in cakes at the present time for the relief of their MS, and it all right people smirking that have not been rolling around in agony and have not found an effective way of dealing with their pain, because there is a big saying 'Judge not thy fellow man's condition but put yourself in his position'. When you talk to these people and I was surprised at the number of them that I talked to - respectable, responsible people who have turned around and said that they would never have dreamed of it, but they are in a corner. Should society push them over into the criminal fraternity in order to be able to use this medicine?

Hon. members, I think most of you will have made up your minds as far as -

Members: Yes, vote!

Mr Karran: - this Bill is concerned. I hope that you will support the proposal in front of us. It would be a valuable piece of legislation. As the member for health, I may not have many in the health profession that are prepared to say anything in black and white, but I can assure you there are a lot of health professionals who sympathise greatly with this Bill, so I would hate it to be seen as some sort of fringe move. It is not. Vainstyr Loayreyder, I do hope this hon. House will support it.

The Speaker: Hon. members, the motion is that the Misuse of Drugs (Cannabis) Bill be read a second time. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr Speaker. I would like to revert to the proposition I mentioned earlier, and that is to move that this Bill go to a select committee of three members to investigate and report. I think we have had a very interesting debate on this Bill and I think we are all the better for having had that debate, but the issues, notwithstanding as I have said before the best intentions of the hon. mover - I know where he is coming from - I think there is not necessarily a more important but a wider public interest that we do need to address before we enter into primary legislation of this nature, no more and no less than that. I do not think the objectives that he is wishing to advance would be any the worse off for this Bill being examined in detail by a committee. There are important issues and I do not wish to regurgitate all that has been said, (**Members:** Hear, hear.) it has been identified already and I think they are self-evident, but I would simply wish to move:

That the Bill be referred to a select committee of three members to consider and report.

Mr Cretney: I beg to second, sir.

The Speaker: Hon. members, the motion before you is that the Bill be referred to a committee of three members to consider and report, moved by the hon. member for Ayre, seconded by the hon. member for South Douglas.

Mr Cretney: Vote!

The Speaker: Open for debate? Right.

Members: Agreed.

The Speaker: Those in favour say aye; against, no. The ayes have it. The ayes have it. Right, we now need three nominations for three members.

Mr Downie: I move the member for Onchan, Mr Karran, Mr Speaker.

Sir Miles Walker: I beg to second Mr Karran's nomination, Mr Speaker.

Mrs Cannell: Mr Speaker, I would like to move the -

The Speaker: Quiet, please. (*Laughter*) It is all right, I am just taking instructions. (*Laughter*) Right, the first nomination is the member for Onchan, the mover of the Bill, Mr Karran.

Mrs Crowe: I would like to move my new hon. colleague for Rushen, Mr John Rimington.

The Speaker: Mr Rimington proposed, seconded by -

Mrs Cannell: I would like to move Mr Rodan -

The Speaker: No -

Mr Karran: I second that.

The Speaker: Mr Rimington seconded by Mr Karran.

Several Members: Go on Brenda, go for it!

Mrs Cannell: Mr Speaker! (*Laughter*)

The Speaker: Hon. member, we are taking nominations proposed and seconded one by one. Yes.

Mrs Cannell: Thank you, Mr Speaker. I would like to nominate Mr Rodan.

Mr Duggan: And I would second that, sir.

Mr Braidwood: I propose Mr Houghton, Mr Speaker.

Mrs Cannell: I beg to second, sir.

Mr Cretney: Could I propose the hon. member for East Douglas, Mrs Cannell?

Mr Downie: I would like to second that, Mr Speaker.

Mrs Hannan: Could I propose Mr Cretney?

Mrs Cannell: I beg to second, sir.

Mr Cretney: Are you being facetious now?

Mr Brown: I propose nominations close, Mr Speaker.

The Speaker: I now have six nominations. Are there any other nominations?

Mr Karran: Mr Speaker, I would like to propose the hon. member for Ramsey, Mr Bell, who is the Minister for Home Affairs.

Mrs Cannell: I beg to second, sir.

Mr North: I propose nominations be closed, Mr Speaker.

Mr Duggan: I second that, sir.

The Speaker: The nominations are now closed. I will read out the nominations to date: Mr Karran, Mr Rimington, Mr Rodan, Mr Houghton, Mrs Cannell, Mr Cretney and Mr Bell. Has everybody got a paper? Hon. members, I will ask the Secretary now to read out the names. There are three nominations.

The Secretary: Mr Speaker, there are six nominations for the three places. In alphabetical order, Mr Bell -

The Speaker: I am sorry, there are seven, sir. *(Laughter)*

Mr Cretney: It has been a long day!

Mr Duggan: Too much wine, boys and girls!

Mr Henderson: Symptoms of lunchtime! *(Other interjections and laughter)*

Mr Singer: It is the wine, it is the wine!

