

**REPORT OF PROCEEDINGS OF  
TYNWALD COURT**

**Douglas, Tuesday, 11th April 2000  
at 10.30 a.m.**

Present:

The President of Tynwald (the Hon Sir Charles Kerruish OBE LLD (hc) CP). In the Council: The Lord Bishop (the Rt Rev Noël Debroy Jones), the Attorney-General (Mr W J H Corlett QC), Hon C M Christian, Messrs E A Crowe, D F K Delaney, J R Kniveton, E G Lowey, Dr E J Mann, Mr G H Waft, with Mr T A Bawden, Clerk of the Council.

In the Keys: The Speaker (the Hon N Q Cringle) (Rushen); Mr L I Singer and Hon A R Bell (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon W A Gilbey (Glenfaba); Hon S C Rodan (Garff); Hon D North (Middle); Mr P Karran, 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); Hon D J Gelling (Malew and Santon); Sir Miles Walker CBE LLD (hc) and Mrs P M Crowe (Rushen); with Prof T StJ N Bates, Clerk of Tynwald.

*The Lord Bishop took the prayers.*

**Apologies for Absence**

**The President:** Hon. members, we have apologies for absence from the hon. member of the Council, Mr Radcliffe.

**Photograph of the Court**

**The President:** I have to inform the Court that at 2.30 a picture of the Court in situ will be taken, so in your places with smiling faces! *(Laughter)*

**Welcome to Visitors**

**The President:** This morning it is also a pleasure to extend a welcome to the children from Ballaugh School. We are delighted to have them in the chamber to witness this operation and perhaps, over the course of the years ahead, some one member of that grouping will serve the constituency as well as its present incumbent does.

**Members:** Hear, hear. *(Laughter and interjections)*

**Papers Laid before the Court**

**The President:** I call upon the Clerk to lay papers.

**The Clerk:** I lay before the Court:

Road Traffic Act 1985: Licensing and Registration of Vehicles Act 1985 -

Motor Vehicles (Third Party Risks) (Amendment) Regulations 2000 *[SD No 130/00]*

Road Traffic Act 1985 -

Driving Licences (Theoretical Tests) Regulations 2000 *[SD No 132/00]*

Inspection of Taxis and Hire Vehicles Regulations 2000 *[SD No 133/00]*

Sea-Fisheries Act 1971 -

Cod (Recovery of Stock) Order 2000 *[SD No 121/00]*

Forestry Act 1984 -

Sulby Claddagh Byelaws 2000 *[SD No 102/00]*

Social Security Act 1982 -

Social Security Legislation (Application) (No. 5) Order 2000 *[SD No 123/00]*

Social Security Legislation (Application) (No. 6) Order 2000 *[SD No 124/00]*

Pension Schemes Act 1995 -

Pension Schemes Legislation (Application) Order 2000 *[SD No 125/00]*

Licensing Act 1995 -

Permitted Hours (Licensed Premises) (Temporary Variation) Order 2000 *[SD No 119/00]*

Local Government Act 1985 -

Southern Civic Amenity Board Order 2000 *[SD No 58/00]*

Department of Education -

Student Awards Scheme 2000 *[GC No 8/00]*

Superannuation Act 1984 -

Leisure Services Superannuation Scheme 2000 *[SD No 105/00]*

Reports -

Report of the Ecclesiastical Committee of Tynwald on the Church Records Measure (Isle of Man) 2000

Police Act 1993 -

Isle of Man Police Regulations 2000 *[SD No 118/00]*

Value Added Tax Act 1996 -

Value Added Tax (Deemed Supply of Goods) Order 2000 *[SD No 98/00]*

Value Added Tax (Amendment) Regulations 2000 *[SD No 99/00]*

Wildlife Act 1990 -

Ayres National Nature Reserve Declaration 2000 *[GC No 12/00]*

Government Departments Act 1987 -

Appointment of Members of Departments Instrument 2000 *[GC No 10/00]*

Appointed Day Orders -

Criminal Justice Act 1996 (Appointed Day) (No.4) Order 2000 *[SD No 151/00]*

Companies (Transfer of Functions) Act 2000 (Appointed Day) Order 2000 *[SD No 149/00]*

Road Traffic (Amendment) Act 1996 (Appointed Day) (No.2) Order 2000 *[SD No 131/00]*

Copyright (Amendment) Act 1999 (Appointed Day) Order 2000 *[SD No 103/00]*

Public Health (Amendment) Act 2000 (Appointed Day) (No.1) Order 2000 *[SD No 122/00]*

Town and Country Planning Act 1999 (Appointed Day) (No.1) Order 2000 [SD No 152/00]

Reports and Accounts -

Thirty-second Report of the Criminal Injuries Compensation Tribunal for the year ended 31st March 1999

Manx Cable Company Limited: Directors' Report and Financial Statements for the period 6th May 1998 (date of incorporation) to 31st March 1999

European Communities -

European Communities instruments circulated during February 2000 [GC No 13/00]

International agreements which the Isle of Man Government has requested to be extended to the Isle of Man during the period 1st January 2000 to 31st March 2000.

EU Driving Disqualification Convention.

Revised International Convention on the Simplification and Harmonisation of Customs Procedures (The Kyoto Convention).

International Telecommunications Union (ITU) 1998 Amendments to the ITU Constitution and Convention.

1999 Montreal Convention for the Unification of Certain Rules for International Carriage by Air.

1976 Agreement on Safeguards Against Nuclear Proliferation and Additional Protocol.

International agreements which the Isle of Man Government has requested **not** to be extended to the Isle of Man during the period 1st January 2000 to 31st March 2000.

EU Convention on the Fight Against Corruption Involving Officials of the European Communities or Officials of Member States of the European Union.

### **Cannabis – Attitude to Use of – Question by Mr Singer**

**The President:** Turning now to the question paper I call upon the hon. member for Ramsey, Mr Singer.

**Mr Singer:** Thank you, Mr President. I beg leave to ask the Chief Minister:

- (1) *Did the review of your drug strategy omit a policy to 'soften' the attitude to cannabis use;*
- (2) *has this issue been discussed in the Council of Ministers; and*
- (3) *if so, what position has been adopted in relation to this matter?*

**The President:** The Chief Minister to reply.

**Mr Gelling:** Mr President, the review of our drugs strategy did not omit a policy to 'soften' the attitude to cannabis use. The five-year drug strategy drawn up by the committee was formulated with the most up-to-date evidence available at that time. However, the evolution of the strategy is a matter for the committee and, as our strategy report states, and I quote, 'research and information will continue to inform the development of this strategy.' Therefore, Mr President, the issue of our drugs strategy has not been a substantive issue on the Council of Ministers' agenda since the drugs strategy was approved by this Court in March of 1999, sir.

**Mr Singer:** Mr President, I thank the Chief Minister for his answer. Can the Chief Minister therefore confirm that neither he nor the Council of Ministers intends to promote discussion on the relaxation of the drug laws, which would enable either the possession of cannabis for general use to be decriminalised or its possession or use to be considered a less serious offence?

**Mr Gelling:** As I have said, the Council of Ministers have not discussed it, Mr President, and the next meeting of the strategy committee will be in June. Of course, we have obtained the report from the United Kingdom which I suppose has generated the interest in this particular area, and that will be discussed at that meeting, sir.

**Mr Singer:** Mr President, would the Chief Minister agree with me that the Island's image of zero tolerance is important in the fight against drugs and that the message must go out that the use of any classified drug other than for medical use in a prescribed form is unacceptable on this Island?

**Mr Gelling:** I think the message went out fairly clearly that we were serious about drugs in the Isle of Man, Mr President, and that strategy is still in force. However, as I have already stated, things do happen, the reports are now coming forward from the chemists that it could very well be on trial in the United Kingdom for certain medical problems and that is something obviously we will take on board as and when these reports become available to us.

**Mrs Hannan:** Vainstyr Loayreyder, would the Chief Minister not agree with me that some young people do experiment with drugs and, because it is the first time that they have used such drugs, they should not be criminalised so that it affects the whole of their future life. Would the Chief Minister also not agree that some people are diverted into either alcohol before time or drugs which they should not, and maybe we as lawmakers should be mindful of that and protect their future?

**Mr Gelling:** Yes, Mr President, I can refer to the Chief Constable's interview which I would suggest is perhaps a little premature, because the month of June figures in my mind as to when we will be considering this, but of course it is not what government's policy is on the drug, it is how you treat the people and, as the hon. member has just suggested, the first time that someone is actually caught using the drug it might very well not be the case that they should be put into prison; It could very well be that the case is one that our probation people can work on and steer that particular person in the right direction for the rest of their life, sir.

**Mrs Crowe** Hear, hear.

**Mr Delaney:** Mr President, bearing in mind this seems to be the number one priority being pursued by yourself, Chief Minister, and the Government of the Isle of Man, will the Chief Minister give an undertaking that when the policy is cleared up in relation to this matter, all the ministers you would expect, I presume, to be singing from the one hymn sheet in relation to this matter will all have the one story to tell in relation to drugs and the future of the battle against them as one unit?

**The President:** I do not think, Chief Minister, there is really a question to reply to, and I would ask members, when presenting their questions, to make them clear and concise. The hon. member for Ramsey, Mr Bell.

**Mr Bell:** Thank you, Mr President. Would the Chief Minister agree that the Police Foundation, which has produced the recent report on drug abuse, is a well respected body which includes chief constables, legal and medical officers and whose report has received unanimous support in principle across the whole political spectrum of the UK media, deserves more serious debate and not political posturing and point-scoring?

**Mr Gelling:** Mr President, as I have said to the original questioner, we have this report available to us. We will be discussing it at our meeting in June and of course we will be taking what it says seriously, sir.

**Mrs Crowe:** Hear, hear.

### **Civil Service – Secondment – Question by Mr Lowey**

**The President:** Question 2, the hon. member of Council, Mr Lowey.

**Mr Lowey:** I beg leave to ask the Chief Minister:

- (1) How many persons who are seconded from the private sector are currently working within each government department and statutory board;*
- (2) at what total cost to the public purse; and*
- (3) how many civil servants are currently seconded to the private sector?*

**The President:** The Chief Minister to reply.

**Mr Gelling:** Mr President, the answer to the hon. member of the Council is that there are currently no civil servants on secondment to the private sector. However, there are presently three persons seconded from the private sector to government: one in the Financial Supervision Commission and two in the Department of Local Government and the Environment, and the increased cost to the public purse arising from these secondments is approximately £5,000 in the year, sir.

**Mr Lowey:** Could the Chief Minister inform the Court - I use the word 'experiment' that this is of secondment - who is going to evaluate whether it has been a success or not and what is the criterion laid down for the secondment? Is it open to every department of government or is it selective?

**Mr Gelling:** Mr President, it is something new for the government to do. It is something that departments can come up with themselves. Certainly the ones to date have been brought by the departments themselves, where they have brought in private sector thinking into the government. In the Department of Local Government where I say there are two, there is actually only one secondment, but at the moment there are two secondees because there is a changeover period. So basically we have got one in each department, but it is on a trial basis and my report, certainly, is that it is working well and it is bringing some private sector thinking into government, and basically I suppose we could say it would be encouraging to see some of our civil servants perhaps going out into the private sector to get some knowledge of how things work in that sector as well.

**Mr Lowey:** May I ask the Chief Minister, for how long is the secondment? If it is for a short period of time, isn't there a learning curve for the incumbent, and perhaps he could tell us how long the secondments are for, or are they for a fixed term?

**Mr Gelling:** Yes, indeed, Mr President, the secondees to the Department of Local Government - the first one was for 10 months and the second is for 13 months and, as I say, the changeover period is there at the moment. The one in the Financial Supervision Commission - I am not sure as to what that length of secondment is, but also, just to complete the round, we have a public sector secondee who is actually over from the United Kingdom on a three-year secondment and they are seconded to the Home Affairs looking at the police.

**Good Government of the Island – Crown Responsibility and Intervention –  
Question by the Speaker**

**The President:** Question 3, the hon. Mr Speaker.

**The Speaker:** Mr President, I beg leave to ask the Chief Minister:

*Given that the Crown is said to be responsible for the good government of the Island -*

- (1) what is your understanding of the meaning of the term 'good government'; and*
- (2) in what circumstances would you expect the Crown to intervene in the Island's affairs in the interest of good government?*

**The President:** The Chief Minister to reply.

**Mr Gelling:** Mr President, the term 'good government' is not capable of absolute definition. However, in the context of the preparatory work for the appearance of the Home Office and the Crown dependencies before the Human Rights Committee in New York last month, an answer was constructed by the Home Office in consultation with ourselves and the other Crown dependencies in case that particular question was posed, and the answer was that I can quote, 'The Crown is ultimately responsible for, to use the term, the 'good government of the Islands. What this means is that in the circumstances of a grave breakdown or failure in the administration of justice, or civil order, the residual of prerogative power of the Crown could be used to intervene in the internal affairs of the Island. Of course, this is a most unlikely eventuality. The settled practice is that the United Kingdom would not legislate for the Islands without the Islands' consent - nor, of course, would it wish to do so.' That is ending the quote, Mr President.

Now, I would suggest that this is a helpful form of words because it limits intervention on good government grounds to circumstances of grave breakdown or failure in the administration of justice or civil order, which again I would suggest is a most unlikely event, and it confirms the settled practice that the United Kingdom would not legislate for the islands without the islands' consent, and that they would not wish to do so. Now, Mr President, as members probably also were aware, there was a question in the Lords even last week; it is something that is certainly concentrating the minds of members of the Lords, if not the Commons, and Lord Waddington was asking questions of a similar nature and I know the replies from Lord Bassam again were most helpful to us in the clarification of that, sir.

**Mr Karran:** Eaghtyrane, a supplementary. Would the Chief Minister not agree that the real definition of 'good government' is doing something that would be harmful to the United Kingdom and the interests of the Isle of Man would not come into the issue in the first place?

**Mr Gelling:** No, I could not agree with the hon. member in that particular question, sir!

**Mr Karran:** Eaghtyrane, a supplementary. Would the Chief Minister not agree that his post and this hon. Court should not be trying to legitimise this position at all by even having a question like that in this hon. Court, because it just shows the Uncle Tomism that is still in this Court to the adjacent island?

**Mr Gelling:** Mr President, no, I do not agree with that at all for the simple reason that the situation with regard to the Island and what and how could the United Kingdom interfere with the business of the Island. and the domestic legislation is extremely important and I know it does not supersede Kilbrandon, but certainly taking Kilbrandon and then statements such as this that have been agreed between the two parties, I would suggest, is exceedingly important to us, because that is what then is used in the arguments that might very well come up in the future, sir.

**Mrs Cannell:** Mr President, given that the Kilbrandon report, as referred to in the House of Lords debate, talked about ambiguity and given the response from Lord Bassam on the Island's behalf, why then did Lord Bassam not go into detail, as the Chief Minister has done this morning, in explaining the meaning of 'good government'?

**Mr Gelling:** Well, Mr President, in the Commons there is a seven-minute rule on questions and there are certain cross-party questions and so on, and the question that would very well have given Lord Bassam the opportunity to actually state this did not arrive, sir.

#### **Crowe EPH Ltd – Treasury Approval of – Question by Mrs Cannell**

**The President:** Question 4, the hon. member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr President, I beg leave to ask the Minister for the Treasury:

*Which member of the Treasury had delegated responsibility for approving Crowe EPH Ltd as a contractor for the construction of the new hospital?*

**The President:** The Minister for the Treasury to reply.

**Mr Corkill:** Mr President, the member is Sir Miles Walker, under my delegated responsibility. This information has already been given to the Public Accounts Committee and the House of Keys, sir. Sir Miles is not involved in any discussion of this contract by the Public Accounts Committee, and I say this in order to clarify the position. I presume that the hon. member has a similar delegation from the Minister for Trade and Industry in her responsibility for the construction industry.

**Mrs Cannell:** Mr President, may I thank the hon. minister for his reply? Given that the hon. member to which he has referred, Sir Miles Walker, in response to a question put to this hon. Court on 17th June 1997 in relation to the new hospital, said, and I quote 'The committee has conducted a preliminary inquiry that the construction aspects of the new hospital have noted that the management contract is now in place. We have resolved to take no further action in respect of this as to do so would not serve any useful purpose. The committee will not, therefore, present a specific report in the foreseeable future.' Given that position, does the hon. Treasury minister not agree with me that there is a serious conflict of interest in relation to his duties as a member of the Treasury in respect of the signing of contracts for the construction industry in relation to the hospital and his position at that time as Chairman of the Public Accounts Committee?

**Mr Corkill:** Mr President, I see no conflict whatsoever.

**Members:** Hear, hear.

**Mrs Cannell:** Mr President, therefore can the hon. minister advise on whether or not this particular political member still holds that responsibility within his department and, if so, has he recently approved a contract for the replacement main contractor to finish the work left undone by the financial collapse of Crowe EPH Ltd?

**Mr Corkill:** Mr President, this is a very broad subject, the whole issue of Crowe EPH, and a number of things, I think, really need to be put on record. In the case of Crowe EPH, Treasury procedures have been adhered to by the Department of Health and Social Security and by the Treasury, and then concurrence was given following recommendation from Bovis and the design team. I want to make that clear.

With regard to the current position of Sir Miles Walker and his delegated responsibility I have absolute confidence in the way that he carries out his duties within the Treasury. (**Members:** Hear, hear.) Secondly, with regard to getting the hospital project back on track and the detailed work that is required to make sure that the outstanding works are completed so that the project can carry on, a lot of work has been done and the capital projects unit and the Treasury have considered in recent times tenders for that outstanding work. Agreement has been reached and hopefully that work will be done very quickly, very efficiently and we can get on with the job of building our new hospital.

**Members:** Hear, hear.

**Mrs Christian:** A supplementary question, Mr President. Would the Treasury minister confirm that in giving Treasury concurrence they do so within the procedures established which deal with very specific matters which the hon. members of the Court might find it useful to make themselves familiar with in order that they do not interpret these in a wider sense than they actually exist?

**Mr Corkill:** The procedures are very specific, black and white and there for anyone to examine, Mr President. They are complex but very necessary in the way that government carries out its capital programme.

**Mr Delaney:** Mr President, given the fact and the answers given by the Treasury minister to the question that everything was carried out perfectly and the supplementary question from my colleague in Council, will the minister then not agree with me that there is drastically something wrong with it if everything was done right and yet we find ourselves in this position?