Mr Braidwood: Typical lawyer!

The Secretary: In alphabetical order the seven are: Mr Bell, Mrs Cannell, Mr Cretney, Mr Houghton, Mr Karran, Mr Rimington and Mr Rodan.

The Speaker: Tellers - Mrs Hannan and Mr Braidwood.

A ballot took place.

The Speaker: Hon. members, the result of the ballot is as follows: Mr Bell, 9 votes; Mrs Cannell, 7 votes; Mr Cretney, 2 votes; Mr Houghton, 6 votes; Mr Karran, 17 votes; Mr

Rimington, 12 votes; Mr Rodan, 13 votes. As it is a majority of those present and voting the following three are elected: Mr Karran, Mr Rimington and Mr Rodan.

Members: Hear, hear. (*Interjections and laughter*)

Constitution Bill – Second Reading Approved

The Speaker: Hon. members, we will now move on to item 17, the Constitution Bill for second reading, the hon. member for Onchan, Mr Cannell.

Mr Cannell: Thank you, Mr Speaker. The object of this Bill as described in the explanatory memorandum is to provide for the popular election of 33 members of Tynwald, from whom the President of Tynwald and eight elected members will be chosen, the remaining 24 constituting the House of Keys.

The principle of having all members of Tynwald elected by the public has been generally accepted by both branches and by Tynwald as a whole within reports of committees after considerable discussion and consideration.

The Bill before us today is not the one that I originally asked the legal draftsman to prepare. It varies in one major aspect: my original idea was that the 33 members elected to Tynwald should not include the President but that nine should go into the Legislative Council. The President would continue to be elected by the present method, which meant that the newly elected President we have just put in would be up for re-election in July 2001. My first reaction on receiving the Bill from the legal draftsman - and I would like to apologise to hon. members for the second time today for two typographical errors in it which I shall refer to later - was to ask him to redraft it in line with my original request, but on reflection I could see certain advantages in the method in the Bill and I thought that this hon. House should have the chance to consider it.

Under the present system the President is elected by the members of Tynwald for a five-year period from the July preceding a general election and, as long as he or she finds favour with the membership, has no need to face the electorate again, but there are disadvantages for a full-blooded politician occupying that office, and I might respectfully suggest that that is one of the people concerned who we have in office at the moment. He or she has no say in policy-making, and his or her voting powers are restricted to a casting vote to bring the branches into line where a motion is carried by the House of Keys and there is an even division in the Legislative Council. If he or she should upset the majority of the members of Tynwald, then he or she can be removed by them and then find him or herself destined for the political wilderness at least until the next general election and maybe beyond that if his previous seat in the Keys has been taken over by a person who proves more popular with the electorate.

Under the Bill as drafted he or she is one of the 33 elected members of Tynwald, elected of course by public franchise, and quite obviously, as such, must be given wider voting rights than under the present system. He or she should be in the same position as the Speaker of the House of Keys, thus able to vote or abstain on all issues but still retaining an additional casting vote in Tynwald to bring the branches into line. This can be dealt with in subsequent standing orders.

There is now a move afoot, the Constitution (No. 2) Bill 2000 where a private member's Bill seeks to remove the President of Tynwald from the joint role of President of the Legislative Council. If this should succeed it will leave the President of Tynwald with almost nothing to do.

There has been some agitation in quarters that the President of Tynwald should preside at St John's in place of the Lieutenant-Governor on Tynwald Day. Under the present system there is no justification for that. The President, having relinquished his role as a public representative, represents no-one. He is in the same position as the present members of the Legislative Council, not popularly elected by the public, and this Bill as drafted is designed to correct the situation as regards the Legislative Council and it could do the same for the President to give him or her a more positive role.

I have gone into some detail to explain the reasoning behind the rest of the Bill and I was not certain in which order I should present this to hon. members which would be deemed to be the most contentious. Having written this speech, I now realise that perhaps it should have been the other way round. At present we have eight single-seat constituencies, five two-seaters and two three-seaters - 15 in all. The number of voters in each constituency varies from 1,704 in Glenfaba to 6,431 in Rushen and 6,623 in Onchan. Ramsey catches up fast with the latter two, 5,355 voters, and two of the Douglas constituencies have well over 4,500. The total number of voters in the Island at August 1999 was 54,123 which, divided by 33, averages out at 1,640. The electorate expect candidates to make personal calls on them wherever possible and quite obviously, as I am sure our welcome new addition to the House of Keys has found and indeed I think said, is quite impossible particularly with the short term of his run to the by-election, as indeed was the case in my own election. But even at a general election to get round the number of voters which I have illustrated - up to 6,600 - is exceptionally difficult if not impossible.

So, taking all the figures into consideration and trying as far as possible to retain the present parish boundaries I went out to consider 33 single-seat constituencies for the Island. But, as many others no doubt before me have tried, I found it very, very difficult to get an even split. Certain areas can be split without much trouble; others prove much more difficult without crossing the parish boundaries which are so enshrined in tradition. I finally decided, therefore, to go for a mixture of single constituencies and two-seat constituencies - seven singles and 13 two-seaters, 20 constituencies in all. The number of voters in each constituency will vary between 1,545 in the single-seaters and 3,759 in the two-seaters, but of course that must be divided by that two, which would be 1,879. So with an average, hon. members, of 1,640 that is within a fighting distance.

Besides making it easier for candidates to canvass the whole of their area it also reduces election expenses for those in smaller areas, indeed in the case of Rushen and Onchan by half. The only parish boundary I had difficulty with and had to disturb is that of Braddan where it was necessary to tie North Braddan with Lonan and Laxey - unlikely bedfellows, I am sure you would agree -

Mr North Ridiculous!

Mr Cannell: - but a glance at the map will tell you that the predominance of the area actually does settle on Hillberry, Creg ny Baa and round into Garff, so it is not ridiculous, as is

being averred from my hon. colleague to the rear. I was tempted to say in the rear stalls.
(Laughter)

I have tied North Braddan with Lonan and Laxey for a two-seat constituency but it can be avoided if the whole of Braddan is left in Middle to form a two-seater with 2,976 voters - of course, divided by the two, so that is near the average-leaving Lonan and Laxey as a single-seat constituency. At present Garff is a single-seat constituency with 2,948 voters; the present Lonan and Laxey would be 2,255. It sounds, I know, a little mathematical and I am sure the figures mean little until they are actually produced on to a map, or a spreadsheet as now it would be in this computerised age which has not quite reached my shores as yet.

I have no hard and fast views on this; indeed, I am flexible on the whole measure. Members will, of course, be aware of my ambitions that we should achieve public franchise elections of all members of Tynwald. The sole purpose was to achieve a more equitable share of the voters to balance that out. But these are matters which can be easily adjusted at the clauses stage, and I am sure you will give me the confidence of enjoying the second reading to reach the clauses early next season.

The explanatory memorandum at the beginning of the Bill gives an outline of the various matters included in the clauses and indicates the steps to be taken in the election of the various officers - as I have said, first the President, then the Chief Minister, the eight members of the Legislative Council and so on, but again the clauses stage, which I have my notes with me for but clearly are not before us today, can embrace all of those ambitions.

I referred earlier on to a couple of typographical errors. I regret these but they do embrace, in fact, two of the scheduled constituencies and although it is not down for amendment today they are typographical in that on page 13 'Ayre' should be 'Andreas, Bride and Jurby'; 'Lezayre and Maughold' should be 'Lezayre and Maughold', clause 7, schedule 3; that will be circulated as an amendment when the time comes.

Talking of the time, it has been a long day but I would advocate that members give this every seriousness. It is the final Bill of this season in this hon. House. I heard mention this morning of the Bishop and the role that he might face by not having a vote. I would remind hon. members that in fact there is no entitlement whatsoever to have that. While we would quite welcome the Bishop and quite a few other people's input to our daily workings, there does not seem to be any precedent for an unelected representative to enjoy the same power as people who have gone to the trouble of being publicly elected and my research tells me that in fact the Bishopric of Sodor and Man has been under threat for 164 years anyway, so it is about time, even in the Isle of Man's *traa dy liooar*, that we are getting down to doing something about it.

The Ecclesiastical Commission of England and Wales recommended in 1836 that the Bishop of Sodor and Man be incorporated into the see of Carlisle. In 1875 there was a strong move to amalgamate with Liverpool which was supported by the then Bishop of Sodor and Man, and the MacDermott Commission much more recently, 1959 - that was just at the beginning of my career with the media and I remember it - the MacDermott Commission, that is, not my involvement with the media at that time - whilst recommending the Bishop should continue to be an ex-officio member of the Legislative Council, added, 'However, this conclusion does not mean that the Bishop should be expected to take a full and active part in

all the deliberations of Tynwald. Controversies may arise in which it would be better on account of his special position that he should not participate nor indeed have to record his vote.' That is one instance of where we deal with a particular item from this Bill which I am sure members will recognise as probably my final attempt to satisfy my manifesto pledge to reform the legislation and which would enable a publicly franchised Tynwald in its entirety. So, Mr Speaker, I beg to move the second reading of the Constitution Bill 2000.

Mr Quine: I beg to second and reserve my remarks, sir.

Mr Karran: Vainstyr Loayreyder, I am afraid that I shall not be voting for this Bill. I do not see how in practical terms it could work. You fight an election and then you have this cosy little tea party (*Laughter*) - oh, yes, and you will go up to the upper House to live (*Laughter*) or stay downstairs as your preferred place to go.