**Mrs Cannell:** Hear, hear.

**Mr Corkill:** I do not want to prejudge any situation. I think the exposure that has been given in Question Time and in the media to this whole subject is premature until certain facts are clearly identified and there are obviously restrictions in terms of what can be said, bearing in mind the legal position of all those people involved in the whole sorry episode, Mr President.

**Mr Quine:** Would the Minister for the Treasury take this opportunity, then, to categorically reject the contention of the project director in a letter to the Chamber of Commerce that - and I quote - 'Treasury procedures have been substantially amended for this project in order to ensure compatibility with management contracting procurement method'?

**Mr Corkill:** Mr President, what needs to be understood is that we have a new system of managing this contract, management contracting, a position which was fully agreed by this hon. Court (**Members:** Hear, hear.) and which was new to such government projects. As a result, there was a need to make sure that the procedures that government and others have to go through in order to work the way through the capital project had to be amended so that they were appropriate for the type of contract that has been put in place by this hon. Court.

**Mr Cretney:** Hear, hear.

**Mrs Christian:** A supplementary, Mr President. Would the hon. Treasury minister confirm that the fact that those procedures had to be amended to fit the management contracting form of development did not indeed make them any weaker than they exist for any other type of contract undertaken by government, and would he confirm that the impression given by questions in another place and the manner in which they were reported by the press totally inferred that somehow or other these changes were made to allow certain subcontractors to obtain works contract packages, and would you confirm, sir, that that is totally wrong and that the changes were simply made to ensure that management contracting would be fully covered by government procedures?

**Mr Corkill:** Mr President, I would fully agree with those comments and I would also say that the innuendo, I think, that has been abroad has been most unfortunate. In fact, our examination within Treasury of the revised procedures is that they are actually probably tougher and harder to comply with than the other procedures for other capital projects.

#### **National Insurance Contributions – Deductions from Employees’ Remuneration – Question by Mr Delaney**

**The President:** Question 5, the hon. Mr Delaney.

**Mr Delaney:** I beg leave to ask HM Attorney-General:

*What is the legal position of moneys deducted from employees’ remuneration in respect of national insurance contributions held by the employer before they have been paid to the Department of Health and Social Security?*

**The President:** The learned Attorney-General to reply.

**The Attorney-General:** Thank you, Mr President. Contributions payable by an employer to the Department of Health and Social Security are a debt due to the department and may be recovered by legal action. If the employer is insolvent, unpaid contributions for the past 12 months are preferential debts, ranking after Crown debts, rates and arrears of wages but before trade debts. If an employer fails to pay contributions within the prescribed time he commits an offence punishable by a fine of up to £1,000, and remains liable to pay to the department a sum equal to the amount which he failed to pay. Mr President, when a company fails to pay contributions which are due, the debt is due to the department jointly and severally from any directors of the company who knew or could reasonably be expected to have known of the failure to pay.

**Mr Delaney:** I thank the learned Attorney for his answer. Could the learned Attorney tell me, has any case ever been brought to the courts for suing a director of a company for social security non-payment of contributions?

**The Attorney-General:** Mr President, I find that difficult -

**The President:** That is a peripheral question.

**The Attorney-General:** I am not aware of one.

**Mr Delaney:** A further supplementary. Is there then a case in law where the directors of a company going into liquidation that owes several hundred thousand pounds to the Department of Health and Social Security could be sued, prosecuted in the courts for the unpaid social security payments?

**The Attorney-General:** Mr President, I have stated the law in general terms. Of course, it is up to any particular case to be brought as is appropriate.

**Mr Delaney:** I thank the learned Attorney.

### **Incinerator – Cost of Not Proceeding – Question by Mr Karran**

**The President:** We move on, hon. members, to question 6, and I call upon the hon. member for Onchan, Mr Karran, to ask the question standing in his name.

**Mr Karran:** Eaghtyrane, I beg to ask the Minister for Local Government and the Environment:

*What would be the cost to the public purse were Tynwald to resolve not to proceed with the construction of the waste incinerator?*

**The President:** The Minister for Local Government and the Environment.

**Mr Gilbey:** Mr President, over the past 10 years Tynwald has approved the waste management strategy and has, on a number of occasions, instructed the Department of Local Government and the Environment to diligently pursue that strategy, part of which sets out the government policy of procuring a municipal waste incinerator with energy recovery. On that basis the department has incurred considerable expenditure to reach the stage where it is now in final detailed discussions with potential design, build and operate contractors. Indeed, an agreement, if all goes well, is only a short time away. And now, at this stage, I am asked what would be the cost implications of not proceeding!

Firstly there would be the direct costs: the money amounting to millions of pounds which would have been wasted on the activities which I have just described.

**Mr Downie:** It would go up in smoke.

**Mr Gilbey:** Secondly there would be the indirect costs, the expenditure necessary to establish and prove a new policy and strategy - a figure likely to be into millions. Thirdly there would be the consequential costs: that expenditure resulting from delay which would be caused while alternative arrangements and plans were made to fill in the gap between abandoning the proposed approach and establishing a new disposal option. This again is potentially many millions. Fourthly there would be the intangible costs: a loss of confidence, credibility and integrity of the Isle of Man Government in the market place. These costs are immeasurable, but they would exist and we would be paying the price of them for years to come. Whilst these are the costs to the public purse, as the hon. member describes it, there would be many other factors to take into account besides cash alone.

Mr President, I hope this hon. Court will send out no other message that that it is resolved to pursue its established policy to a logical and wholly justifiable conclusion.

**Mr Karran:** Eaghtyrane, could the minister then inform this hon. Court and give it an assurance that you have not signed up any agreements that if we do not go ahead with an incinerator we are not going to end up with a three or four million pound bill and that will not be used as an excuse to put this Court into the bums' rush situation of then having to support this crazy policy?

**Mr Gilbey:** Mr President, no agreement has been entered into which would commit the hon. Court in the way that the hon. member so inelegantly describes it. *(Laughter)*

**Mr Duggan:** Mr President, a supplementary, sir. Could I ask the minister, talking about costs and delay, what the situation is regarding the land?

**Mr Gilbey:** The position regarding the land, Mr President, is perfectly clear: the government is treating to buy it and using compulsory purchase under the Act which this hon. Court and its branches have approved.

**Mrs Cannell:** Mr President, is it not incumbent upon your department to re-evaluate this whole waste disposal issue and, in terms of re-evaluation, would it not be possible for the inspector's recommendations of planning in principle to lend themselves to a PEC plan as opposed to a mass-burn incinerator? Does the minister not agree with me that the planning consent would lend itself to a far more practical solution, a more environmentally friendly solution and at less cost to the taxpayer?

**Mr Gilbey:** No, I certainly do not agree, Mr President. First of all, if we change the whole operation there I would have thought we would have to start again from the beginning with planning, because it would be a totally different operation. Regarding looking at it again, quite frankly, unfortunately the government and this Court has been looking at different forms of waste disposal for over 20 years -

**Mrs Cannell:** And still have not got it right.

**Mr Gilbey:** - and I think the time has come when a firm decision should be made. We cannot go on vacillating for longer. There comes a time, Mr President, in all affairs of individuals, companies and governments when a decision made has to be kept to and you cannot keep chopping and changing without dire results in respect of expenses.

**Mr Karran:** Eaghtyrane, could the minister just clarify one point regarding the question? Could he tell this hon. Court, if we did not go ahead with the construction of an incinerator would there be no costs for design briefs or anything like that from any of the proposed operators?

**Mr Gilbey:** Certainly there will be costs, costs we have already incurred and costs that are incurring at the moment that have not been paid for. That is not really surprising. That is the case with all new projects, whether it be the hospital for which the hon. member is responsible, this project or other ones.

### **Courthouse and General Registry – Building Defects – Rectification – Question by Mr Delaney**

**The President:** Question 7, the hon. member of the Council, Mr Delaney.

**Mr Delaney:** I beg leave to ask the Minister for Local Government and the Environment:

*With regard to the new courthouse and General Registry buildings -*

- (1) what defects have been identified in their construction;*
- (2) will the retention moneys meet the cost of rectifying them;*
- (3) who is undertaking the work of rectification;*
- (4) are you satisfied that all the defects have been identified; and*
- (5) What reasons, other than bad workmanship, have been given for the large number of defects in this £14 million construction project?*

**The President:** The Minister for Local Government and the Environment to reply.

**Mr Gilbey:** Mr President, at the time of the practical completion of the complex, the main contractor, Alfred McAlpine Construction (Isle of Man) Limited, corrected the defects identified by the architects. Similarly, at the end of the defects liability period the defects were corrected by the main contractor. Since that time a number of latent defects have been identified which, together with some already apparent at the end of the defects liability period, represent the principal problem areas which I would list as follows: (1) faults in the damp-proof membrane at the courthouse entrance level; (2) defective window and door frames; (3) unacceptable water penetration to the outer skin of brickwork on the Deemsters Walk; (4) water penetration at some window heads; (5) silting-up of surface water drains. The majority of the work to correct these problems has been carried out by the main contractor. However, where we have been unable to secure its co-operation the Department of Transport staff have been used and the costs will be ultimately charged to the main contractor.

It is to be regretted that it has taken so long for some of the corrective work to be completed. However, this is a function of the nature of the work involved and the requirement to protect the buildings' occupants from disruption.

I am satisfied, as far as I reasonably can be, that all the defects have been identified.

Writs have been lodged with the courts in order to protect the department's legal position and, until such time as discussions with the learned Attorney-General's chambers are concluded, I would not wish to make any statement regarding the reasons for the faults or the costs. What I would say, however, is that I am hopeful that the taxpayer will not pay any more for the building than was originally envisaged, and here I should mention that the cost in question is said in the question to be £14 million, whereas the realistic budget figure is £11 million. At this point in time, hon. members, I would prefer not to make any further comment for fear that this might prejudice any future legal proceedings if these are taken.

**Mr Delaney:** I thank the minister for his straightforward reply, Mr President. Could I ask him one supplementary in that case? Bearing in mind the lists of problems that he has identified for members of this hon. Court and the general public, could he give me a straight answer? Over the last two years he is aware that I have brought to the attention of his officers a fracture crack on the fascia of the whole surround of the top of the building, one foot below the coping stone. Could he tell me, is there any chance that that will be looked at and included in the proceedings if necessary against McAlpine's if it is found to be defective, as I and others believe it is?

**Mr Gilbey:** Well, I am afraid, Mr President, I cannot reply on that because, though I was told of all the five points of problem that I have listed, I was not advised of the point that the hon. member has raised, so I am afraid I am not in a position to reply to him.

**Mr Delaney:** Therefore, Mr President, can I ask the minister if he would give me two minutes of his time at lunchtime and I will show him from the members' room what I have been trying -

**The President:** Hon. member, just stay with the question, please.

**Mr Delaney:** Can I ask the minister if he will join me at lunchtime and I will show him the fracture I make the remarks about from the Members' Room?

**The President:** Well, sir, you now have an invitation to lunch!

**Members:** Hear, hear! *(Laughter)*

**Mr Delaney:** Not a free one!

**Mr Karran:** Eaghtyrane, would the minister agree that maybe the time has come for him to make representations on the Council of Ministers to have a look at the whole design set-up regarding all the government contracts as we seem to be having repeated mistakes? And hasn't the time come for us to find somebody who is not influenced by those in this circle, who do very nicely out of the government, to do a proper assessment of whether we are getting value for money from them?

**Mr Delaney:** Hear, hear.

**Mr Gilbey:** Well, regarding value for money, we not only have a Value for Money Committee of the Treasury but we have the Public Accounts Committee, who are constantly looking into these matters. I think one thing, Mr President, should be made extremely clear: it is not just public sector buildings that have these problems. I know of an office block not far from here which had so many defects that the developer had to pay half a million pounds before a tenant could move into it. So I would not like hon. members or the public to think that these problems just arise in the public sector, because they do not. There are many other cases of them. But obviously we have got to try and prevent them and it is one of the problems of the building and construction trade that they do arise so often, and obviously anything that the Department of Industry and particularly the hon. member in charge of the construction side of that department can do to tighten up on this, so much the better.

### **Springfield/Harcroft First-Time Buyers' Units – Question by Mr Lowey**

**The President:** Question 8, the hon. member of the Council, Mr Lowey.

**Mr Lowey:** Thank you, Mr President. I beg leave to ask the Minister for Local Government and the Environment:

- (1) *When do you expect the first-time buyers' units in the Springfield/Harcroft development to be on the market; and*
- (2) *what advice is your department providing to those who may wish to purchase them?*

**The President:** The Minister for Local Government and the Environment to reply.

**Mr Gilbey:** Mr President, in reply to the first part of the question, the department is anticipating that if everything goes smoothly with the planning application the contractor should be on site at the Springfield/Harcroft development site by August of this year. It is proposed that the development would be carried out in phases which will come on stream at various times over the following 18 months. Obviously, I can come back to the hon. Court in due course when I have further information.

Regarding the second part of the question, yes, the department will be heavily involved in advising and assisting first-time buyers who wish to purchase the houses at this development. The intention is that the houses will be sold with grant assistance from the department under the House Purchase Assistance Scheme 1999 and applicants therefore will be required to be eligible under that scheme. To date the department has received expressions of interest for this site which number in excess of 180. In addition, within the near future the department will be introducing its register of interest for all first-time buyers. Nearer the time of the completion of the units at Springfield/Harcroft, potential applicants will be interviewed and the allocation of units will take place. This will be based on the applicants' circumstances at that time and will not be on a first come, first served basis. As this matter progresses I should be only too pleased for the department to keep the hon. member of the Council fully informed of developments.

**Mr Lowey:** Could I thank the hon. minister for his reply. Could he get that message across to the 180 people that applied? I have a letter before me, sir, for one of those and if I can, with your permission, just give one relevant paragraph, it says - this is the department to the would-be first-time buyer - 'I regret to advise that I am not in a position to provide you with details at present but shall retain your letter as an expression of interest and will revert to you with further details when the same are available.' Would the minister not agree that a reply of that nature is almost akin to a First World War telegram arriving at the door? Could I suggest the reply should have read: 'I am delighted to inform you that we will be in a position in a few months to give you . . .' just the information he has given us today.

Could I also ask one further supplementary? Is the minister or the department aware that the private sector first-time buyer houses, also referred to in last month's housing policy - already members have had their deposits returned by two builders and all those houses that were on offer have been sold to a private individual, and isn't that problem getting worse, not better, and shouldn't the problem be addressed with even more urgency than the department is giving it? I appreciate you cannot build houses overnight.

**The President:** A perfect example of how to take an opportunity and use it with zeal! Reply, sir.

**Mr Gilbey:** Sorry, I do not understand, Mr President, what you were saying. *(Laughter)*

**Mr Delaney:** A wasted opportunity!

**Mr Lowey:** There are two parts to the question.

**The President:** This time stick to the question, please!

**Mr Gilbey:** No, I understand yours. I did not understand Mr President's. *(Laughter)*

**Mr Lowey:** No comment!

**The President:** Proceed, sir, with your reply then.

**Mr Gilbey:** Well, Mr President, I am not aware of the situation the hon. member mentioned about the sale of first-time buyers' houses built by the private sector. If he would let the department have details we will look into it. Regarding the letter, I am frankly quite amazed by his allegations regarding it. I immediately thought there was some terrible letter, some very rude letter or something, particularly when I saw his press comments saying this, that and the other about the letter. Personally, I am afraid I regard the letter as perfectly polite. I think to say that any young person would not understand it or feel it reasonable is to undervalue their intelligence. What it says is: 'Thank you for your letter received on the 20th, the contents of which I note. I regret to advise you that I am not in a position to provide you with details at present but shall retain your letter as an expression of interest and will revert to you with further details when the same are available.' Now, there is a very good reason for that: that is that the final plans have not been drawn up. It may well be that both the actual siting of the houses and some of the design interiors are altered and therefore one could not send full details at the moment, and it is much better not to send people information that then turns out to be wrong. I personally feel the letter is totally courteous and I am very surprised there should be such a fuss about it, more particularly as the officer who wrote it in the housing office - his name is given and anyone who did want further information only has to pick up a telephone and ring him.

**Mr Cretney:** Mr President, given the 180 expressions of interest from potential first-time buyers about this particular site, a fact which some of us have been speaking of for a considerable time (**Mr Duggan:** Hear, hear.), could he confirm that it will not be his department's intention to use compulsory purchase powers to further extend and to build 180 houses on adjacent sites to this?

**Mr Gilbey:** I am very surprised at that question because I know how keen the hon. member is on the provision of more first-time buyers' houses and more houses altogether, and certainly I think that if private treaty and negotiation for land that is ripe for development fails it is correct that the department, on behalf of the government and this hon. Court, should use compulsory purchase. I know of no plans to acquire additional land by that or any other means immediately surrounding the Springfield/Harcroft site. However, Mr President, as I made abundantly clear, we regard Springfield/Harcroft as the trailblazer, the pathfinder, for what we hope will be various other sites for first-time buyers, not just in Douglas but in the south of the Island, the west of the Island and the north of the Island.

**Mr Karran:** Eaghtrane, would the minister not agree that he is misleading not only this Court but outside to give some idea that there is some light at the end of the tunnel as far as first-time buyers are concerned as we have a situation of the well-informed? We have got something like four people for every one house that is going to be in this development, and would he not agree with regret that he should have supported my motion of saying that we should be starting to build at least 300 houses now, six months ago, instead of now having a situation where we are ineffective as far as providing this basic requirement of life, and that is an affordable roof over your head?

**Mr Gilbey:** I certainly do not agree that I am misleading this hon. Court or anyone else. I have never said it would be easy (**A Member:** Hear, hear.) to produce houses. I have always said you cannot pull them out of the ground like rabbits out of a top hat. But what I have

brought forward is a plan not just to build 300 more houses at once but to build 400 more houses in each of the next five years. That, we hope, is the minimum and we intend to do more. We fully appreciate the need for the houses and are determined to use every one of about 17 different methods to provide more housing as soon as possible.

**The President:** A final supplementary. The hon. member of the Council, Mr Lowey.

**Mr Lowey:** Would the minister not agree, Mr President, that the situation as outlined by himself this morning quite clearly defines that the problems for first-time buyers on the Isle of Man are going to get a lot, lot worse before they get better?

**Mr Gilbey:** Well, I do not necessarily agree that it is going to get worse than it is now. Obviously, when we have the register of all the people interested in first-time buyers' houses there will be more on it, but that does not necessarily alter the factual position from what it is at the moment. It merely means that we have a record of them.

### **Ramsey Traffic Study – Public Discussion of Proposals – Question by Mr Singer**

**The President:** Question 9, the hon. member for Ramsey, Mr Singer.

**Mr Singer:** Thank you, Mr President. I beg leave to ask the Minister for Transport:

*When does your department intend to bring forward for public discussion the proposals in the Ramsey traffic study?*

**The President:** The Minister for Transport to reply.

**Mr Brown:** Thank you, Mr President. I thank the hon. member for his question and I can confirm that the highways and traffic division of my department are in possession of the Ramsey traffic study and have been giving consideration to the study and its recommendations. The study makes recommendations on short and long-term areas for further action by the highways and traffic division along with other parties. Some of the short-term recommendations have already received attention through works already completed in connection with the 'safe routes for school' initiative. Other recommendations will be considered in conjunction with new developments within Ramsey and the recommendations will be progressed as appropriate.

I have requested the Director of Highways and Traffic to forward copies of the study to the Ramsey Town Commissioners and to both hon. members for Ramsey and the Ramsey Chamber of Trade. Copies of the study will also be available to hon. members of Tynwald on request and the report will also be available from the highway and traffic office to anyone from the general public who wishes to have a copy, subject to the normal government charge for such a report. Thank you.

**Mr Singer:** Mr President, may I thank the minister for his positive reply? Can I ask him if he will ask his department to meet with the commissioners and the other interested parties if they so wish to discuss the proposals and the recommendations?

**Mr Brown:** Mr President, certainly my department is more than happy to consult with appropriate bodies, as is normal practice, and I am sure in this case we will ensure that happens.

**Mr Karran:** Eaghtyrane, would the minister not agree that maybe he needs to get his department to get its act together in Douglas and Onchan before he worries about Ramsey?

**The President:** Hon. member, this question is specifically related to Ramsey and so supplementaries will relate to the major question.

**Mr Karran:** Eaghtyrane, the issue is about Ramsey but it is about priorities as far as traffic studies are concerned, and what I am asking is why are we bothering about Ramsey when we have not got Douglas and Onchan sorted out?

**Mr Brown:** Mr President, I would like to respond to that. The hon. member is under the illusion that the only area in the Isle of Man that has traffic problems is Douglas and Onchan. I can assure the hon. member, the pressures on small towns like Peel, Castletown and the larger town, Ramsey, are just as relevant and cause, in some cases, greater problems, and I can assure him that there are considerable difficulties in those areas because of the narrowness of the streets and the nature of how those towns were designed. So my department's role is to look throughout the Island and endeavour to progress schemes as appropriate as possible.

**Mr Bell:** Mr President, just a small point: the hon. minister has stated that this report would be made available to interested members of the public and will be available through his offices at the Sea Terminal. I just wondered, to improve ease of access by interested members of the public, whether his department could speak to Ramsey Town Commissioners to make this report available in Ramsey Town Hall so that locals will be able to have easy access rather than having to come to Douglas for it and adding to the congestion in Douglas in the process?

**Mr Brown:** Yes, I will certainly take that up with the office, Mr President. However, the report is a very bulky document and I am more than happy to see if we can come to some form of arrangement with the Ramsey Commissioners. I would make the point, of course, there would be nothing stopping the Ramsey Commissioners making the report that they receive available in their library for anybody who wishes to peruse it, but I will take the point up with the officers and see if we can come to some arrangement.

### **Ramsey Cottage Hospital – Accident and Emergency Service – Continued Provision – Question by Mr Singer**

**The President:** Question 10, the hon. member for Ramsey, Mr Singer.

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

*Will you confirm your department's long-term commitment to the continued provision of a 24-hour accident and emergency service at Ramsey Cottage Hospital?*

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

**Mrs Christian:** Mr President, the department continues to adopt the principles set out in the strategy for health and community services as endorsed by Tynwald, the basis of which was a main acute hospital facility supported by a range of community services. In relation to Ramsey Cottage Hospital, it was envisaged that this would include a minor casualty service. However, the strategy was not intended to be prescriptive in respect of service provision and

suggested that action was required in clarifying and rationalising the functions of community units including those to be provided at Ramsey. The hon. member will be aware that this has been an ongoing process and that over the years services at Ramsey Cottage Hospital have developed and changed and will do so in the future. All services, including accident and emergency, will continue to be subject to review in the light of best clinical practice, our paramount concern being always that of patient care.

**Mr Cannell:** Hear, hear.

**Mr Singer:** Well, I understand, then, from the hon. minister's reply that she is saying the answer to my question is no, that she cannot confirm the future long-term commitment, and has the department commissioned or is it considering commissioning a report looking at the future of the A and E department at Ramsey Cottage Hospital with the possible scenario of centralising all the accident and emergency services in Douglas?

**Mrs Christian:** Mr President, the hon. member is right in a sense that I will not give a long-term commitment to Ramsey in terms of its A and E facility. What I have said is that we do envisage that there will be a minor casualty service available at Ramsey. Indeed, A and E is available 24 hours a day at Ramsey at the moment. The hon. member will, I presume from his remarks, be aware that we have been reviewing some of the facilities provided in Ramsey. The department is very conscious in this day and age of risk management issues and we assume, as I hope hon. members in the Court will assume, that anybody using DHSS facilities will expect that risk to be minimised as far as their treatment is concerned. There has been a review covering the types of casualties which should probably be admitted to the main acute facility rather than to Ramsey in the interests of the patient. There are discussions going on now to agree more clearly the protocols in relation to where serious trauma should be admitted direct to the acute facility rather than to Ramsey. I hope this answers the hon. member's question.

#### **Crowe EPH Ltd – DHSS Overpayment – Question by Mrs Cannell**

**The President:** Question 11, the hon. member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr President. I beg leave to ask the Minister for Health and Social Security:

- (1) *Can you confirm that an overpayment by your department of £350,000 was made to Crowe EPH Ltd prior to the firm going into liquidation; and*
- (2) *if so, what action has been taken to recover the overpayment?*

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

**Mrs Christian:** Mr President, by a letter of 25th February this year Bovis Lend Lease advised that they had identified a potential gross overevaluation of work carried out by Crowe EPH Ltd and requested a meeting with the department. At that meeting, held on 10th March, Bovis Lend Lease advised that following the demise of Crowe EPH an in-depth remeasure of works actually carried out compared to costs previously certified indicated an overmeasurement for the purposes of those previous certificates to an assessed value of £380,000. The contractual responsibilities for the processes of assessment and certification of the value of the works carried out by works contractors rest with the management contractor

and relevant members of the professional team. Bovis Lend Lease have acknowledged to the department that they will stand by and honour their obligations.

**The President:** A supplementary, hon. member?

**Mrs Cannell:** Thank you, Mr President. I thank the hon. minister for her surprisingly frank reply this morning in relation to this.

**Mr Brown:** Shame!

**Mrs Cannell:** Can she also further confirm that Bovis, the management contractor, has submitted a claim for £2<sup>1</sup>/<sub>2</sub> million to the liquidator prior to the closure of such claims on 24th March this year and that the £380,000 - and I thank her for that - to which she referred, is only a part of it?

**Mrs Christian:** Mr President, I am aware that Bovis have made a claim to the liquidator as a creditor of Crowe EPH. Within that submission they have suggested various figures which they believe may be due to them in due course. I understand that they are estimates. They are matters for the liquidator to consider. The hon. member has referred to the figure of £380,000. That is my figure. Bovis's figure in their submission to the liquidator is £350,000, as the hon. member will be aware as she clearly has Bovis's document as submitted to the liquidator.

What Bovis submits to the liquidator is a matter for Bovis. My concern is that as the client in this particular case Bovis meet their commitment to the department in terms of any established overspend.

**Mr Delaney:** Mr President, my supplementary is straightforward and simple. Bearing in mind that it has already been identified that this company, Crowe EPH, has no viable assets - and that has been established - would the minister not at this time say that the losses that have already been identified and claimed by Bovis on behalf of the department, who is financing this hospital, are going to result in some losses to the taxpayer of this Island?

**Mrs Christian:** Mr President, I am not going to respond to that question because hon. members are fully aware that there are contractual and legal issues which are best dealt with outside of this forum at the appropriate time, and I do not wish to make any statement which would prejudice the position of the taxpayer in these matters.

**Members:** Hear, hear.

**Mrs Cannell:** Mr President, one final supplementary to the hon. minister. With respect to the fact that we are talking about a great deal of taxpayers' money here for which the taxpayers would like some clear answers, can the minister advise in relation to all of this whether or not the bond that was in place - or bonds, because there were two in place for Crowe EPH - have they paid out? Has the department recouped some costs there?

**Mrs Christian:** Mr President, the bond is not between the department and the bondholder; it is between Bovis and the bondholder. It is for Bovis to make their claim to the bondholder in due course and it will be for them to prove to that bondholder that the moneys are due. In the event that Bovis were not a part of the equation, the bond can be assigned to the department. I do not at this stage or any stage believe that that would become the position, but it does give the department a fall-back position in relation to the bond. It is my

understanding that bonds are paid out at the end of the day when the actual figures can be finally proven.

### **DHSS – Health Promotion Programme – Question by Mrs Hannan**

**The President:** Question 12, the hon. member for Peel, Mrs Hannan.

**Mrs Hannan:** Eaghtyrane, I beg leave to ask the Minister for Health and Social Security:

- (1) *Does your department have a health promotion programme;*
- (2) *if so, what initiatives have been progressed;*
- (3) *how do you monitor their success; and*
- (4) *what future programme is envisaged?*

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

**Mrs Christian:** Mr President, the hon. member will, I am sure, appreciate that the department is concerned about health promotion and is looking at it with a view to improving health promotion from the department in the future. In order to do this it is essential to develop an effective health promotion programme establishing priorities within an overall health strategy. Such a strategy is in the process of being developed under the direction of the department's chief administrative medical officer. However, the department's health promotion officer is aware of the likely priorities being proposed within that health strategy and these will include coronary heart disease, stroke management, cancer, oral health, mental health and accidents in the first place, and work is presently concentrating in these areas.

With regard to the second part of the question, initiatives have been progressed in a number of specific areas including smoking, accident prevention, headlice, meningitis C, skin cancer, support for United Kingdom national awareness days as well as ensuring the appropriate circulation of general health materials to GPs' surgeries, clinics and schools.

Looking at the issue of monitoring, this is, of course, more difficult but it is occasionally achieved by questionnaires designed to measure knowledge of key priorities prior to and after intervention. In addition, in the department we have used a lifestyle survey of the population as a way of monitoring progress, and a repeat of this is presently under consideration.

Finally, in terms of the future the department intends to link specific programmes for health promotion with the overall priorities agreed within the strategy for health. As mentioned previously, work on that strategy is in the process of being developed at the moment.

**Mrs Hannan:** Eaghtyrane, I wonder, could I ask the minister why this study has been carried out now when there has been a health promotion officer in place within the department for a number of years, and could the minister also comment on some of the existing areas that she states have been promoted which only seem to be borrowed from the UK?

**Mrs Christian:** Mr President, the department reviews many of its services on a regular basis and it is recognised that the amount of work which has been done in health promotion has been limited. In fact, the budget for health promotion is not huge. I do accept that health promotion should be a useful part of our armoury in terms of preventing ill health, and it is because of our programme in the past being somewhat inadequate that we are setting about

establishing a strategy for health upon which the health promotion process will hang and focus on those main areas which I have outlined in my original answer.

In respect of the work that has gone on in the past the hon. member refers to us using the UK pattern to a large extent. I think we have to acknowledge that that quite often has been the case. It has partly been done, I would suggest, because there is a lot of literature available on the back of UK health promotion strategies, but the work which has gone on in relation to smoking and so on is on an ongoing basis in conjunction with the Department of Education of course with the Smokebusters campaign as well as tying into specific days or weeks or whatever it may be in terms of the UK pattern. There are other areas of particular concern in the Island which has been focused on here such as skin cancer; there is a prevalence of skin cancer in the island, and therefore we have not been necessarily attached to the UK promotional pattern in that regard, and I do not think there is anything wrong particularly with us linking into UK promotional patterns as well as doing some work which is specifically Island-based.

**Mrs Hannan:** Eaghtyrane, could I ask if the health promotion officer is fully trained in health promotion?

**Mrs Christian:** Mr President, the answer to that is no, and the department does feel that we do need to strengthen this area. We currently have a vacancy in the health promotion department where there are established only two posts, one of which is occupied at the moment by a person who is not specifically trained in health promotion, but our advert for the vacant post is certainly for a properly trained incumbent.

**Mrs Cannell:** Mr President, in respect of the ongoing monitoring - the minister did in her opening remarks refer to meningitis C initiatives - can she advise in relation to this, which is a notifiable disease, whether or not her department is now monitoring this particular situation? Is a database set up in her department to monitor and is she, or is her department, feeding into the Meningitis Research Foundation in the United Kingdom, which is assembling all the information on the subject of meningitis across England, Ireland and Wales?

**Mrs Christian:** Mr President, the hon. member has had the answer to all of those questions in the past and I would refer her to my previous answers.

**Mrs Cannell:** Mr President, I asked a particular question. I asked, can the minister advise whether or not she has now set up a database to assemble this very important information? Yes or no, minister?

**Mrs Christian:** Mr President, the department has always maintained this data. Whether it is a database in the form of computerised information or written information I think is irrelevant. The fact is that this information has always been collected.

**The President:** Hon. members, with the remaining questions down for written answer, that concludes our scrutiny of the question paper this morning.

### **Noble's Hospital – Reasons for Staff Leaving – Question by Mr Henderson for Written Answer**

#### **Question 13**

The hon. member for Douglas North, Mr Henderson, to ask the Minister for Health and Social Security:

- (1) *Are staff who are leaving employment at Noble's Hospital encouraged by your department to indicate on a standard form their reasons for leaving;*
- (2) *if so, are such staff, prior to leaving their employment, encouraged to discuss their stated reasons for leaving with (a) the management of the hospital or (b) the employee relation's officer; and*
- (3) *are you and the members of the department given periodic reports of the results derived from such forms and discussions?*

**Answer**

- (1) All staff leaving employment at Noble's Hospital for reasons other than retirement or dismissal are written to by the Personnel Unit acknowledging their resignation and confirming their final date of employment. Enclosed with the letter is a questionnaire asking such staff to indicate their reasons for leaving.
- (2) The letter issued by the Personnel Unit includes an invitation for departing staff to speak in confidence to an officer of the Personnel Unit if desired.
- (3) The department receives reports on a regular basis.

**Noble's Hospital – Employees in Operating Theatres – Question by Mr Henderson  
for Written Answer**

**Question 14**

The hon. member for Douglas North, Mr Henderson, to ask the Minister for Health and Social Security:

- (1) *How many (a) trained nurses and (b) health care assistants are employed in the operating theatres, and areas which serve them, at Noble's Hospital;*
- (2) *what percentage of these employees require work permits;*
- (3) *what number of persons have left employment as described in paragraph (1) within the last six months; and*
- (4) *what were their reasons for leaving?*

**Answer**

- (1) There are currently 32 trained nurses and two health care assistants employed in the operating theatres at Noble's Hospital.
- (2) Twenty per cent of these employees are work permit holders.
- (3) Four employees left the employment described in paragraph (1) between 1st October 1999 and 31st March 2000.
- (4) The reasons for leaving were as follows:-  
Two retirements;  
One to work at Ramsey Cottage Hospital;

One to return to the United Kingdom.

NB. The answer excludes the areas which serve the operating theatres, as this was not clearly defined within the question itself.

**‘Caring About Carers’ Report – Evaluation – Question by Mr Henderson  
for Written Answer**

**Question 15**

The hon. member for Douglas North, Mr Henderson, to ask the Minister for Health and Social Security:

- (1) *Has your department completed its evaluation of the UK Government report ‘Caring about Carers’; and*
- (2) *if so, to what extent are its recommendations to be reflected in the practice and policy of your department?*

**Answer**

I would confirm that my department has established a working group to evaluate the UK Government report ‘Caring for Carers’ and to look at the needs of carers on the Island. The working group comprises members from both the health and social services divisions of the department.

In addition, research has been carried out on the Island into the needs of older people and their carers by John Moores University in Liverpool and a further study has been carried out by the health and social services divisions on the needs of carers looking after older people with dementia problems.

At the present time we are looking to widening the membership of the working group to include carers. A consultation exercise will also be undertaken with carers and carers groups.

The aim is to produce a final report to the department by December 2000, based upon the relevant recommendations made in ‘Caring for Carers’ and taking account of the needs of carers on the Island.

***MFV Solway Harvester – Statement by the Chief Minister***

**The President:** Now, before we turn to the order paper with your agreement, I will call on the Chief Minister to make a statement. Is that agreed?

**Members:** Agreed.

**The President:** Thank you, hon. members. Proceed, sir.

**Mr Gelling:** Mr President, I am grateful to you for what will be the last opportunity under your presidency to make a short statement to the Court, and the subject of the statement is the *Solway Harvester* and the question of its recovery.

It will be fresh in members’ minds that on 25th January Tynwald voted a sum of £1 million to allow for the raising of the *Solway Harvester* and the recovery of the bodies of those lost when she sank. The recovery operation was, of course, not complete. The main purpose was achieved in that the bodies of the crew were recovered but, because of the intervention of

bad weather, it was not possible to raise the vessel itself. We did, however, make it very clear that it was our intent to return and raise the vessel when we could be reasonably assured of a period of fair weather.

The purpose, therefore, of my statement today is to reaffirm our determination to raise the vessel. This will gratefully assist the police and the marine accident investigation branch in their inquiries, and it will help to settle the question of why the vessel sank. I am very anxious that we should not be accused of trying to cover anything up or indeed of assisting in a cover-up. Moreover, bearing in mind our earlier assurance I think it would reflect badly on the Island if we were to renege on our word.

It is our intention to continue to seek contributions from the Marine Accident Investigation Branch, from the underwriters of the vessel to offset the total cost, but at this time we must anticipate that there is the possibility of some unquantifiable overspending of the original vote. It would be our intention to seek authority from Tynwald for that sum when it is known. The timing of the recovery is not yet firm but may well be next month, when there is a reasonable expectation of calm weather. I thank you very much, Mr President, for this opportunity, sir.

**Several Members:** Hear, hear.

### **Milk Industry – Emergency Short-Term Support – Expenditure Approved**

**The President:** Hon. members, turning now to the order paper, item 3, I call on the Minister for Agriculture, Fisheries and Forestry.