Mrs Crowe: I am thinking of our house, Peter, do not worry!

Mr Karran: As I say, I just do not believe that this is realistic, achievable in its present form. I am sure, if the hon. member wants to go to a committee on it, I would support that on the understanding that the hon. member for Onchan is not put on the committee. (*Laughter*)

Mr Brown: That has secured your place! (*Laughter*)

Mr Corkill: East or West?

Mr Karran: I think the problem you have got is that with this piece of legislation the principle of what to do with the Legislative Council as far as it being elected is concerned is an issue, but I do not believe that this Bill will actually achieve anything in real terms. I think that it is well-meaning from my colleague but it is naive if they think it would work. I honestly feel that one could not support the Bill; unless I have completely misread the Bill I just do not believe from my experience in this hon. House that it would work. This nice idea that you become a member, you stand for election and then you are going to go to a revising chamber - but you cannot be political then - is crazy. Personally my stance has been over the Legislative Council that I would do away with them - not euthanasia, but I would do away with the Legislative Council. I think they have let us down badly in the past on certain Bills. When some of us lived under siege who had to face a public mandate and were prepared to stand up and be counted, they went running and pandered to the bigots at best they could be argued and some of the thug elements as far as the other elements as well. So as far as I am concerned, the principle of a Legislative Council as a revising chamber was lost when they did not support that, but to say that they are going to be elected on this basis, I believe, is naivety; it will be a matter of pushing up people that you do not like, so that means I would be in the Legislative Council (*Laughter*) -

Mrs Crowe: 'Karran MLC'!

Mr Karran: I would almost certainly end up being President of Tynwald if by no other way than being put through this piece of legislation - (*Laughter, Mr Brown interjecting*)

I cannot support the reading of the Bill. I appreciate the hard work that my hon. colleague has put in but I cannot support the Bill at the present time.

Mr Singer: Mr Speaker, the principle of the Bill is acceptable to me, the provision being that all members of Tynwald are elected, and I felt that the majority of members of this hon.

House would support that proposal that the majority of the members within Tynwald should be elected.

There are, however, two matters which I do think need greater thought. The first is the one that was dealt with in detail by the hon. mover - that is, the division of the Island into the constituencies as shown within this Bill. I believe that those proposals are totally out of balance, and I would be interested to hear the views of hon. members in regard to the proposals for their own constituency. It is not just a matter of trying to equalise the number of voters for each constituency but also whether the make-up of the constituency is representative of the area or whether in fact the area to be covered by its elected member is unmanageably large, and the member for Ayre, according to this, would have to buy a bike! A lot of work therefore needs to be done.

The other main point which I wish to raise is in regard to the future position of the Lord Bishop in Tynwald and this was dismissed by the mover as rather an unimportant item. I do not believe that this is an unimportant item. (**Mr Gilbey:** Hear, hear.) It is very simple to say that his vote should be taken away because his name has not been placed before the public at a general election. It is too easy to equate his position with that of the Attorney-General, which is done in the same sentence in this Bill. Taking that point first, I would contend that there is no similarity, the Attorney-General being the adviser on matters of law to the government. The Lord Bishop is not an adviser to the government and his appointment is made on behalf of the people by a democratic process. There is also no doubt in my mind that the Bishop speaks for all the Church denominations on the Island and that he gives the wider Church view, and I believe that this Island should hear those views. If the Lord Bishop did not have a vote I think one might question why he should be present in Tynwald at all and that his role might purely be attending on ceremonial occasions.

A Lord Bishop of Sodor and Man, I am told, understands on his appointment that he is expected to attend and speak and vote in Tynwald particularly on matters of conscience, and I would say that in recent and present times the Lord Bishop has adhered to that policy. On such matters he consults with the other Churches before he speaks and is expected to represent those Churches and their congregations, and that, I would contend, is clearly demonstrated by being able to vote in Tynwald. The Lord Bishop is not here to be our spiritual leader but to represent the Church's views in the Tynwald parliament. If he was to be present purely in an advisory capacity, then I would suggest that his role would be considerably diminished and would perhaps set in motion circumstances that would not be to the Island's benefit.

This Bill wishes to see the members of Tynwald popularly and democratically elected. I would expect members would agree that the Lord Bishop cannot be elected in this way. However, the election of Lord Bishop, as I said before, is democratic and complies with the wishes of the democratically elected commission which in turn is democratically elected by the Synod, which itself is democratically elected by the members of the Church. All this is after the archbishops' have taken soundings on the Island among the Church representatives, the Chief Minister and others. The Church here on the Island can put forward suggestions for candidates, and when the Island's four representatives meet the elected member of the appointments commission and the two archbishops in order to make an appointment, it is the accepted position that no-one is appointed to the position of Lord Bishop without the

agreement of the Island's representatives - that is, a Lord Bishop will not be foisted upon us. So I would say that there is a well-trying democratic process in force in regard to who becomes our Lord Bishop. (**Mr Quine:** Hear, hear.)