**Mr Downie:** Thank you, Mr President. I beg to move:

*That Tynwald approves the Department of Agriculture, Fisheries and Forestry providing emergency short-term support to the milk sector of the agricultural industry during the year ending 31st March 2001, at a cost not exceeding £400,000.*

This is the second time in three years that the department has judged it necessary to ask Tynwald to provide financial assistance to the dairy sector of the agricultural industry and I make no apology for doing so. The dairy industry forms a major and critical component of Manx farming, with a first-hand turnover of over £12 million. It is based on the strength of family-owned farms, abundant grass, a tradition of good stockmanship, high quality stock, the green and clean unpolluted countryside and a product which the consumer likes. The industry is served by a central creamery which, after refurbishment, is one of the most modern in Europe. With European food safety inspection accreditation it employs over 100 people and provides the local population with fresh milk and quality cheese. The industry is a leading export earner for the Isle of Man and has the potential to expand even further. The average bacteriological and somatic cell count of Manx milk ranks among the best hygienic quality being produced.

However, the critical factor affecting the creamery's performance and producer returns is the decline in the prices received for cheese exports. Once the domestic market for liquid milk is satisfied the remainder of the milk, some 80 per cent by volume is processed into cheese and mostly exported. The strength of sterling over the past two years has made imported cheese more attractive on the UK market. This, coupled with price competition between the United Kingdom multiples, has led to a fall in cheese prices which has been passed on to producers by way of a reduction in milk prices. Since January 1997 the average sale price of

cheese received by the creamery has fallen from £2,450 per tonne to the average received in 1999 of £1,965 per tonne. This is very critical to the producer. The average producer price in 1998 was 18.2 pence per litre and in 1999 it was 17.76 pence per litre. From 1996 to date the overall producer price has fallen by an incredible 22 per cent.

These prices stand against the target figure of 20 pence per litre calculated by the department's advisory service as being an uneconomic return, a figure recently supported by the National Farmers Union in the United Kingdom derived from an independent report into the cost of production and used when presenting a case to the UK Government for financial support. These representations have resulted in £22 million support recently announced for the hard-pressed dairy farmers in the UK.

The inevitable result of these price movements has been a dramatic fall in the average dairy farm income. From the actual farm accounts of five dairy producers participating in the department's farm accounts scheme, average income fell by £10,000 in 1998. With a further fall in price in 1999 there will inevitably be a further fall in income. With the value of dairy calves and older cows - important sources of income for dairy farmers - having also plummeted due to BSE control measures, the situation is now of great concern. Three years ago there were 101 dairy farms in the Isle of Man; there are now 85. There has been concern expressed previously in this Court that the volume of milk produced in excess of that required for the liquid milk sales has been the root cause of the lower producer price. As I have already said, there is a direct link between the price received for cheese and producer returns, so it is evident that the more cheese which is produced, the greater problem occasioned by falling returns.

I would, however, like to make the following points: first, the volume of milk produced has stabilised, and less milk was produced in 1999 compared with 1998; second, the creamery, fully aware of the importance of cheese sales, has appointed a marketing expert as its new chief executive, Mr Finlay Macleod, with a specific remit to improve and develop the marketing of cheese and review the export sales strategy; third, it is not the product that is at fault but outside factors arising from the strength of sterling, the collapse of world markets and the disproportionate market strength of dairy processors and retailers; fourth, there are unit cost savings in the operation of the creamery by a consistent and regular volume of milk being produced as long as it is not seasonal, a situation which the creamery fully appreciates and is addressing.

Members will recall that before moving the resolution for emergency financial support in 1998 the department requested Treasury's accountants to carry out an appraisal of the economic factors affecting the industry, including a review of the financial status of the creamery. This provided assurance that the financial support was justified to the industry based on the creamery's operation, structure and financial arrangements. The report has been reviewed this year. This enables the department to reconfirm that further financial assistance to dairy producers would serve to stabilise the industry and is worthwhile in view of the aims and potential of the creamery.

The department, therefore, requests the approval of this motion. The intended payment to dairy farmers would be the equivalent of one penny per litre increase. The average price is 17.06p per litre received in 1999. This would not, therefore, make up the total shortfall between the cost of production and total returns, but is judged by the department to be

sufficient to enable producers to remain in business. One penny per litre on 40 million litres of milk produced in 1999 requires a total payment of £400,000, not, I should add, the £40,000 which has appeared on the figures which were circulated in a briefing paper. There were 6,915 cows and heifers in milk recorded by the department on its June 4th 1999 agricultural census figure. Based on 400,000 and 6,915 eligible cows a payment of 57.84 pence per cow is produced. The department therefore, proposes to pay £58 per eligible cow, being aware that some producers have reduced their herd size and others have stopped producing since 4th June 1999 to whom part payments would be made. Mr President, I beg to move the motion standing in my name.

**Mr Singer:** Mr President, I beg to second and reserve my remarks.

**The President:** Hon. members, I will put the resolution set out at item 3 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Draft European Communities (Indonesia Sanctions) (Revocation) Order 2000 – Approved**

**The President:** Item 4, the Chief Minister.

**Mr Gelling:** Mr President, I beg to move:

*That the draft European Communities (Indonesia Sanctions) (Revocation) Order 2000 [draft] be approved.*

On 11th October 1999 the Council of the European Union adopted Council Regulation (EC) No 2158 concerning a ban on the supply to Indonesia of equipment which might be used for internal repression or terrorism. The regulation was adopted in reaction to the violation of human rights that had taken place in East Timor following the recent democratic elections there. In order to prevent the possibility of the Isle of Man being used to circumvent these measures it was deemed necessary to implement this EU regulation in Manx law.

The EU regulation was introduced as a temporary measure and only remained in force for six months. When the EU decided to review the situation in the light of developments in Indonesia they resolved not to renew the sanction. The Isle of Man application order, however, has been applied indefinitely and it is now necessary to revoke that order if the Island is to remain in step with international communities. Mr President, I therefore beg to move the motion standing in my name at item 4 on our agenda paper today, sir.

**Mr Corkill:** I beg to second, sir.

**The President:** I will put the resolution, hon. members, set out at item 4 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Motor Vehicles (Third Party Risks) (Amendment) Regulations 2000 – Approved**

**The President:** Item 5, the Minister for Transport.

**Mr Brown:** Thank you, Mr President. I beg to move:

*That the Motor Vehicles (Third Party Risks) (Amendment) Regulations 2000 [SD No 130/00] be approved.*

The purpose of these regulations is to make minor amendments to the Motor Vehicles (Third Party Risks) Regulations 1988. The main effect of these regulations, if they are

approved by Tynwald Court today, will be to increase the level of the security bond which can be made with the Treasury in lieu of compulsory third party insurance from £100,000 to £500,000. The amending regulations also substitute references to the Department of Transport for references to the Treasury, consequentially on the transfer of certain road traffic functions from the Treasury to my department in 1993. Mr President, I beg to move the motion standing in my name.

**Mrs Hannan:** I beg to second and reserve my remarks.

**Mr Cannell:** Mr President, I would like to ask the hon. Minister for Transport if his department has or would be prepared to consider a form of identification of vehicle insurance? There are increasingly numbers being identified by the courts of vehicles being driven without insurance, and although I gather that where a conviction is recorded and no possibility of a recoup of cost against a third person is possible the Motor Agents Association have some form of provision for recovering some of the costs or paying them out to those who are liable to have some compensation in the matter, I still think it would be a very good idea if we were to consider for the future, although not necessarily through this particular vehicle order today, that there is proof that vehicles being driven on Isle of Man roads are fully insured.

**The President:** Reply, minister.

**Mr Brown:** Mr President, I can advise the hon. member that this issue has been looked at in the past and is presently a current live issue with the department in endeavouring to see if there is some way of affixing to the windscreen of a motor vehicle an indication that the person has a current insurance. One problem we have come up against is that the insurance companies themselves are reluctant to do this, and I think that is based, really, on advice given by their main companies in the United Kingdom. But there is also another practical problem which is, of course, that somebody could cancel their insurance once they got the sticker on the vehicle and therefore could still avoid not having their vehicle insured. I have to say I think it is extremely irresponsible for anybody who actually drives a vehicle without insurance and, as far as I am concerned, when that situation arises then I hope the courts take a severe view on that because of the real potential that could happen in that if there was an accident what the resultant effect would be on those who are the injured parties. So I think the whole issue of insurance is extremely important and we will endeavour to see if we can tighten up the system, but it is somewhat limited if people then abuse the law and then it is a matter for the courts. However, I thank the member for his contribution on that.

**The President:** I will put the resolution, hon. members, set out at item 5 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Driving Licences (Theoretical Tests) Regulations 2000 – Approved**

**The President:** Item 6, the Minister for Transport.

**Mr Brown:** Mr President, I beg to move:

*That the Driving Licences (Theoretical Tests) Regulations 2000 [SD No 132/00] be approved.*

The Driving Licences (Theoretical Tests) Regulations 2000 are intended to come into effect for applicants for provisional driving licences from 1st July 2000. That is the date when

the appropriate provisions in the Road Traffic Act of 1985 will be inserted by a part of section 6 of the Road Traffic (Amendment) Act 1996.

The inserted provisions of the Road Traffic Act 1985 will require an applicant for a provisional licence to provide to the licensing office a certificate to show that he or she has passed a theoretical test of knowledge of driving. The theoretical test will be the same as in Great Britain and the British test papers will be used. These meet European requirements. Candidates will be allowed 40 minutes to answer the 35 multi-choice questions and special provision is made for candidates with English reading difficulties. Prospective drivers who have to take the theoretical test will be able to familiarise themselves with the possible test questions and the correct answers by consulting the British Stationery Office book entitled 'Official Theory Test for Car Drivers and Motorcyclists'. Copies of that book will be deposited at least a month before the tests commence at the Isle of Man College, under whose auspices the test will be taken at the college itself, or at various schools around the Island where there are appropriate examination facilities and sufficient candidates wishing to take the test.

Bookshops will be able to stock the books for sale to prospective drivers, and indeed one bookshop in Douglas already sells of its own volition an up-to-date edition of the book.

There are two significant differences between the British arrangements and the Manx ones. Firstly, in Britain the theoretical test has to be passed before a full licence to drive can be granted, so it works on the same lines as the ordinary practical driving test. In Britain, therefore, people can drive on a provisional licence without having taken and passed the theoretical test. In the Isle of Man the Act requires the theoretical test to have been passed not earlier than two years before a provisional licence is taken out. This is so that everyone who gets behind the wheel or handlebars of a motor vehicle to learn to drive it has proof that he or she has passed a test of knowledge about driving. As in Britain, there are special test papers for first-time drivers who are intending to take out a provisional licence to learn to drive a motor-bike or moped. These papers include specific questions relevant to the safe driving of a bike.

The second difference from the tests in Britain is intended only to be a temporary difference. For the time being there will be no special additional theoretical test questions for qualified car drivers who wish to take a test to drive a heavy goods vehicle or a bus or some other special category of motor vehicle. However, when the Road Traffic Act 1985 has been amended to provide for a stage test so that only qualified car drivers can learn to drive a bus or lorry, then it will be possible to require those prospective heavy goods vehicles or bus drivers to pass a supplementary theoretical test relevant to the driving of the heavy goods vehicle or passenger vehicle with larger seating capacity.

The Isle of Man College will charge an examination fee on much the same basis that it charges educational examination fees. The fee will be £15 to cover the cost of running the tests and includes £3 reimbursement to the Department of Transport for its purchase of the test papers from the British Driving Standards Agency. The fee charged by the Isle of Man College will be reviewed from time to time to see if there is any need to change it in relation to the actual cost of holding the tests and issuing the certificates, and my department, the Department of Transport, will liaise over those fees.

Not all applicants for a provisional driving licence will be required to produce a theoretical test pass certificate before the provisional licence is granted to him or her. The first exception is where the applicant only wants a provisional licence to take a test to drive a mowing machine or a pedestrian-controlled vehicle. The second exception is where the applicant already holds a full licence to drive a car, a motor bicycle or a moped - that is, a holder of a full licence to drive a car, motorbike or moped is not required to pass a theoretical test if he or she needs to take out a provisional licence to learn to drive an additional class of vehicle. And the third exception is only transitional, so that the theoretical test requirements are not imposed on people who are already learning to drive under a provisional licence or already hold a full driving licence for any group of vehicle other than a mowing machine or pedestrian control vehicle, but this temporary exemption ends on 31st December in the year 2000. So any driver who holds or has held at any time this year a previously issued provisional or full licence will not be required to pass a theoretical test to take out a further provisional licence provided that the new provisional licence is taken out by not later than 31st December 2000. Mr President, I beg to move the motion standing in my name.

**Mrs Hannan:** I beg to second and reserve my remarks.

**Mr Quine:** I would just ask the minister if he could comment on some of the security aspects of this. I can gather from the memorandum, of course, that tests are going to be conducted at the college and I can see that the invigilation will be done through the college, but my concern is with the security as regards the papers. Are we talking of a set of papers from A to G which are going to be used on different occasions? Are we talking of papers which on any one day are going to be intermixed and handed out to different students? Many years ago I was involved in driving testing for a good number of years and we had this sort of system, and I can assure the hon. minister there are very significant security and control aspects to be addressed in this system, because if we are going to have a limited number of papers - I do not know how many - and we are going to have the standard paper on any one day, there could be problems with the answers for those papers being leaked; if we are going to have a mix of papers there could be problems in relation to what paper goes to what candidate. I would just ask the minister, has this aspect been addressed and how is he going to ensure that it can be fairly and properly conducted?

**Mr Cannell:** Mr President, I would like to take the opportunity of asking the minister for his observations on 'Schedule Theoretical Test, part 1, Nature of Test,' to '2, See the Road' because it says 'Driving risk factors related to various road conditions, in particular as they change with the weather and the time of day or night.' I do not disagree with that, but it does not seem to be followed up by the requirement for proof of competency of anybody to drive a motor vehicle subsequently whilst learning or indeed afterwards shortly during the time of darkness, and it is a very different proposition indeed these days driving in the wet and the dark on Isle of Man roads with the amount of traffic that we have than it used to be, and although it is covered in the theoretical, which is the purpose of the order before us here today, I wondered if he could observe whether they are moving towards perhaps testing of driving by newcomers at their driving test on the practical part to contain some element of night driving.

**Mr Shimmin:** A couple of queries for the minister, if he is able to answer. Within the explanatory memorandum one of the reasons cited for this direction is continued acceptance

of Manx driving licences for exchange in the UK and Channel Islands. I would ask the minister whether he is aware, within the theoretical test in the United Kingdom, of any references made to driving upon motorways, which we obviously do not have on the Island, also whether within the nature of the test, part 2, 'Road Traffic Regulations, that refer to speed limits, will there be issues in the test which will require knowledge of speed limits in the United Kingdom or will that be related to the Isle of Man circumstance?

Another issue would be 4(a) in the explanatory memorandum which refers to contributing to road safety, and I am supportive of any measures which encourage the safer use of roads by young people. Could he advise as to whether the department has actually investigated a recent proposal that newly qualified drivers should have a maximum of one passenger within their vehicles, as it is well known now statistically that young people are at greater risk of road accidents, the greater the number of people they have in their vehicles? I wonder whether that has been part of the discussions on contributions to road safety. Thank you, Mr President.

**Mr Karran:** I would just like to ask about the reasons behind this. Whilst I welcome this - and I think any moves to decrease the number of unnecessary injuries and deaths on our roads have to be supported - is the reason why we are doing this more to try and keep in line with the United Kingdom than the common-sense reason that it should be done in order to protect less experienced drivers on the roads so they have some fundamental knowledge? Also, what I would like to know is, with this proposal in front of us today, will we be seeing other things that will be brought about as far as road safety is concerned?

**Mr Cretney:** I just wish to stand in support of the proposed measure, Mr President. I was interested in the remarks from the hon. member for Onchan where he talked about night-time driving. It just seems to me that driving, full stop, in the Isle of Man is different now than once it was. It seems to me that there is more aggression and less manners in terms of the roads than we once enjoyed. I am afraid it is one of the few negatives that have come about in terms of the way the Isle of Man has developed over the last few years, so I welcome this move to do what we can to ensure that new drivers, when they go on the roads, are as safe as possible.

**The Speaker:** Mr President, I welcome the proposal by the minister. It causes me no problem at all. What does cause me a problem is why we insist on making things as complicated as we possibly can. Now, if you turn to the schedule of the papers in front of us you will see in part 2 that in (3) it says, 'The examination shall last 40 minutes plus eight-sevenths of a minute for each question over 35.' (*Laughter*) Now, according to me eight-sevenths of a minute is 1 minute 8.571428 seconds, and if the candidate requires assistance of a suitably qualified person because he has reading difficulties, not mathematical difficulties, 80 minutes plus sixteen-sevenths of minute for each question over 35. Now, I could understand the logic of the department wishing to put that into a schedule, Mr President, but in reality can't we keep things simple?

**Members:** Hear, hear.

**Mrs Crowe:** Mr President, in order to help my hon. colleague from Rushen, could I suggest to the minister that he would investigate the use of interactive screens in the driving licence centre? The test is taken in most American states on an interactive screen. The results are determined as the test is being taken, the method is totally simplified and the results are

done within the hour, and I would suggest that in this electronic age the age of simplification is upon us and it could be achieved almost now. *(Mr Downie interjecting)*

**The President:** Reply, minister.

**Mr Brown:** Clearly this is a matter of interest to us all in terms of road safety, and I suspect us all having the feeling of how we dealt with driving when we first took to the road, and wasn't it a different world then, when in fact the number of vehicles was substantially lower than what we now see on the Island's roads?

As far as endeavouring to answer the points made by hon. members, I would say that I believe that this matter of introducing theoretical tests is in fact an important step forward in ensuring that anybody, young or old, who is a first-time driver on the roads of the Isle of Man has to have an understanding of the theory of driving, and I think that really is the point that should be uppermost in our minds.

As far as the point made by Mr Speaker about the bit he read out, members are potentially in danger of doing what they did to STV and that is trying to read all the details, which is somebody else's job, whereas what matters is fairness of the exams. The Isle of Man College are the people who are undertaking this work on our behalf, because my department is not used to dealing with written exams and dealing with computer technology in terms of examinations. So, quite clearly, what matters is a point that was made by a number of members, which is the fairness for those taking the test, and whether or not it is whatever it is - in how many seconds or tenths of seconds or seven-eighths or whatever - quite honestly is a procedure that is required, I understand, to ensure that the examiners make sure the test is undertaken properly and that there is no abuse of the test. Now, I am no expert on that and I am not one who is a great lover for tests, and I am sure most members are not, but I am sure it would not be in the regulations unless it was absolutely necessary.

As far as security of the test, which the hon. member for Ayre raised, and the security of the papers, this matter, as I understand it, has been a matter for discussion between the parties and certainly, if not, I will ensure that it is raised by Highway and Traffic. But, as in any examination where it is an examination which is either on the computer or written, then clearly what matters is security. Now, my understanding is, I think, it is actually a computer exam and the questions will change for every person taking the examination, and there will be no way for an individual outside to know whether or not the question somebody else has taken will be in their test. That is the case with any test in terms of how people take it. Again, what matters to us - and clearly security does matter to make sure the tests work and that they are fair and there is no abuse - is that this system will be introduced, it will be evaluated as it goes along to see where there may well be some need to tweak the system, but a lot of work has gone into this to try and make sure that the system works.

The hon. member for Onchan, Mr Cannell, raised the point about driving at night. I am not aware that there are going to be any tests taken at night, but again it does depend very much on when people take their driving lessons. I know I took my driving lessons in the winter months, and on occasion it meant that I drove in the early evening when it was dark, and on other occasions I drove in the daytime. Of course, the problem if you are doing it in the summer is that it is very late when it is going dark so people do not tend to be taking their lessons at that time. Whether or not we advance to more and more provision to help cover

night driving I am not sure at this stage, but clearly what matters is the skills people get when they are learning to drive, and I have to say - I think it is a fair comment to make - I think all of us really learn to drive properly once you are on your own and you have actually got the experience of driving regularly on the road. I think that is where you get your real experience from. But what matters on this is the knowledge that you get so that when you are taking out a provisional licence you already know what speed limits are about, you already know what the signs are in relation to coming to a bend, coming to a junction, what double white lines mean and so on, which of course at the moment is not necessary, because you can get a provisional licence, get on a motorbike, get in a car and never have even opened the Highway Code, and we are really relying on parental responsibility to say, 'Have a look at the Highway Code before you go out on the road.' This will change that and will say to any new driver, 'You must understand what driving is about and you must understand the Highway Code' et cetera, et cetera.

Mr Shimmin mentioned about exchange with the UK and European. There is a real need for the Isle of Man, for its own residents, many of whom do go abroad in later life to retire, and other ones who go away to work, to have a provision where the Isle of Man licence is accepted in the UK and/or accepted within the European Community countries. I have had a recent case where a lady was having difficulty. Hopefully we have resolved that matter. The difficulty was because the country in the EU had never seen our old Isle of Man licence. The new one which now follows the European one they do recognise, but they had not seen one at all which we thought, if you remember some years ago, was a big advance when we first put the photographs on and the lady was having considerable difficulty in getting a licence and potentially was going to have to find an accommodation address in the United Kingdom to get a UK licence which would then be accepted in this other country in the European Union. Now, that is a nonsense and we need to resolve that problem and, whether we like it or not, in terms of our travel, our movement, our business, we are in the EU in terms of how we link with them, although we are outside the EU for the purposes of our own governmental structure.

The hon. member, Mr Shimmin, also spoke about motorways. My understanding that the provision of motorways will be included in it. We are very conscious that there are people who go off the Island very regularly now. Especially with sea travel being so competitive and so convenient, people are going away in their cars, so people have to understand the issues of driving on the motorway, and again I would just say that until you have actually gone on the motorway, that in itself, the first time, can be somewhat of an experience.

Speed limits - my understanding is it is the general knowledge of speed limits - in other words, the signs, what you must do in a speed limit et cetera.

The hon. member raised an interesting point about limiting the number of people in a vehicle, when it is a new driver, to one. Well, I would make the point I had not heard that one, but it may well be an issue. I am not sure how practical it is, but I would say to the hon. member that we have introduced something which the UK do not have, which is the R-plate system. This limits the driver to 45 miles an hour no matter how many are in the vehicle, and that is a matter, of course, of enforcement by the police and that also applies to learner drivers, a 45 mile-an-hour speed limit, again something that they do not have in the United Kingdom. So we are looking at a number of safety measures, but not always just following the United Kingdom. We are trying to see what is appropriate in the Isle of Man as well and I think

the R-plates have been quite successful. In consciously saying to the person who has just passed their test, whether they are young or not, that they are limited to 45 miles an hour, I think the problem comes in when it is somebody who has passed their test a long time, has the R-plate or L-plate on the car and forgets that they are restricted to 45 miles an hour. We have to, every so often, provide publicity for that.

In answer to the hon. member for Onchan Mr Karran's question about introduction of this because of the UK, well, I would remind the hon. member that we introduced it in our own legislation in the 1996 Act. We made provision to enable this to happen. It has been in the minds of the department for quite some time. They have been conscious that there are changes going on in the EU. I hope I have explained the reasons why we think that is right. It is all very well standing on our own saying, 'We are the Isle of Man,' but at the end of the day our people will not thank us if we have so many things different and so different that when they want to go off the Island to work or to drive or whatever, they are not actually able to do it because what they have is not accepted. So, there has to be some recognition of that.

The last one was the point the hon. member for Rushen, Mrs Crowe, raised about interactive screens for tests. That may well come. With computer technology the way it is going, who knows what might be available in three to five years within the confines, and whilst I accept it in America, this is a major step for the Isle of Man and I think that we just have to see how this goes and maybe then we will go to the future. Mr President, I hope I have answered the hon. members and I beg to move.

**The President:** Hon. members, look at the resolution set out at item 6 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Inspection of Taxis and Hire Vehicles Regulations 2000 – Approved**

**The President:** Item 7, the Minister for Transport.

**Mr Brown:** I beg to move :

*That the Inspection of Taxis and Hire Vehicles Regulations 2000 be and the same are hereby approved.*

Mr President, the Inspection of Taxis and Hire Vehicles Regulations 2000 are intended to replace, from 17th April 2000, the corresponding regulations made in 1956 and 1970 and the various amendment regulations which were made from time to time up to 1992. These are listed in schedule 3 to the new regulations. The main regulations which are to be superseded are the Hackney Motor Vehicles (Inspection and Condition of Fitness) Regulations 1970, which were made under the Public Service Vehicles (Inspection) Act 1928. That Act has already been superseded since 1964 in respect of the inspection of buses, and it will be superseded in respect of taxis and hire vehicles from the 17th April, by provision in schedule 2 to the Road Traffic Act 1985, which from that date will be inserted by section 12 of the Road Traffic (Amendment) Act 1996.

Arising from those provisions, inserted in schedule 2 to the Road Traffic Act 1985, the new regulations will exclude from inspection and certification of fitness as hackney carriages, hire-and-drive cars which are either (1) new from the manufacture or his importer and are unregistered; or (2) up to three years old but were new from the manufacturer or his importer when they became registered in the Island.

This legislation does not and cannot exempt hire-and-drive cars from the requirement that they be licensed as hackney carriages by the eight local hackney licensing authorities, but it does mean that operators of new or nearly new hire-and-drive cars which are supplied new by the manufacturer or his importer, through the franchise dealer network under the manufacturers and dealers warranty can be licensed as hire and drive hackney carriages without having to be sent to the vehicle test centre for inspection. A local authority will be able to license them without a certificate of fitness if the hire and drive operator produces to the local authority or to the Treasury licensing office his standard form V55/1 or equivalent certificate of newness which comes with the car from the manufacturer or his sole importer into Britain and the Island. If the car is already registered when he submits his application to the local authority, he must also provide the registration book to show that the vehicle is not more than three years old since it was manufactured.

It is expected that this exemption for new and nearly new hire-and-drive cars, from inspection as hackney carriages, at the vehicle test centre will relieve the centre of having to undertake a lot of work, particularly in relation to overtime working when the hire car firms bring in their fleets for the summer. At present there is a substantial turnover of hire and drive cars, being brought to the Island for only a few months at a time and replaced with new ones. Although there is currently a very large through put of hire and drive car registrations and inspections, this is exceptional and the normal number is around 300 per annum, mostly for being licensed as hackney carriages by Douglas Corporation.

The test centre's resources will be better used on testing more classes of heavy goods vehicles than brand new standard passenger cars which are under manufacturer's warranty. Once the exemptions from the inspection for new or nearly new hire-and-drive cars are in place, the department will then be in a position to introduce new regulations under the Licensing and Registration of Vehicles Act 1985, so that all articulated lorries and the larger rigid lorries may be brought within an annual testing requirement.

A consequence of the change from the 1928 legislation and regulations under it to more modern statutes is that much of the administrative detail and determination of such things as seating capacity of a taxi or job carriage is outwith the scope of the new regulations. The department has therefore set out such matters in the form of a direction to the department's senior officer, who has overall responsibility for the vehicle test centre. This is published as a government circular, a copy of which is attached to the explanatory memorandum, which has been circulated to members, for information.

Mr President, if the regulations are approved by this hon. Court today, I intend to formally lay the administrative direction before this hon. Court at the next sitting for the sake of public record. Mr President, I beg to move the motion standing in my name.

**Mrs Hannan:** I beg to second and reserve my remarks.

**Mr Houghton:** Mr President, may I ask the hon. minister if he could just clear up one or two points? If he could, would he give us the reason for hire vehicles' exemption until 10,000 miles or three years, whichever is the lesser, when these vehicles are often driven in a manner which causes severe wear and tear and could lead to early defects which would not be noticed on an annual inspection, and how does this concur with safety?

If he could also inform this Court, have these hire cars in the past gone through an annual test previous to these regulations, and what are the reasons for their changes? And why does this differ from regulations regarding taxis when these vehicles have to be tested each year. I do know that my hon. colleague, Mr Henderson, who is not here at this moment, is also concerned with this and I would be very grateful to receive the hon. minister's reply to this. Thank you, Mr President.

**Mr Cretney:** Mr President, I did, when the regulations were put forward, make representation after this was communicated to certain members in the taxi trade who were concerned about this element. I am grateful for what the minister has said today in terms of the direction and in particular that at the next sitting of Tynwald such direction will be laid before Tynwald as a matter of public record. I do believe that is important because the concern of those who are involved legitimately in the taxi trade and who have saloon cars was why there should be a differential between such saloon cars which are used for that purpose and ones which are used for the hire-and-drive operation. I think that the hon. minister has clarified that point this morning, in terms of laying it before the hon. Court at the next meeting, but if there is any further detail as to why this is necessary, I am sure it would be well received.

**Mrs Cannell:** Mr President. my queries are very short and very simple. I would ask the minister whether or not, prior to bringing forward these particular regulations, there was any consultation with the industry itself, and were any views expressed by them? And also, in relation to these regulations, where will they feature in the department's proposed all-Island hackney licensing legislation which we are expecting?

**Mr Cannell:** My point is again relatively brief and concerns the welcoming of schedule 1, part 1, (1)(V) where it requires the vehicle, including all fittings, equipment, bodywork, paint work and any upholstery to be well maintained and kept clean and in good working order. It is with regret that there still persists, or up until now anyway, having the operation of some of the taxi trade in the Isle of Man which run vehicles which do not by any means adhere to that, and that is to be deprecated because at one time, when we had proper public service vehicle inspectors going around the Isle of Man, the standards were very, very considerably higher. As I say, it is only a few rogues who persist in running bangers which are a long way from what we require as the standard in the Isle of Man. The rest, of course, take great pride in their fleet. But I do hope that these regulations will root out those who want to run tatty old Ladas with terrible upholstery, exhaust hanging on the road and a variety of other deficiencies.

**The President:** Reply, minister.

**Mr Brown:** Thank you, Mr President, in endeavouring to respond to the points raised by the hon. members, the hon. member Mr Houghton was asking about the exemption re the hire vehicles. Considerable discussion has gone on in the department, especially involving the vehicle test centre people on this issue, and they are satisfied that in relation to hire-and-drive vehicles there is no problem in exempting them as proposed. There will still be, of course, a responsibility on the owner of the hire-and-drive vehicles to ensure that their vehicles are up to a standard which meets the requirements of the legislation, and all I can say is that, if we found that there was considerable abuse of that, then of course the department would have to reconsider exempting those vehicles. What we put in place today, hopefully, does not mean that if there is abuse and public concern and public safety put at a compromise we will then react to that and come back here to bring them back into the system of regulation and

checking. We think that it is a practical solution. We are satisfied that a considerable amount of bureaucracy and time is taken up in inspecting these vehicles when really there is already a certificate issued by the manufacturer or the importer which says that this vehicle is a brand new vehicle et cetera. So we are satisfied at this moment that this is a practical move and a way of insuring that we maximise the resources we have available to actually use those resources, as I indicated in opening speech, to bring into the system an area that is causing concern for myself, the department and, I think, for many people in the public in terms of inspections of heavy goods vehicles and articulated vehicles, which of course are not subject to annual tests, and I think, when you consider the wear and tear that they are often put to, that is a situation that we should endeavour to rectify sooner rather than later.

As for the situation with the taxis, and that was raised by the hon. member, Mr Cretney, and Mr Houghton, I would say that this issue is slightly different. When a person hires a vehicle, of course, they are hiring the car and going off themselves. Now, at the end of the day this is all about safety and trying to do what we can. However, there is a difficulty under the legislation to actually exempt the taxis or job carriage from certain features that are required to ensure that the taxis meet the requirements we expect. The hon. member for Onchan, Mr Cannell, raised the issue in terms of the standards, and it is fair to say, I think, that the vast majority of those in the business actually keep their vehicles in good condition and provide a very good service. However, as anywhere, there are some who do not do that, and what we are endeavouring to do is to actually progress towards improving that situation. Now clearly, until we get a situation where the new legislation comes in, we are reliant on the local authorities to employ people to undertake inspections, and I think it is fair to say, apart from Douglas Corporation, who I think have a part-time inspector, that most of the other licensing authorities have very limited, if any, inspection resources. That will change if the House of Keys passes the new legislation which we are hoping to introduce in response to the question from the hon. member for East Douglas, Mrs Cannell, before the end of this legislative session. The Bill is virtually finalised. It makes some substantial changes, which we believe will be in the overall best interests of the people of the Isle of Man, those who require the service, and there will be some very difficult decisions to make and some careful consideration, I am sure, that the House will give to that legislation when it comes before them.

As for the situation in terms of the taxis, what I have done, however, in an endeavour to meet the concerns of those in the trade is issue a direction, and that is the document that the hon. members will see attached to the memorandum that was sent to them, which actually is a direction which I as minister make, which directs the director of highways and traffic to ensure that we do not undertake superfluous examinations. In other words, if a vehicle is brand new and if it is up to the modern standards et cetera, et cetera, then they should not be necessarily examining the whole vehicle, as they do at present, because that is what is required; what they will be able to do, though, is ensure that it complies with the basic minimum standards in terms of seating, luggage, fire extinguishers, safety equipment, et cetera. Now, again this is a new step forward to try and reduce the bureaucracy on the department and those involved in it, and we hope it is a step in the right direction and, if there is a problem, then we will certainly reconsider whether or not there is a need to make further amendments, but we are genuinely endeavouring to reduce the pressure on them. However, we cannot, in terms of taxis, avoid them having to go in for a test in terms of what they are required to provide in public safety

terms et cetera, and I am satisfied, after discussing this issue at length, that this is in fact a reasonable way forward with the legislation that I have available.

If I can just finally answer the question from the hon. member Mrs Cannell, I think I have answered the first one, which was in relation to the all-Island hackney carriage, and we are endeavouring to progress that as quickly as possible. I would refer the hon. member to the actual memo that went out to members in relation to this issue, and the hon. member will see that on that memo - I think it is in section 3 of the memo, we make it clear that considerable consultation with hackney operators, and the eight local authority hackney licensing authorities, has been carried out since 1997 in an endeavour to get where we are. So again my department has carried out a lot of consultation on this to get views and to get to a stage where we are content that this is in fact a practical way forward and I hope it will make some improvements and reduce some of the pressures that there are presently on us for really what are examinations that we do not really believe are necessary and will enable us then to concentrate on areas without additional resources in staffing levels, to actually get to areas where we are concerned and I hope hon. members will support the motion before them, Mr President. I beg to move.

**The President:** Hon. members, I will put the resolution set out at item 7 on the order paper. Those in favour please say aye; against no. The ayes have it. The ayes have it.

#### **Cod (Recovery of Stock) Order 2000 – Approved**

**The President:** Item 8, the Minister for Agriculture, Fisheries and Forestry.

**Mr Downie:** Thank you, Mr President. I beg to move:

*That the Cod (Recovery of Stock) Order 2000 [SD No 121/00] be approved.*

Hon. members may find it somewhat ironic that I have made this order, which is all about protecting the cod spawning stock, when our own fishing fleet at this present time is virtually unable to fish for cod. We do not get a separate quota and we have limited access to what is called a non-sector quota. But this order demonstrates my department's concern for conservation and the future sustainability of the fisheries, even one we do not presently have much access to.

The cod fishery takes place over a wide area. The juveniles spread out throughout the Irish Sea and there is an annual migration pattern that takes them down into the Celtic Sea. Consideration is being given as to how to protect the shoals of cod on those well-known migratory routes. International measures will be required because cod are fished by the fleets of at least five different countries. This order gives effect to an emergency measure which was designed specifically to protect the spawning area, which includes parts of our territorial sea.

I am pleased that the Island is taking part in the international effort to protect the cod stock. I look forward not only to the recovery of the stock but also the time when our fishing fleet can reap the benefit arising from our contribution to this practical conservation measure. Mr President, I beg to move.

**Mr Singer:** Mr President, I beg to second and reserve my remarks.

**Mr Delaney:** I welcome, Mr President, this move even though, as the minister said, we have little or no interest directly at this moment in time, but I welcome what is being done. But I

would ask the minister just to quickly give us some idea of how this is going to be policed and who by and the cost of that policing.

**Mr Downie:** Mr President, for the first time our own fisheries protection vessel has powers to board certain vessels in this area within our territorial seas, and at this present time there are three vessels of the Royal Navy who are taking part in the patrolling exercise and the policing exercise, and on two days a week the area is regularly visited by some of the new aircraft which MAFF have taken control of and the whole area is very much under control. Conservation is a big issue now in fisheries terms and I am pleased to say that the Isle of Man is at long last becoming a player in fishery policy.

**The President:** I will put the resolution, hon. members, set out at item 8 on the order paper. Those in favour please say, aye; against, no. The ayes have it. The ayes have it.