Another important consideration is that this Island has had a bishop since 446 AD, the first being Saint Germanus, and our history is very important and relevant. We had a bishop 500 years before we had Tynwald. This is relevant because in recent times there have been suggestions, as were mentioned by the hon. member, that the Diocese of Sodor and Man may be incorporated into either the Diocese of Liverpool or Carlisle and would in fact disappear. In view of our moves toward greater independence and control of our own destiny, I believe that would be a retrograde step (**Mrs Crowe:** Hear, hear.) and I hope that members would take into consideration that the weakening of the Lord Bishop's position could commence the setting in motion I referred to earlier of circumstances that would not be to the Island's or the Church's benefit.

I would therefore ask hon. members to take these points into consideration. Whilst quite rightly wishing to see a popularly elected government, I think we have to think carefully when defining the future role of the Lord Bishop before taking away much of his present role in Tynwald. Thank you, Mr Speaker.

Sir Miles Walker: Mr Speaker, I am no more endeared to this Bill now that it has been produced than I was to the principle when the hon. member for Onchan received permission to introduce it. The hon. member for Onchan said that the object of the Bill was to provide for a 33-seat elected Tynwald. It seems to me that the object of the Bill is to see the end of the Legislative Council, to see the end of the House of Keys as we know it, to see the end of the Bishopric of Sodor and Man, to see the end of the presidency of Tynwald, as recently instituted and, Mr Speaker, to see the end of your role as Speaker of the House of Keys.

The Speaker: Thank you.

Mr Cretney: It is not all bad then! (*Laughter*)

Mr Brown: It's a good thing he's got the summer to get over it!

The Speaker: Carry on.

Sir Miles Walker: As far as I am concerned, none - not even the last one - of those principles endear themselves to me.

I am a very firm believer in the bicameral system of parliament or tricameral, if we want to look on the Isle of Man system as that. I do not see anything wrong at all in this Island of ours having a parliamentary system which is peculiar to it. We can look elsewhere and see what happens elsewhere and say we are either behind or in front of that. As far as I am concerned, the situation we have developed within this Isle of Man is certainly acceptable to me. I believe it is acceptable to the majority of people who live on this Island and I think we change it at our peril. (**Mr Gilbey:** Hear, hear.) It seems to me that it is useful to have a bicameral system when dealing with legislation, and we see that working in other places.

I have to say I believe it is important in Tynwald that the House of Keys and the Legislative Council vote separately and for a resolution to carry both Houses have to be in agreement. This Bill proposes a change to that situation where a simple majority of the members in Tynwald can carry a resolution. I am not convinced that that is in the interests of

the Isle of Man. I can think of a number of occasions in Tynwald where the Legislative Council have voted against the House of Keys, have given an opportunity for second thought and I believe in the majority of those cases that has been beneficial.

Now, I see nothing wrong in the House of Keys acting as an electoral college electing an upper chamber. I have no problem at all with that. The House of Keys, the elected members of the parliament of this Island, are in charge. We are in the driving seat. The Legislative Council have certain responsibilities but at the end of the day the views of this elected House are paramount, can be driven forward, and I think that that is a correct situation.

I think we are making untold difficulties for ourselves once we elect by universal suffrage, or once we allow for the election by universal suffrage of the Legislative Council. I can see immense difficulties arising and I am sure there are a number of difficulties that we do not foresee at this stage that will arise. It seems to me that we are taking a step into the unknown for no real reason and on that basis I would advocate voting against this particular Bill. I do not want my hon. new colleague Mr Rimington to be the last person to be elected to the House of Keys. Have we really thought of that? Do we want him to be the last person and in future we will be, or some of us may be, elected to Tynwald? We are talking about that sort of fundamental change in this piece of legislation, and I think that it is important we consider the changes that are in this Bill as very fundamental.

As far as the presidency of Tynwald is concerned, this Bill advocates that the President of Tynwald be an elected member of Tynwald. I cannot see that working. Now, the Speaker's office within our parliamentary system is one that has evolved over time, but the incumbent in that office is able to keep his political role within Tynwald, and you know and your predecessors know, Mr Speaker, that there has been an opportunity in Tynwald for the Speaker of the House of Keys to express his political view in Tynwald and so be in the position to fight for his seat at a general election. I cannot see a President of Tynwald being elected from the elected members of Tynwald presiding over a Tynwald and then being in the position to face the electorate at a Tynwald election. I see insurmountable problems there and I think that the hon. member, Mr Cannell, was right in his original thought, if that thought of having the President of Tynwald as an elected member was imposed on him and was not one of his original thoughts. I believe that he is making very real problems for himself.

Now, I am on record on a number of occasions as saying that I believe in multi-member seats for elections to the House of Keys. I believe, in a small community like this, that is beneficial. I would like to see the single-member seats of this hon. House done away with and combined into multi-seat constituencies -

Several Members: No!

Mrs Crowe: Yes!

Sir Miles Walker: - and, Mr Speaker, I know your views very well, but if we are talking about fundamental changes as are identified in this proposed piece of legislation, it seems to me to be folly indeed to be setting off with constituencies that vary in size as far as their representatives are concerned. I do believe that, if this piece of legislation gets its second reading and we get forward into the detail of the Bill, we should be looking for equal representation for all the people of this Island and I would say that I hope that that is not single-seat representation.

Mr Brown: STD.

Sir Miles Walker: Yes, the return of STD, Mr Speaker, is something that endears itself to me, because there you do have a one-person, one-vote situation. I would go with that, but to start off with a piece of detailed legislation like this which has a variable number of seats per constituency of one, two and I think three seems to me to be wrong as far as policy is concerned and to expect the member who represents Arbory parish to be combined with that from Santon and Malew just leaves me cold. Few of us ever go to Ballasalla, let alone want to be associated with it in a parliamentary way!

Mrs Crowe: I drive through Ballasalla.

Sir Miles Walker: I drive through it as well, but that is all I do.

Mrs Crowe: Oh, right!

Mr Karran: You are as bad as the Governor! *(Laughter)*

Sir Miles Walker: Mr Speaker, the parish of Arbory belongs with the southern constituencies, not with the one to the north of it. There is something artificial about it. There was a proposal to split that particular parish in one of the constitutional Bills we have had recently. I believe that to be wrong, and yet I would accept that people who live at the Ballabeg side of the constituency naturally migrate towards Castletown -

Mr Brown: Hear, hear. Good shops!

Sir Miles Walker: - and I would forgive them for that, but all the others go towards Port Erin and Port St Mary. This Bill makes a fundamental mistake, I believe, and one that would make it unacceptable to the people I represent of moving Arbory in a northerly direction as far as representation is concerned. But that is a local constituency matter. There is a principle. If we are going to reform our constituencies then there ought to be equal representation as far as our constituents are concerned. I think that is a fundamentally important principle and, as I said, I would prefer those constituencies to be based on multi-seat representation.

As far as the Bishop's vote is concerned, I think it would be a detrimental step if his vote were removed and I align myself to all the points that have been outlined by the hon. member for Ramsey, Mr Singer. I think he is absolutely right and I have to say I do not want the Bishopric of Sodor and Man to be combined with that in Carlisle or Liverpool or anywhere else. I think it is something we have got and something we should guard jealously. As long as the Bishop remains a member of the Legislative Council and the House of Keys is, as has been stated by your predecessor, Mr Speaker, on many occasions, the powerhouse of government and this is where the responsibility lies, then I have no problem at all in the Bishop retaining his vote and sitting in the Legislative Council.

I think this Bill is fundamentally flawed. I do not think it is good for the Isle of Man; I think it is bad for the Isle of Man. I hope that members will vote it out at this stage but, if they do not, I think there are just two amendments that I would like to propose when we get to the clauses stage, if we do. One will be that the presidential seat is retained by somebody who is not elected as a member of Tynwald and, as far as constituency representation is concerned, I would hope to put an amendment forward which would make that representation equal, but I hope and I will vote against this second reading of this Bill.

Mr Quine: Mr Speaker, what is proposed in this Bill is not substantially different from what was embraced in the select committee report.

A Member: That is nonsense.

Mr Quine: Well, you may say 'nonsense' - perhaps for the first time we at least arrived at some unanimous conclusions, which is something that previous select committees had failed to do. It certainly received, albeit by a bare majority, the support of this hon. House, and I am sure that that was Mr Cannell the hon. member for Onchan's starting point. He recognised the fact that we had at least progressed to that point in time.

So as for the substance or the principles of what is embodied in this Bill, it is in Mr Cannell's Bill. Admittedly there are some differences there. There is the difference, of course, in relation to what we do about the President, et cetera, and that was certainly not a matter that we, as a select committee, supported, but those are matters which can be tested through the clauses stage; there is no great difficulty there.

But perhaps I could just ask hon. members to reflect on what at least the select committee was trying to bring about. There were a number of problems which had been identified during the taking of evidence, a number of problems which had been identified in the debate on the interim report, and we took those away and sought to provide answers to those questions as best we could. I think we were reasonably successful because, as I say, we got majority support. But the bottom line of that is that the select committee was advocating that we should have an election of 32 members to Tynwald - it does not mean to say that you have to have 32 constituencies, coming to Sir Miles' point - and then from those 32 members we would elect, in effect, two legislative committees. This is all spelt out in the report. One legislative committee, of course, would essentially be the House of Keys as we now have it, because the numbers would be basically the same and the Speaker would be there to preside over its deliberations; the other legislative committee would be, of course, those members that the totality of the members returned to Tynwald had decided should, simply for that one purpose of dealing with primary legislation, act as the Legislative Council - that is, a revising chamber for legislation. That is what the committee came up with, that is the substance of what was endorsed, and that is essentially what Mr Cannell is leading us towards.