### **Sulby Claddagh Byelaws 2000 – Approved**

**The President:** Item 9. The Minister for Agriculture, Fisheries and Forestry.

**Mr Downie:** Thank you, Mr President. I beg to move:

*That the Sulby Claddagh Byelaws 2000 [SD No 102/00] be approved.*

Ownership of Sulby Claddaghs is vested in the department subject to certain ancient rights in common existence before 1860, such as the right to pasture. The Forestry Act of 1984 empowers the department to make such bye-laws as considered necessary for the upkeep and control of use of the land within its ownership. The department has, through the medium of bye-laws, attempted to control public usage of the Claddaghs, but still facilitates its use for informal recreation. The Claddaghs are not and never have been a recognised campsite and there is no legal right to camp. The department has always been concerned to preserve the area for common use and for the enjoyment of the public at large.

Bye-laws first introduced in 1992 prohibited the burning of open ground fires whilst allowing portable barbecues and camping stoves and prohibited camping for any period longer than 14 days. In 1994 the department sought to close a loophole in administering the maximum 14-day camping period where a tent or caravan was being removed for one night and then returned for a further 14-day period. The use of the Claddaghs by vehicles, especially camper vans and towed caravans, has increased markedly over the last few years, putting pressure on the surface vegetation and the limited toilet facilities, prompting frequent complaints from local residents and users of the area.

These bye-laws represent further measures to establish clear guidelines for use of the Claddaghs. They re-enact the restriction on camping to a 14-day maximum period. They introduce for the first time prohibition of overnight camping during the period of 1st October to 15th March. They prescribe that the registered owner of the vehicle will be liable to any prosecution if the vehicle contravenes the bye-laws. They further define and limit the use of fires in the area to any equipment used for cooking where it is not in contact with the ground, therefore restricting the use of disposable barbecues and preventing scorch and fire damage to the ground. Mr President, I beg to move.

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

**Mr Karran:** Eaghtyrane, I just find it rather sad that we seem to be in this situation. I did not realise that the Department of Agriculture, Fisheries and Forestry had so little to do than worry about being a monitor of Sulby Claddaghs in the winter time. I personally just think that this has been the danger as we have come in ever and ever-decreasing circles. We accepted some restrictions had to be put on this site a number of years ago. It went through this hon. Court. This land is going to lose all meaning as regards what it is supposed to be.

I will not be supporting this proposal in front of us today because I think it is wrong. It just shows you the total imbalance as far as different departments are concerned. If they can be worrying about somebody camping on Sulby Claddaghs in the middle of the wintertime, I think good luck to them as regards that.

I personally feel that members should throw this out; it is going too far. It is crazy that you have got to ask - I mean, I am out of the youth service 20 years now, but if I wanted to use that place now I have got to go and ask the Department of Agriculture, Fisheries and Forestry. I am glad to know that they have got little else to do in their department between the three of them but to worry about whether I am going to put some tents up on Sulby Claddaghs. I think this is a piece of nonsense and I hope hon. members throw it out, because if members are worried about people staying there in the winter time for longer than the time period, then fair enough. They have got what they wanted: they wanted to stop people camping there, using it as an alternative to accommodation. To be honest with you, you could not blame people camping there the way we have handled our accommodation crisis within this hon. Court! I do feel that that issue has been addressed, but to tell us now that you cannot go there without going to see Minister Downie and his two cohorts (*Laughter*) to get permission in order to put a tent up in Sulby Claddaghs I think is a piece of nonsense in this hon. Court.

**Mr Cannell:** Mr President, I take up exactly the same theme. In another place recently an action was described as a sledgehammer to crack a nut, and this is another example. The Sulby Claddaghs Bye-laws - it is only a little field by the side of a river; people go there to enjoy themselves. You have a prohibition on overnight parking in the winter. As my hon. colleague has said, you should give people a medal if anybody wants to camp out down there in the winter. It actually makes the place look a little bit alive, which it would not do otherwise. I would not fancy it myself. A prohibition on overnight camping in the winter, a prohibition on long-term camping in the summer, and so it goes on, and there is a prohibition on lighting fires unless they are confined within a certain area, and you 'shall not cook anything upon them unless it is approved by the department'. Where on earth are we going? We are inviting people to come to the beautiful Isle of Man and we are telling them then that they need a permit from the Oberführer before they can actually set foot in there. (*Laughter*) One of the regulations which might have been written into this, Mr President - I was thinking of putting it up as an amendment but I do not think I shall -

**Mr Downie:** Move your standing orders. You have not got amendments.

**Mr Cannell:** If any occupants of a movable dwelling parked or driven anywhere near the Sulby Claddaghs are proven to be having anything remotely resembling a good time in the beautiful Isle of Man, he or she shall be guilty of an offence. I think that is what more or less is happening here. I know we do not want lots of travelling people camped out permanently on the Sulby Claddaghs, but every time I go there, which is extremely frequently in the summer, I see people having a good time. I do not see a big menace. I do not see a big conflagration of

all the surrounding gorse being set on fire. I see people enjoying themselves in the open air and I would have thought the minister of the department would be the last person to put forward something like this, being already committed to the good life, as undoubtedly he was as recently as last Sunday when he was out enjoying the facilities the Island can offer. I urge members to chuck this out. It is going far too far for something that really is not necessary.

**Mr Duggan:** Mr President, like the two previous speakers, sir, I will be voting against this resolution. I think it is completely overboard, it is a load of red tape and I know quite a few people that go down there in the winter time - I would rather them than me actually; I would rather be home by the fire - who do go down there in their little camping outfits and they have a nice quiet weekend down there and they are doing no harm; they even have TVs in them. They are well equipped. They are doing no harm to anyone and they do not cause a mess and I think it is absolutely ridiculous.

**Mrs Hannan:** Eaghtyrane, it is all very well the members for Onchan and Douglas saying this should not happen and their people should be able to go and stay out there for as long as possible, but the local authority out there is extremely concerned about what happens on the Claddagh. The Claddagh is there for everyone and really the only common use for that land is not for parking or driving or lighting fires or camping or anything like that; it is purely to move stock and allow them to graze. That is what common land is all about, and I think for members of Onchan to get so high-handed about putting some regulations into being for this area of land which is common, so there is no charge laid down; if people want to go and camp outside, let them go and camp outside your area because they do not like living in your area, (**Members:** Ooh!) but let them go out and use proper facilities. There are people who do not like living in Onchan but do live in Onchan, and want to get out into the countryside. They also want some peace; they do not want people living there overnight or leaving vehicles over the whole period and causing an absolute problem. There is in my area a camp field, and it is properly run and people have to abide by the laws that are laid down by the operator of that camp field. They actually pay; they cannot use those facilities during the winter months unless they ask the operator, whoever that might be, for special permission to do so. It is the same with Glen Wyllin; it is the same at other camp sites.

I would have thought that members would support the Minister for Agriculture, Fisheries and Forestry, because they have people's time taken up with operating what is an unofficial camp site. The local authority really have their hands tied behind their backs; they are the ones who get all the grief from the abuse that is taking place on this particular site. The people that are using it and not observing and not being neighbourly to the other people that are using it are ripping up fences and burning them, they are burning up the ground, they are placing fires there. There are a lot of responsible people that do use it that are reasonable and operate in a neighbourly manner, but there are other people that abuse the facilities all the time. Therefore I would hope that members can respect the decision that the Department of Agriculture, Fisheries and Forestry have not come to lightly, but need to make sure that this land is properly cared for, because it is common land; it is not a campsite. If it was a campsite, then you could lay down rules and regulations and operate it in an orderly manner. It is not a campsite and we have got to remember that it is common land. And how can anybody graze their animals if there are people camping there all the time?

**Mrs Crowe:** Touching on a query the hon. member for Peel raised there, I wonder if the mover of this motion could tell me what, if any, official campsites are open on the Island in winter time?

**Mr Cannell:** Ask the member for Tourism.

**Mrs Crowe:** Certainly I was down in Glen Wyllin last week and it is boarded up and locked up, and certainly no-one could camp overnight there. So, if we are to prohibit overnight camping in this area, is there any area on the Isle of Man in which someone could camp overnight?

**Mr Quine:** Mr President, I am surprised at some of the comments here because it displays some ignorance of the situation -

**Mr Henderson:** Complete ignorance.

**Mr Quine:** - and the hon. member for Peel has, I think, hit the nail on the head: this is common land, it is not a campsite. In terms of what is taking place there, there are very real problems and they have been of considerable duration, and that was why in 1994 there was a need to react to the situation which had developed then. So what we are doing now is simply trying to make that law more effective. In 1994 the basic decision was taken in relation to this site. Since 1994 experience has shown that what was put in place is not providing effective control, and this is seen as a means of strengthening the policing of that area.

Now, 'no problem', says the hon. member for Onchan - well then, I can assure you that is far from the case. I am frequently contacted about the activities that are going on down on the Claddagh. The local authority is being contacted and complaints logged with them about the activities there. If you go down now and have a look at the Claddagh, talk about grazing - they will be lucky, perhaps, in the summer if they find any grass because there are big round holes where all of the barbecues have been held. The grass is being burnt off -

**Mr Cretney:** The grass is greener on the other side! *(Laughter)*

**Mr Quine:** And may they go to the other side! But this is not a campsite, it is a common area, it is being used quite legitimately by a small number of people and that is fine, but there is a considerable number of people that are abusing it, and that is what this order is about: it is about reinforcing the 1994 decision to cut out those abusers. If any member wants to go down and have a look, then I would commend that to them. I would also commend to them having a word with the local people who live with this. The fact is, fences are being pulled down and used as firewood for these barbecues. That is going on; this abuse is taking place. This is the minimum requirement to ensure its continued use as a common area and that is what it is; it is not a campsite. If there is a need for further campsites, it is a matter for Tourism, I am sure, in conjunction with local authorities to provide more campsites. This is not a campsite.

**Mr Brown:** Mr President, I really just get up to give support to the department on this issue. As the hon. member for Ayre has mentioned, this has been going on a long time. It is not many years ago that we actually had a problem as government through the department to actually move a person who was living there in what was basically an old van and, because there were no regulations, the department could not do anything and the local authority, government and everybody involved was extremely concerned and I think that is what introduced the 1994 regulations.

I think there are just a couple of points I would like to make. Presumably this demonstrates that there is an actual need in this area for a properly constructed and managed campsite, and maybe then, if there is such a facility, we could change the use of the area. What I will say is that I know a number of people who use this area on a regular basis, and the one thing that they do criticise quite regularly is the abuse that goes on by people in the area who stay there and cause all sorts of damage and mayhem. Therefore I think that those who are using the facility properly would welcome a proper management of the area to enable them to continue to use it.

I would however just ask the minister two questions. One is that it may be helpful if the minister could enlighten the Court as to how his department is going to deal with the TT period and Manx Grand Prix period and potentially the Southern 100 period in terms of a large number of campers coming to the Island in terms of the practicalities of getting off the boat and arriving there. And the other one is, could he clarify the written consent that is required? Will his department just be producing a pro forma so people can actually just sign a document and cross out the bits that are unnecessary? I think the concern may well be that people are saying that if you need written consent for the bits that are contained in here, then it could get a bit bureaucratic, if I use that term. So it might be helpful, I think, if the minister, who I know is keen to ensure that this place is looked after properly, as I am sure most of us are, has struck the balance right and it might be helpful if maybe he could respond to these points, which might put members' minds at ease.

**Mr Henderson:** Mr President, I rise as the chairman of the forestry division whom this bye-law is directly affected on our behalf by the hon. minister. I would just like to make a few observations, and especially to the hon. campers from Onchan, who seem to have lost the plot in some respects, because the last thing the department want to do is to ban people from using the Sulby Claddaghs. What is hoped for is some sort of sensible management plan in place to try and control what the hon. member for Peel and the hon. member for Castletown quite rightly pointed out, the abusers. This is not going to be an all-powerful, all-wielding batch of orders as the hon. member Mr Cannell for Onchan is insinuating, but merely so that the worst abusers, if needs be, can be dealt with and a signal go out to try and manage this area as best we can.

If hon. members care to cast their minds back 10, 15 or 20 years ago, the Sulby Claddaghs was a nice place to go for families, children and to enjoy themselves. That is fine. The hon. member for Onchan, Mr Cannell says, 'Oh, there is evidence of people enjoying themselves now' - a big barbecue circle of burnt grass. Well, if the hon. member had been bothered enough to go and have a look at just what modern-day enjoyment is at the minute, that is fine for some people to have small barbecues, but what has happened, of course, is that the substantial amount of the area has been used as a caravan camping park so that everybody else who used to come down and have a nice Sunday afternoon and the children to play around have been forced out.

The hon. member for Ayre, Mr Quine is quite right: if anyone bothered to ask the people living in the north of the Island how do they feel about the Sulby Claddaghs at the minute, they would say, 'Well, we feel forced out; there are fires all over the place, there are parties going on in the middle of the night, fences are getting ripped down, trees are getting smashed to help fuel the barbecues' and all the rest of it. Okay, yes, you could class that as an enjoyment

but it is incumbent upon the department, as the responsible body, to come to this Court if needs be with a small bye-law, and it is our obligation to come and to manage this particular area if there is a problem, and that is exactly what we intend to do: to encourage people to use it by all means, but sensibly and carefully and, if needs be, if there are people who are intent on damaging the area, intent on vandalism, intent on lighting large fires which destroy the area and intent on all the other things that happen, including the wrecking of the expensive toilet block that is there, then we have got to do something, and this is the consequence. Unfortunate as it is, I think it is fair to say, and I am sure the hon. minister will say in his reply, it is the last thing we want to do in reality, but we have got an obligation and we have got to try and manage it somehow. So, yes, we want people to come and enjoy themselves, but the message we are giving out is, come and enjoy yourselves but be careful.

**Mr Shimmin:** Mr President, I shall reluctantly support this motion coming forward, but it is a sad indictment of the world in which we are now living on the Isle of Man. (**Mr Delaney** Hear, hear.) As somebody who has served on the department for 2<sup>1</sup>/<sub>2</sub> years I was quite affronted by the member for Onchan Mr Karran's disparaging types of comments, as if this is the only thing the department has to deal with.

This is a recurring problem which has been deteriorating for some years. Efforts have been made to try and do it more sympathetically in mind of the wishes of the people of the Island, but as in most things that we do in this House and in another place, many of those things which we have to deliberate on will affect innocent people to the detriment, and we have to do it because a small minority of people will continue to abuse the best wishes of the majority. So many of our regulations, many of our laws do adversely affect innocent people, and this regulation, I believe, or bye-law is one such occasion. We can all site many people who would legitimately use this area for recreational purposes as they have through history, but unfortunately a small minority of people who will never identify themselves, who will never take responsibility for their actions, are destroying an area and they are actually impinging upon the good use by the majority of people.

Therefore I am sure the minister reluctantly has come forward with what he and the department consider is the only way of actually trying to resolve an ongoing problem. And what would happen if this were not to come forward is that in three years' time none of the majority of the decent people would feel safe using the Claddagh for the reason it is meant to be used. They would have been driven away by the minority of selfish people. Therefore reluctantly, because I am sad that we are in such a society now where this has to be brought forward, I will support the department and I would hope that they would look at it in years to come to see whether any softening or amendment can be capable, because hopefully people will have learnt how to treat the countryside. Thank you, Mr President.

**The President:** Reply, minister.

**Mr Downie:** Thank you, Mr President. I did not think that the order before the Court today would encourage so much debate, but I must put on record my reluctance, really, to bring this measure before the Court today because I honestly thought that people outside and people on the Island had a little bit more respect for the countryside than they appear to have. And I think it is a sad reflection of the times that in order to get our staff onto the Claddaghs to tidy it up for this present season, we have literally had to take people to court to remove abandoned vehicles - and we have had successful prosecutions now - and a good deal of the

department's time has been spent picking hyperdermic needles up from the Curraghs, trying to re-turf areas where the top surface and the grass surface have been totally obliterated and trying to repair the damage caused by these vehicles standing there. I was on the Claddaghs the other day and somebody showed me where somebody actually drives on, takes a sump plug out of a vehicle while they are camping, drains the oil into the Claddaghs, puts the sump plug back, does his oil change and repairs and throws the cans in the bushes. Now, I ask you, is that what you call common ground? Is that legitimate? I do not think so, and this is why I urge members to support the order that is before you today.

The hon. member for Onchan, Mr Karran - 'sad situation'. I agree, it is a sad situation, but we have got to try and instil some proper standards in the area for everyone to enjoy, not allow the minority to go in there and take the place over. And, as the Island's second largest landowner, the Water Department, the opportunity is there for them to open some of their land up. There are lots of areas that they have which provide good access. If you want to open areas up, I am sure either our department or the Department of Tourism and Leisure would only be too pleased to speak to you. Our biggest problem with the Claddaghs is that it is under so much pressure and the ground at certain times of the year, when it is wet in the winter, needs time to recover.

Mr Cannell, the other member from Onchan, 'a sledgehammer to crack a walnut'; 'Oberführer'. Well, he operated a scorched earth policy and I am sure that I am not going to allow any scorched earth policy to operate down in Sulby Claddaghs, so take that from me. Some of the reasons we have gone for trying to prohibit all-night camping in the wintertime is that because people drive on there in the wet and they start producing these fairy circles and chew all the Claddaghs up, and really that is the time of the year when we should be resting the ground, not encouraging heavy vehicles to go on there and churn everything up. I think it has already been said that if an organised group wants to go down and camp in the winter months over a weekend, they have only got to ask the department and we will consider it, but we are trying to take the pressure off the land.

Mr Duggan said he thought people were doing no harm; well, I would have to disagree with him. There is a big area of land alongside his house I am sure he would be happy to have campers on next to Pulrose Golf Course, where they are going to build a new civic centre.

I thank Mrs Hannan for her support. There are, as Mrs Hannan indicated, lots of facilities available as an alternative to the totally free Claddaghs area. And in fairness, if you want to go camping seriously, you want to go somewhere where this is hot water and showers and you can utilise the facilities although it might only cost you £1 or a couple of pounds a night. I do not see why this desperate need is to all pile into the Claddaghs area and totally desecrate the area down there every weekend. People should try and rotate if they can.

Mrs Crowe - 'where can people camp overnight?' Well, I understand there are areas within the Island that people can camp overnight providing they get permission. There are a number of registered camp sites on the Island, I know of at least three in -

**Mrs Crowe:** Open in winter?

**Mr Downie:** I would think so, yes. I am sure if you asked one or two of the farmers in the area, they would only be too pleased to supplement their income. There is a farm in the south of the Island that regularly takes campers and Boys Brigade and people like that, and I am

sure if they were approached, but I do not think it is within the Department of Agriculture, Fisheries and Forestry to supply overnight camping.

I thank Mr Quine for his support. He reiterated that the area was not a campsite and quoted the recent court cases to remove abandoned vehicles and so on, as did Mr Brown, who remarked on the trouble that they have had historically with vehicles, and he asked me to clarify the situation for the TT period. Unless they are going to move the TT to dates outside the 15th March and 1st October, I do not see there is a problem, because they have got a clear 14 nights down there in the summer. It is only outside that period that there is any control brought in, and I am sure that if there are people there from the continent who have come for the TT and they have perhaps got problems with their bookings, if they advise our staff they will allow them to have a couple of nights extra.

I thank Mr Henderson for his support. He is the one in the department who has got to deal with the management of the land, and I am grateful for the time and trouble that he takes to address a lot of these issues.

Mr Shimmin said he was reluctant to support; it was a sign of the times. But I think we have no other option. If we want the Claddaghs area to become a quagmire within the next few years, just do not vote for this at all and then, when Mr Brown is coming along to seek money to put tarmac down there because you can no longer sustain the lake of mud, I think that is the only option.

I should advise members that the department are willing to look at other areas to open up to the public for camping and for people to enjoy the countryside. We are perfectly willing to do that but I think what we have got to do to establish proper standards and a code of practice, and when we have got that firmly in place and we know we can police it, then we can look at broadening the whole issue and allowing a much more flexible approach to camping and country pursuits and other ways in which we can get the public involved in the countryside. Thank you, Mr President. I beg to move.

**The President:** Hon. members, I will put the resolution set out as item 9 on the order paper. Those in favour please say aye: against, no. The ayes have it.

*A division was called for and voting resulted as follows:*

*For: Messrs Gilbey, Cannan, Quine, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Brown, Houghton, Henderson, Cretney, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Mrs Hannan, Messrs Singer, Bell, Corkill, Gelling and the Speaker - 21*

*Against: Messrs Karran and Cannell - 2*

**The Speaker:** Mr President, the motion carries in the House at 21 votes cast for and 2 votes cast against, sir.

*For: The Lord Bishop, Messrs Lowey, Waft, Mr Kniveton, Mrs Christian, Messrs Delaney and Crowe - 7*

*Against: None*

**The President:** In the Council, 7 votes have been cast in favour of the resolution, no votes against. I declare the resolution carried.

The Court will now adjourn, and the adjournment will be until 2.30, hon. members. Thank you very much.

*The Court adjourned at 1.09 p.m.*

### **Social Security Legislation (Application) (No. 5) Order 2000 – Approved**

**The President:** We turn to item 10 on the order paper and I call on the Minister for Health and Social Security.

**Mrs Christian:** Mr President, I beg to move:

*That the Social Security Legislation (Application) (No. 5) Order 2000 [SD No 123/00] be approved.*

This order applies to the Island three items of subsidiary legislation of the UK Parliament. The amendments contained in the order introduce a number of changes to the benefit rules in order to encourage personal responsibility on the part of claimants and to align the rules on backdating of benefits as far as possible in order to reduce administrative complexity, making the system easier to understand for both customers and staff.

All of the matters covered relating to the subsidiary legislation form part of the reciprocal agreement with the United Kingdom and to the extent necessary the changes have been applied administratively pending formal approval.

Further details of the provisions are set out in the memorandum which has been circulated to hon. members.

I beg to move the resolution standing in my name.

**Mrs Crowe:** I beg to second, Mr President, and reserve my remarks.

**The President:** Hon. members, I will put the resolution set out at item 10 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Social Security Legislation (Application) (No. 6) Order 2000 – Approved**

**The President:** Item 11, the Minister for Health and Social Security.

**Mrs Christian:** Mr President, I beg to move:

*That the Social Security Legislation (Application) (No. 6) Order 2000 [SD No 124/00] be approved.*

This order applies to the Island five items of subsidiary legislation of the United Kingdom Parliament which in the main amend the regulations governing jobseeker's allowance and family income supplement. Provision is made for certain payments to be disregarded as income, and the rules governing a reduction in benefit if a young person commits certain acts are clarified.

In so far as they relate to jobseeker's allowance and industrial disablement benefit, the matters covered form part of the reciprocal agreement with the UK and to the extent necessary they too have been applied administratively pending formal approval.

A memorandum has been circulated to hon. members giving full details.

I beg to move.

**Mrs Crowe:** I beg to second, Mr President.

**Mrs Cannell:** Mr President, I would just like to ask the hon. minister why we are going for this change in this particular legislation concerned in terms of the claims and payments and adjudication. Basically what it is stating here is that the review will only be backdated for one month instead of three months which is the present situation. Why is the department making it more difficult for people who rely upon the department for various benefits and various allowances? Is there really a good reason for doing this?

**The President:** Reply, minister.

**Mrs Christian:** Mr President, I think the hon. member is referring to the order which we have just dealt with rather than the one that we are dealing with currently. The order which is before us deals with jobseeker's allowance regulations in respect of young people who seek to apply for jobseeker's allowance but fail, for example, to take up training opportunities.

The question of the timing and the backdating of awards, which I have just dealt with, I would, if I may under this order, just comment on, although we have already approved it in the Court. It does bring about a degree of clarity for everyone knowing what the standard backdating is and I think that will be useful to all concerned. It is regarded by my department as particularly punitive because the number of claims which come in which require backdating is very small in relation to the total number of claims which the department deals with.

In respect of the order which is before us, I think we need to focus on what it is about. It is about the requirement to take up training opportunities for young people and it clarifies certain issues of payments to third parties when considering whether or not income should be disregarded.

**The President:** I will put the resolution, hon. members, set out at item 11 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

#### **Pension Schemes Legislation (Application) Order 2000 – Approved**

**The President:** Item 12, the Minister for Health and Social Security.

**Mrs Christian:** Mr President, I beg to move:

*That the Pension Schemes Legislation (Application) Order 2000 [SD No 125/00] be approved.*

This order applies to the Island one statutory instrument of parliament concerned with occupational and personal pensions. It will be seen that the instrument being applied provides that specific elements of occupational and personal pensions are increased annually.

Further details of the provisions have been circulated in a memorandum which explains it to hon. members and sets out the percentage increases which are to apply.

I beg to move.

**Mrs Crowe:** I beg to second, Mr President.

**The President:** I will put the resolution, hon. members, set out at item 12 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

#### **Permitted Hours (Licensed Premises) (Temporary Variation) Order 2000 – Approved**

**The President:** Item 13, the Minister for Home Affairs.

**Mr Bell:** Mr President, I beg to move:

*That the Permitted Hours (Licensed Premises) (Temporary Variation) Order 2000 [SD No 119/00] be approved.*

The order before the Court will, if approved, provide extended licensing hours for public houses and licensed restaurants during this year's TT period.

Normal permitted hours are 10 a.m. to 11 p.m. on Mondays to Thursdays, 10 a.m. to 12 midnight on Fridays and Saturdays, 12 noon to 3 p.m. and 7 p.m. to 10.30 on Sundays. This order extends those hours so that permitted hours will run until 12 midnight on each evening from the Sunday of practice week, which is Sunday, 28th May, up to and including Sunday at the end of race week, which is Sunday, 11th June.

This is a slight addition to last year's arrangements. However, this relaxation was a great success in 1999 with both our visitors and locals alike as well as with the licensing trade and I believe it will be equally welcome this year.

I beg to move the motion standing in my name.

**Mr Cretney:** Mr President, I am happy to second. I do believe that it was a success last year and I do believe that the sooner we move on even further (**Mr Delaney:** Hear, hear.) in terms of licensing hours on the Isle of Man in terms of liberalisation the better.

**The President:** I will put the resolution, hon. members, set out at item 13 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Southern Civic Amenity Board Order 2000 – Approved**

**The President:** Item 14, the Minister for Local Government and the Environment.

Mr Gilbey: **Mr President, I beg to move:**

*That the Southern Civic Amenity Board Order 2000 [SD No 58/00] be approved.*

This order establishes the Southern Civic Amenity Board, consisting of representatives of the local authorities of Castletown town district, Port Erin and Port St Mary village districts and Arbory, Malew and Rushen parish districts to exercise the functions of those authorities relating to the provision of civic amenity sites.

Although the southern civic amenity site has been operational for a number of years, it has to date been managed and operated on a committee basis. The new order represents the logical progression which will in effect provide a proper legal framework for the new board.

The new order has been approved by the combined southern local authorities and the proposals are in accordance with the department's existing policies which are to encourage local authorities to establish civic amenity sites to serve the Island's population and to provide support and financial assistance where appropriate.

I beg to move.

**Mrs Crowe:** Mr President, I beg to second this long-awaited order. Thank you.

**The President:** Hon. members, I will put the resolution set out at item 14 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Student Awards Scheme 2000 – Approved**

**The President:** Item 15, the Minister for Education.

**Mr Rodan:** Mr President, I beg to move:

*That the Student Awards Scheme 2000[GC No 8/00] be approved.*

This is the annual review of the student awards scheme. It follows the same format as last year and indeed previous years with the only changes being to schedules 2 and 3.

At about this time every year the department seeks Tynwald approval for improvements to the way we support our students. This year I am pleased to report that our maintenance awards have undergone some re-evaluation with external professional assistance and that consequently on top of an increase to all maintenance awards of 2<sup>1</sup>/<sub>2</sub> per cent, which is the rate of inflation, we propose to benefit undergraduate students who attend college and university in the UK by an increase in the maximum maintenance grants amounting to 6.2 per cent. In practical terms this will give some 300 students who are on full maintenance grants an extra £200 a year.

Also, by uplifting the parental contribution threshold and broadening the contribution bandings, we are able to bring an additional 70 students on to a full award and also to give 230 students, where parental net income is higher but between £16,000 and £27,000, additional assistance by way of substantially reducing the parental contribution payable. Such students therefore will see significant increases in their maintenance award.

We have also made changes to schedule 2 in sections 4 and 5 whereby we are removing means-testing of parental income altogether for the various disabled allowances available and also from travelling expenses incurred for compulsory study abroad.

We would intend to contain the £265,000 total cost of these improvements within our approved budget limit.

I would confirm that every student, irrespective of his or her means, when they attend a college or university in the United Kingdom, will continue to have their tuition fees paid in full. In other words, we will support Isle of Man students in the way we have always supported our students.

The department will of course continue to negotiate with the UK on getting the best overall deal in respect of tuition fees.

It is also intended to continue to review the levels of our student living support and the scope of our scheme with a view to seeking further substantial improvements, if at all possible, as part of next year's budgetary process.

There are no plans to substitute our system of student grants by student loans, as in the UK, although we will do further study on the costs and practicality of a loans scheme to run in parallel but I am not in a position to give any more conclusive undertaking at the present time.

I believe members will welcome what are significant improvements to grant support for students entering further and higher education and I beg to move the resolution standing in my name.

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

**Mrs Cannell:** Mr President, I obviously welcome this initiative by the department and indeed look forward to a new student scheme award coming in some time next year. What I would ask, though, is in relation to the memorandum that was put out under 'Three reasons for measure'. It is stated here that the current maximum grant payable in London is £4,600 in terms of the living grant and that it is £3,218 outside of London. The following paragraph refers to the fact that the independent review which was undertaken by the Department of Education did indicate that the current Isle of Man maximum living grant is too low and then it goes on to say that the department should move towards a maximum grant of £4,020 per annum outside of London. There is no mention of whether or not the independent review also outlined the fact that the £4,600 per year to students living in London was also too low, it only talks about the grant support for those living outside of London, and bearing in mind we do have a substantial number of students who attend at establishments in London itself, I am wondering whether or not the department also believes that that should be increased, and I take on board that they are moving towards putting forward or providing loans for students to be able to take up a similar initiative to that of the UK, but nevertheless I understand therefore that the £200 per annum extra will apply to all students irrespective of whether they are living in London or outside of London. Is that the thought behind this particular measure today? Because it is unclear in relation to those students who are attending establishments in London and of course with this move towards a grant of £4,020 of course it will take it above what they are presently receiving if they are in London. Thank you.

**Mrs Hannan:** Eaghtyrane, I welcome that there has been an uplifting of the awards to students. However, that is countered with continued concern with regard to the support that is given to students overall.

The memorandum has already been referred to and it is to qualify some of the issues to members and within that it says - this is the independent review of the students awards 'The department should consider a scheme of loans which could run alongside the existing living grant award (to continue to support lower income families).' Now, I am not sure whether that is the living grant which is going to continue to support or whether there could be a scheme of loans for lower income families. So I am not sure what that refers to.

Obviously the consideration by the independent review is still going on and this is why it is referred to in these terms, but I do feel that there are a number of families and a number of students who find it extremely difficult to go to the UK to take up the opportunities of education which I believe we should encourage our young people to do, but I believe we should give them the finance and the facilities to be able to do that.

I am very happy that the existing living grant is continued because it is only paid out to the lower incomes. I am talking about the people in the grey area between that whereby families do find it extremely difficult to find finance to support their children who are away from home without the necessary worrying and upset of having their young children at 18 having to make ends meet in very, very difficult circumstances, and I know that the young people as well

find it very difficult to take up these opportunities when their families are not in a position to support them the way that they would like to.

So I continue with my concerns. I welcome the uprating of this payment, taking all of those issues into account, because I believe it is mentioned only with regard to London with regard to the number of people who are going to get support but I think it is an overall support of all the grants that are available, but I do hope that the department can give consideration to this grey area so that all students can receive some additional support because of the difficulties that families find themselves in. Thank you, Eaghtyrane.

**Mr Karran:** Eaghtyrane, I think this Court should recognise the fact that we should be proud of this (**Mr Delaney:** Hear, hear.) in the fact that this is another one of the non-achievements that we have achieved in the fact that we have not followed the United Kingdom. This is something where we can hold our heads up high. We have not gone down the road of the adjacent island where it is now slipping back to the old days where what money was in the bank determined whether you could go as far as you could go on education. All right, it is early days yet to see whether it goes further down that line but we should be proud of what we have done for our students. We broke away when there was pressure to always follow the flow of the United Kingdom and we should be grateful for that.

The only question I have for the Minister for Education is, with this proposal in front of us here, where will most of the money go? Will it go to the low income people or the middle-income people or the high income people as far as their offspring are concerned? Because my concern is we have to prioritise things. It would be nice to be able to throw it away like Father Christmas but the problem is we have got to prioritise it, and my only concern with this proposal is whether it is going enough to the low incomes to make sure that they make the difference, whether they can go on it or not, and I want to see every kid in this country being able to attain his ability to the fullest, whether he is rich or poor, and I think we have done that to a certain degree, but I am concerned that this has been pandering more to the middle incomes and not to the low incomes, and I also am disappointed that we did not take on board as an extra what was proposed in the previous sitting, what the hon. member for Peel wanted as an extra on top of.

But I will support this and I believe that we should be proud of the fact that we have broken away from the adjacent island. It was something that was fought and won by previous Departments of Education. But I am concerned about that one thing: is it channelled enough to the people at the bottom, that makes the difference whether their kids can go for further education or not? Because I believe in a society where you should be able to maximise your ability whether you live in a council house or you live in the mansion on top of the hill.

**Mr Delaney:** Very briefly, Mr President, I cannot believe this will go through without people congratulating the government and particularly the ministry of education for the way this has been done and how well it has been done. I was lucky enough to be a representative of Tynwald for 21 years on the University of Lancaster and know with awe how they looked at how we handle our students and to see it continued in this particular form is very satisfying. I congratulate the ministry and I hope we can look forward to continuing it, given the size of the population. It is ever-growing and our student numbers will grow.

But the one thing that should be of concern to all members is I was reading an article the other day of some recent time where the average student who can finish his academic career is on average £30,000 in debt. If that is not horrifying right across the spectrum of society it certainly is to me and I hope this particular system will continue to make sure that does not happen to our students.

**Mr Cretney:** Just briefly, Mr President, the thing that has brought me to my feet were comments and whilst the hon. member for Onchan was very supportive of the measure which is before us today, he used the term 'throw it away' and whilst it is right, I believe, that we should prioritise and I think he has got exactly the right point in that regard, I think we also need to be careful, as we do with so many things, that there are those who are just above low income who time and time again are neglected and find difficulty, and so I welcome the fact that this is going to extend into what may be seen as middle income people because I do believe that investment into education, investment into our young people is the best possible investment that this Island could be taking.

**Mr Cannell:** Mr President, in joining in the congratulations for the improved student awards scheme I hope that I can claim some small credit for bringing some of the discrepancies to attention this time last year, but it would be churlish to say that. I would prefer to add to the fact that I hope that eventually we will not find that this sort of scheme will be necessary to pay for students to travel off the Island because I have constantly urged that eventually the Isle of Man should be able to host its own university. I reckon we are about halfway to that already, if not further, with some of the items which we have. We have the opportunity to take a year of education at the Isle of Man College, we have the forthcoming and developing and highly welcomed International Business School which will eventually come to fruition at the Nunnery and only the other day whilst in Port Erin I saw the thriving measures of the International School of Languages and Education down there with a number of students from the Far East walking up and down and showing that the Isle of Man can offer the facilities which could, I hope, one day support its own university, fully fledged in the Isle of Man. If that day is coming perhaps in 20 years' time it will give us something to look forward to but in the meanwhile I would say about the advantages of having our student scheme continued in the same way it is, rather than yielding, as my hon. colleague for Onchan has said, to the temptation to save money. This is indeed money well spent and it is gratifying indeed to say that the response from the students is good because it must be very, very tempting indeed to go for the highly paid opportunities which there are in the finance sector, go straight from school and earn yourself money to keep up with some of your contemporaries rather than having to go to sacrifice three, four, maybe five years at university. It takes a lot of making up. It may be now that you never would make it up financially compared with the opportunity you have if you move straight from school, but if you do nothing else you certainly find a different way of life by going off the Island to university. It sets you up for the rest of your experience, I am certain. Though I did not have that privilege myself, I am very pleased my daughter did and you can see her and many, many others in this Island who return - and the opportunities have never been better for our students to return - having had this education and take up good jobs. Thank heaven for that. The opportunities have never been better and it stands them in good stead. So full marks to the department but let us hope eventually we do have an Isle of Man university of our own.

**Mrs Christian:** Mr President, in welcoming the increase in the awards scheme for this year I wonder if the mover could comment on the fact that in reading the explanatory memorandum the emphasis seems to be on United Kingdom institutions. Now, I am aware that in the body of the scheme there is a provision under the discretionary awards paragraphs for students to apply for grants in respect of non-UK establishments, and I think in an increasingly global village in which we live we should be making sure that our students are aware of the fact that they do not need to confine their attentions to the United Kingdom but at least could be considering institutions further afield. I wonder if the hon. mover would comment on that in his reply.