Why did the committee come up with that? Well, we listed it all for you in the report. Firstly, of course, it produced the democratic legitimacy which can, I would suggest, only be produced through popular election. It produced something which we do not have within the present tricameral structure, and that is, it would give us greater flexibility and greater choice in the way that we could use our resources and it would allow us to have a more streamline structure while not forfeiting the checks and balances which are vital to this legislature and the component parts of this legislature in dealing with its work. It removed a number of the concerns and conflicts which not the select committee were necessarily concerned about but which members of this hon. House were concerned about. They had identified for us a number of concerns and a number of conflicts of interest, and the structure which we proposed - that is, your 32 working essentially as a unicameral system but going into a bicameral arrangement for legislative matters - addressed that requirement. It addressed the peripheral matter of relativity of remuneration. It also addressed the fears, some of which have already been expressed, of the abolition of the Legislative Council. At least it was retained, albeit by a somewhat different process for its constitution, and it addressed what one member

has referred to as the absurdity of the tricameral parliamentary arrangement for 74,000. So I am just reminding members that that is where we have come from. The hon. member for Onchan has not pulled this out of the air. This is formed to a large extent on the basis of a select committee report which has had our endorsement.

Now, as I say, there are one or two matters in this Bill which, of course, veer away from that, and I would have some difficulty at the clauses stage in taking a different position from the hon. mover in relation to that matter, but I do recognise that if we are to move forward with reform relevant to the constitution of the Legislative Council, we have got to do just that. We have to move forward, we have to get a Bill in front of us and consider the aspects of that Bill and amend it if necessary.

If we are serious. . . and I say 'if we are serious' because it has come across to me very clearly - and I am sure this will become more so as we approach the general election - we have a certain amount of insincerity in relation to this exercise. We have, of course, those who say, 'Yes, I am for reform,' and we have a small number who say 'No, I am against reform,' but that is a very small percentage, and for those who hang their hat on saying 'I am against reform' and declare their hand, I have no quarrel with them at all. That is a matter we can debate and we know where they are coming from. That is fine; we understand that. And we have those who say 'Well, I'm for reform, I'm not sure really what reform I'm for, I can't really grasp what I want to do about this reform but I know that, outside there, they're giving me a very smart kick in the butt and saying "Do something about reform" and therefore I have got to be seen to be pro reform; at the same time, if it falls let it fall because, who knows, there may be another vacancy in LegCo a little bit further along the line.'

So let us be honest about it. This all enters into the equation. We have those, of course, who have been quite open about this - and some of these were on our select committee - who have been quite frank and said as far as they are concerned the Legislative Council is an encumbrance that does not pay its way and should be abolished. That was a view within the select committee as well as within this House but, as all select committees should be, we tried to find common ground and we tried to find an arrangement which would get a consensus of support at least to the extent of getting, as has transpired through Mr Cannell, a Bill before this House - easy enough for us to kick it into touch if we are so minded now, of course it is, very easy to do, although I think that would put a question mark over our sincerity in relation to whether or not we really wish to reform.

I believe that perhaps the most controversial aspect of this is not whether the Legislative Council takes a different shape, whether we arrive at a Legislative Council to perform a more limited role and whether we have the Bishop there with a vote or without a vote. I do not think those are the issues. Quite frankly, it is not going to make a great difference in terms of what Isle of Man Limited wishes to achieve. What we want to achieve as Isle of Man Limited is a legislative structure that is going to be appropriate to the 21st century (**Mr Cannell:** Hear, hear.) and I cannot believe and I cannot be persuaded - and, like others, I have looked in depth at the evidence and heard lots of evidence - that the present tricameral arrangement which we have is what we need for the 21st century. I am sorry, I just cannot be persuaded that that is the case. (*Mrs Crowe interjecting*)

Mr Speaker, I think the people outside see the issues perhaps in some ways more clearly than we do. I have no doubt in my own heart and in relation to my own feedback that as far as

the public are concerned they are saying, 'Look, there is a need to reform this legislative system,' and they are pointing the finger particularly at the Legislative Council. Members of this hon. House were tasked to go and collect evidence and do their best to provide a framework to advance that through the legislative process. I am well aware the recommendations did not satisfy everybody, but they did satisfy a majority of the members, and I believe that what we need to do now is to endorse this Bill that Mr Cannell has produced, give it the endorsement it needs and then let us go into the next stage, which is the clauses stage. It is open to us then to have a closer look at the individual aspects of this; it is open to us then, if we wish, to put individual clauses or the whole lot to committee, but God forbid we have another committee looking at the whole lot!

Let us look at it, let us consider it, let us move amendments to it and I believe that the product of that exercise will produce a credible system for the reform of this legislature. (**Mr Cretney:** Hear, hear.) The alternative - and the public outside will see through us as sure as fate - is to fall back on all sorts of excuses and devices and subterfuges and say 'Well, we tried, you know, but we just couldn't agree. We tried.' But did they try? Not in truth they tried; what they were trying to do was to preserve the old system and do nothing. If we are sincere about at least wishing to reform this, our support should go to Mr Cannell in respect of the second reading and let us move forward from there. If we kick this back into touch, then I hope it will come home to roost with those who are the architects of that.

The Speaker: Hon. members, may I know how many more members wish to speak? Standing order 7 states that at the hour of half past five this House's business shall be terminated unless otherwise decided. Is it the wish of this House that the second reading of this Bill be completed?

Members: Agreed.

The Speaker: Does anybody else wish to speak before I ask the mover to reply? Mr Cannell to reply.

Mr Cannell: Thank you very much, Mr Speaker. I, of course, will major on the contribution made by the final speaker because otherwise I feel a little beleaguered, as it were, but I have satisfied every possible angle to bring about what I thought was a genuine attempt and a genuine wish of everyone to make some kind of reform. I would not like hon. members to think that the reason they should throw out the second reading was because of some of the details. I am perfectly acceptable and willing to listen and entertain amendments to satisfy all manner of details, but let us not throw the baby out with the bathwater. It is not something to be trifled with. It is not, as my hon. colleague from Onchan would aver, where we all stand round and say 'It's your turn to go upstairs for a couple of weeks now,' in some kind of light-hearted fashion. What we are dealing with here is trying to drag into the 21st century the aspirations of the people of the Isle of Man who see the Legislative Council at the moment as not earning their corn.

I have come at this from about three different angles. We have had a select committee's report and I would respectfully remind hon. members that if you think this is the end of it you are mistaken, because I think I remember it being referred to the Council of Ministers who were charged with bringing forth legislation, were they not? And they will be obliged to do that. So you will hear more of it. Perhaps they will do it in a different fashion; they will have the

advantage of having listened to the comments here today. So do I, because we are only at second reading stage yet, but I still cannot divert from the principle that it is totally incorrect that someone should have a vote, having gained 12 votes only from here - 12, not 13, because we were not a full House that day. Someone got a seat in the Legislative Council with 12 votes (*Mrs Crowe interjecting*) and you then have to go elsewhere and get over 2,000 to achieve the same representation. It is not correct in principle. We have heard it is the end of the Keys, the end of the Council, the end of the Bishop, the end of the Speaker, the end of the world. It is not, but it is probably, to your intense relief, the end of my endeavours to attempt to achieve what I promised the electorate in Onchan when I was out on the hustings that I would attempt this -

Mr Corkill: You give up easily!

Mr Cannell: - and those who actually said, 'Here he goes, isn't it nice to see a young fellow going for it' - That was a compliment, by the way; that just shows what lack of judgement there was! - but seriously, I walked into the classic situation of 'It has all been done before but let us see what he can come up with.'

I have spent a lot of time on this. I do not begrudge that. I have brought it to fruition as far as I am concerned and I still say to you that it is necessary at some stage. It may well be a considerable time away from now because I think, with everybody having their election heads on, from our return after the summer there will be no chance whatever of entertaining this. In fact, I was hoping to get the clauses stages on before the recess but I tried, I gave it a go. I commend it to members. I do not flinch from the principle that we have the golden opportunity here, as the hon. member for Ayre has stated, and that we can take out the bits that are not that popular, we can kick it around, we can come up with something. You know it makes sense. Eventually it will have to happen. (**Mr Quine:** Hear, hear.) I advocate that that happens now by moving the second reading.

Mr Quine: Hear, hear. Well done, Geoff.

The Speaker: Hon. members, we have the motion that the Constitution Bill be read a second time. Will those in favour please say aye; those against say no. The noes have it.

A division was called for and voting resulted as follows:

For: Messrs Quine, North, Houghton, Henderson, Cretney, Duggan, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Singer, Karran, Cannell and the Speaker - 14

Against: Mr Gilbey, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Mrs Hannan, Messrs Bell and Corkill - 8

The Speaker: Hon. members, the motion carries in the House, 14 votes in favour, 8 votes against. Therefore the Constitution Bill is read a second time.

Hon. members, before you depart, one personal matter: I must advise the House that if Tynwald's sitting in July extends to a third day I have the President's permission for leave of absence on Thursday, 13th July.

Hon. members, the House stands adjourned until the sitting of Tynwald Court at St John's on 5th July, Tynwald Day. Thank you.

The House adjourned at 5.35 p.m.