**The President:** Reply, sir.

**Mr Rodan:** Thank you, Mr President. Can I first of all thank members who have contributed to the debate. I think their comments have been very indicative of the general support that has existed now for many years in order to send our young people from the Isle of Man into higher education with the best possible start.

What we have in this scheme, this improved scheme, is something that has now become unique in the British Isles (**Mr Delaney:** Hear, hear.) in that we are the one part of the British Isles who support in total our students' tuition without requiring contributions and have a system of state support by the taxpayer for their living expenses during the 30 weeks of study and I think this is something of which we can continue to be very proud. (**Mrs Crowe:** Hear, hear.)

Dealing with one or two of the comments, which have been quite constructive and for which I would thank members, first of all Mrs Cannell. She was querying the reference in the explanatory memorandum which flagged up as a desirable living grant £4,020 per annum, and how did this square with the assistance that is given at the moment to students in London universities where the basic living grant is £4,254. Under this scheme of course, elsewhere in the United Kingdom the maximum grant is £3,418. There has always been a differential, acknowledging the higher living costs in London. What I would simply say is that the £4,000 living grant that has been recommended by our external reviewer of course refers to the other parts of the United Kingdom and we would anticipate if not an exact lift in the figure for London in the future, assuming that this Court sees fit to support that, in the future there would be the maintenance of at least some differential.

The £4,000 figure has been widely acknowledged now as the minimum requirement for students to live on during an academic term. Some speakers have referred quite rightly to the pressures that are put on parents and even those who receive this figure, whether by grant or whether by loan in the UK - because the loan figure available is well below £4,000 that is available - or whether by parental contribution, there is no doubt that students do have to find means of supplementing their income; it is no easy task living on that amount.

So I hope as far as Mrs Cannell's query is concerned that deals with it. If we are in a position to come back next year of course the figures for London and elsewhere will be clearly specified.

Now, the hon. member for Peel, Mrs Hannan - I do welcome her broad support of the grant system and she expresses concern quite rightly that there must be no question of

detering people from entering higher education because of the cost, and certainly the policy of government continues to be to do all we can to promote students entering higher education.

I can certainly confirm, without giving any commitment to the outcome, that we will continue to look at this question of a loan system to run in parallel. The loan system, of course, is to be seen as supplementing the basic grant, and regarding the reference Mrs Hannan asks about in the explanatory memorandum regarding the living grant award, it is that that is intended to continue to support lower income families. If we were to have in addition a loan system, that would be an additional welcome resource. However, I do not underestimate the cost to government of implementing such a loan system or in fact the very important point the hon. member of the Council, Mr Delaney, raised which is the question of debt that is incurred by students, because there is no doubt at all that many students enter employment with huge levels of debt round their necks. As far as I am concerned that is not the route to go down for our students if we can possibly avoid it.

The hon. member for Onchan, Mr Karran - again I would welcome his support and he raises the question, is the assistance being targeted at low incomes or is it being given perhaps disproportionately, he might be implying, to those on middle incomes? Well, I think my hon. colleague Mr Cretney dealt with the point that it is very important that we do not neglect those on middle incomes because while this scheme is targeted to those who currently do not enjoy a full grant and targeted to the extent that a further 70, as a result of this scheme, will now be on full grant, it is also true that with what we have done to the bandings there will be percentage-wise considerably greater benefit than hitherto given to those on the middle incomes and I am talking about those people whose parental personal net income lies between £16,000 and £27,000 net. Above £27,000 net of course there is no grant payable and about half of our students fall into that category, but for this middle band, because of the substantial lowering of parental contribution, they will see very substantial rises in grants and of course it is from this category that we receive most of the complaints about the absence of the UK loan scheme because it is this middle category of students who are not on full grant and whose parents are required to make substantial contributions who felt most keenly the absence of the loan scheme facility. So the answer is, yes, we have quite deliberately looked at this category of student and there will be substantial improvement to them.

The hon. member for Onchan, Mr Cannell, draws our attention to the long-held dream, I suppose, of a University of Mann and rightly points us to the very increasingly good record of the Isle of Man College in delivering specialised courses and courses tailored to the requirements of the Manx economy and very importantly has reminded us of the part that the International Business School, which is currently getting off the ground, has to play and in time indeed we hope that the Island will be seen as a centre of educational excellence and that education has the potential to be one of our great export industries in future because by attracting international students to this Island to get qualifications in specialist areas, at which we are seen as excelling, this will be very good news for the continued diversity of our economy. So that should not be overlooked.

I do thank the hon. member of the Council, Mrs Christian, for giving me the opportunity to remind the public and remind students that this student awards scheme is not solely directed at higher education in the UK. We do support at the moment students who study outside the UK and as a matter of interest I can point out that of the 983 undergraduates that we currently

support, 940 are at UK universities, 6 are at privately funded UK institutions, 33 are at the Isle of Man College, 2 are at Irish universities, 1 is at an American university and 1 is at a Czech university.

Now, I think the hon. minister Mrs Christian is quite rightly concerned that it is perhaps not widely appreciated by parents or students that they do have this facility and we are taking the opportunity in the new guide to the student awards scheme which actually goes into the hands of sixth-formers. I wonder if I could just quote from it briefly, Mr President. We intend to remind the students of the opportunities they have to study outside the UK by saying that the department is prepared to consider on a discretionary basis, because it is, after all, a discretionary loan rather than a mandatory one, support for students who wish to undertake their degree studies at European and American universities where the tuition fees charged by the European or American university are less than or equivalent to those charged by a UK university for a similar course, but also if the tuition fees are higher than those charged by a UK university and the student or parent provides the department with a written statement that they will pay the balance of the fees direct to the university, then of course we will indeed support them and I think it is a great thing that we are prepared again, uniquely in the British Isles, to send our students out into the wider world, not just the shores of the United Kingdom, by virtue of still having this excellent student maintenance scheme. You cannot do that and get student loans in America or Europe from the UK Government if you are a student, but armed with a grant it is excellent that our students will have this facility. So we will indeed be reminding our people of what is available.

With that I do thank members for their support and move the item standing in my name.

**The President:** Hon. members, I will now put the resolution set out at item 15 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Leisure Services Superannuation Scheme 2000 – Approved**

**The President:** Item 16, the Chairman of the Civil Commission.

**Mr Waft:** Thank you, Mr President. I beg to move:

*That the Leisure Services Superannuation Scheme 2000 [SD No 105/00] be approved.*

This superannuation scheme has been made by the Civil Service Commission as provided for by sections 1 and 12 of the Superannuation Act 1984.

The purpose of the scheme is to make provision for the superannuation of management or administrative staff in the Department of Tourism and Leisure who are appointed for service at the Gaiety Theatre, Summerland and the Villa Marina.

The scheme is being made as a consequence of the Villa Marina Act 1999 which transferred responsibility for the Villa Marina to the Department of Tourism and Leisure. While the commission has taken appropriate steps for the superannuation of existing staff as provided for under the Act it is also necessary for the commission to make provisions for any future staff who might be appointed to the Villa Marina following the transfer on 14th March 2000.

The scheme replaces the existing Gaiety Theatre and Summerland Staff Superannuation Scheme 1998 and will be operative from 1st May 2000.

Mr President, I beg to move.

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

**The President:** Hon. members, I will put the resolution set out at item 16 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Church Records Measure (Isle of Man) 2000 – Report – Motion Carried**

**The President:** Item 17, the hon. Mr Speaker.

**The Speaker:** Mr President, I beg to move:

*That -*

- (1) the Report of the Ecclesiastical Committee of Tynwald on the Church Records Measure (Isle of Man) 2000 be received; and*
- (2) the Church Records Measure (Isle of Man) 2000 in the form laid before Tynwald be presented to Her Majesty for Her Royal Assent, as required by schedule 1 to the Church Legislation Procedure Act 1993.*

In accordance with the provisions of the Church Legislation Procedure Act 1993 the Legislative Committee of the Diocese of Sodor and Man presented the Church Records Measure (Isle of Man) to the Ecclesiastical Committee of Tynwald for their consideration.

The effect of the draft measure is to replace the present legislation applying to church records in the Diocese of Sodor and Man with more up-to-date provisions similar to those which apply to church records in the English diocese.

Should Tynwald pass the motion directing that the draft measure, in the form presented in this report if it is laid before Tynwald, should be presented to Her Majesty, the draft measure will be presented in the same manner as a Bill and will have the force and effect of an Act of Tynwald on the Royal Assent to the measure being announced.

Now, hon. members, if you turn to the appendix you will see that in the first appendix in paragraph 2, on 20th May in 1999, the Sodor and Man Diocesan Synod agreed to the promotion of legislation relating to the Manx church records on similar lines to the Parochial Registers and Records Measure 1978 in so far as it replaces the 1849 and 1873 Acts and enables the Manx Museum to be designated as the Diocesan Record Office and will impose similar controls to those in the 1978 measure as to the safe-keeping, care and preservation of the parochial registers and records and extend those controls to cover other diocesan records. On 8th December 1999 the Church of England Synod approved, in accordance with the Church Legislation Procedure Act 1993, that the Church Records Measure (Isle of Man) be prepared and it is that measure, hon. members, which this motion today brings before this hon. Court.

Mr President, I simply ask that this Court supports the synod in the application of this new form of legislation which will permit the Church itself to have control over where the records will in the future be kept. I beg to move, sir.

**Sir Miles Walker:** I am pleased to second, Mr President, and reserve my remarks.

**Mr Gelling:** Mr President, I only rise to acknowledge what Mr Speaker has said in moving this and just really to ask Mr Speaker whether he has any knowledge of the practicalities of these records being removed from places where they have been in the case of Santon since 1663 and I just wonder whether or not they will be copied in their original form or will they be purely copied on a computer database because I think half the thrill of having these records is having them in the place where they were actually written up in long hand and people in those days put comments alongside those entries, which of course today are just bland, there is no story to tell, and I just wonder whether that might be hidden for ever in the archives of the library when in fact they are presently read by people coming to this Island looking for their ancestors and so on, in places that in many cases are centrally heated and in sand-filled boxes and so on. So they are well looked after.

So I just wondered whether Mr Speaker would know the timing, in other words how long it will take to have these photocopied. They are already off to a good start, I can inform Mr Speaker, because they have already been round to Santon to check what books we have got. So they are off the starting blocks before we even get it before Tynwald. So that is enthusiasm. But I just wondered whether Mr Speaker had any indication from the Museum library as to would it be the copies of the original or would it be just in tabulated form and when we can expect to get those copies back, sir?

**The Lord Bishop:** Mr President, I think if I could just add a word in the debate, the whole point of this exercise is to preserve the very documents that the Chief Minister is talking about in the best possible way and whereas Santon might have a clean record of keeping it in proper conditions there are a good many churches that do not have that provision and very valuable hand-written documents of the previous centuries are lost for ever because they have been badly kept, and the whole point of this exercise is that the Museum has been designated as a place which will guarantee that the conditions will be such that valuable documents will not decay.

In the measure, of course, it does give the Bishop authority to designate other areas where it is proven that they can keep the documents in the condition set down in the Act, and I think that the Chief Minister's question would be answered in that way, that it is not only the Museum, but that is a designated place, but there will be others that would be permitted provided they can give assurance that their records would be kept secure, would be kept in proper humidity and all the rest of it, which many churches of course could not possibly do.

So we are not trying to take documents from people's care, we are really trying to get some sort of performance here which will keep these records, which are so precious and which until recently, I think, in many cases in the Isle of Man we have not really regarded our heritage all that well, and I think we are much more aware now of the precious things that might have been lost in the past and we do not want to perpetuate that into the future, and I hope that might answer some of the queries.

**Mr Brown:** Mr President, the principle of what is being suggested I do not really have a problem with, but I just wonder if the chairman of the committee is able to respond to any costs that may be incurred by the Church, for example if the Museum are to hold the records, whether or not they in turn will then pass on a cost for making space available for the provision of heating or whatever is required to ensure the records are safely held and how that cost then is going to be passed on. Presumably the Lord Bishop then, through the organisation of the

Church, can then pass that down to the individual churches and I presume that in itself, if that is the case, is going to actually have a knock-on effect on what are seen as hard-pressed dioceses already having to find additional funds to pay another body to look after these records and whilst that may be a small price in terms of retaining what could be very historical records, that bit I did not spot in the report or in the provision of the proposed legislation and therefore there could be doubt as to who bears the cost and how that cost is passed on and I wonder if the chairman can clarify that, please.

**The President:** Reply, Mr Speaker.

**The Speaker:** Yes, Mr President. I am grateful to the warden for Santon and Arbory for making his comments in relation to the records of Santon and it is interesting, isn't it, that Santon holds records from 1663, written records from 1663, and, hon. members, the importance of those records, the importance of records written in 1663, becomes more and more important with the passing of years and it is that very protection, which the Lord Bishop referred to, of those records which is important.

Now, I have to hold both hands up to the hon. Chief Minister and say that it is possible that the conditions at Santon are A1 and excellent for keeping those records, but I have to concur with the Lord Bishop because I do know that there are many church records already on the Isle of Man which were available only a few short years ago which have mysteriously got mislaid or gone missing. Now, hon. members, that is a shame. This particular measure brought forward by the synod is a measure to enable, and I think that is the point I would make: it will enable. The Lord Bishop again gave you the explanation. It need not necessarily all be centralised as such but it will enable the Church to at least look after in a better manner those records which it already holds. That is, in my book, equally important and I can assure this hon. Court that it is equally important to Manx National Heritage, to the Museum. They think that records of that description should really be properly kept and properly looked after, and that takes me nicely into the hon. member for Castletown, Mr Brown's, question over who will be responsible for the costs and I have to hold both hands up and say that I went along with the synod's suggestion as far as the Ecclesiastical Committee were concerned and I have not strictly questioned over who will bear the costs, but I do know that Manx National Heritage, as a trustee there, I am very well aware are very interested in the protection of these documents in their own right anyway irrespective of the Church's ownership of those documents and I am quite sure that the costs will be well borne by both those bodies in making sure for the future, again referring back to my hon. friend from Santon, those records from the 1600s onwards. The important thing is that this measure will allow them to be properly maintained. I beg to move, sir.

**The President:** Hon. members, I will put the resolution set out at item 17 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

#### **Isle of Man Office of Fair Trading – Member Appointed**

**The President:** Item 18, the Chief Minister.

**Mr Gelling:** Mr President, I beg to move:

*That Mr G H Waft MLC be appointed as a member of the Isle of Man Office of Fair Trading.*

Prior to the recent Legislative Council elections the membership of the Isle of Man Office of Fair Trading consisted of Mrs Pam Crowe MHK, chairman, together with members Mr George Waft MLC, Mr John Houghton MHK, Miss Margaret Marsland and Mrs Jean Purvis.

During his previous term of office Mr George Waft made a valuable contribution to the work of the Isle of Man Office of Fair Trading and I am grateful for his agreement to continue this role, as I believe his knowledge and experience will be of great benefit to the future work of this statutory board.

Mr President, I therefore beg to move the motion standing in my name at item number 18 on our agenda today, sir.

**Mrs Crowe:** I am delighted to be able to second the reappointment of Mr Waft. Thank you.

**Members:** Hear, hear.

**The President:** Hon. members, I will put the resolution set out at item 18 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Whitley Council for the Isle of Man Public Service (Manual Workers) – Chairman and Member Appointed**

**The President:** Item 19, the Chief Minister.

**Mr Gelling:** Mr President, I beg to move:

*That Mr G H Waft MLC be appointed as chairman and Mr J N Radcliffe MLC as a member of the Whitley Council for the Isle of Man Public Service (Manual Workers).*

The proposal before the hon. Court on this item today is that Mr George Waft MLC should be reappointed as chairman of the employers' side of the Whitley Council and that Mr Norman Radcliffe MLC should be reappointed as a member of the employers' side of the Whitley Council.

Both of these reappointments are necessary following on again from the recent Legislative Council elections and I am most grateful to both Mr George Waft and Mr Norman Radcliffe for agreeing to continue as members of the employers' side, as I very much appreciate the work that both have put in to the smooth and effective running of the employers' side of the Whitley Council.

For the information of hon. members, the third member of the employers' side of the Whitley Council is David North MHK.

Mr President, I beg to move the motion standing in my name at item number 19 on our agenda paper today, sir.

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

**The President:** Thank you, hon. member. I will put the resolution, hon. members, set out at item 19 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Chronically Sick and Disabled Persons Committee – Member Appointed**

**The President:** Item 20, the Chief Minister.

**Mr Gelling:** Mr President, I beg to move:

*That Mr G H Waft MLC be appointed as a member of the Chronically Sick and Disabled Persons Committee.*

This proposal before the Court today is that Mr George Waft should be reappointed as a member of the Chronically Sick and Disabled Persons Committee. Mr Waft was first appointed to the committee in January 1992 and he is currently its chairman. The other current members of the Chronically Sick and Disabled Persons Committee are the hon. Mr Speaker, Mrs Edna Ainge, Mr Morris Day and Mr Roger Waterworth.

Once again, Mr President, I beg to move item 20 standing in my name on the agenda today, sir.

**Mr Cretney:** Mr President, I am happy to second and I do know the great interest that Mr Waft has in this particular role as well.

**Members:** Hear, hear.

**The President:** I will put the resolution, hon. members, set out at item 20 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

#### **Standing Committee of Tynwald on Expenditure and Public Accounts – Member Elected**

**The President:** Item 21, we come to the election of a member to serve in the life of the House of Keys in the place of Mr Waft on the Standing Committee of Tynwald on Expenditure and Public Accounts. Mr Waft is eligible for re-election. May I have nominations, please.

**Mrs Hannan:** I propose Mr Waft.

**Sir Miles Walker:** Could I second that, Mr President, please.

**The President:** Are there any further nominations? If not, I will put Mr Waft's name to the Court. Will those in favour of his election please say aye; against, no. The ayes have it. The ayes have it.

#### **Select Committee on the Petition for Redress of Grievance of Jill Dugdale – Member Elected**

**The President:** And coming now to item 22 we have to elect one member in the place of Mr Waft, who is eligible for re-election, to the Select Committee on the Petition for Redress of Grievance of Jill Dugdale. May I have nominations, please.

**Mrs Cannell:** Mr President, sir, I would like to nominate that Mr Waft be put back on this very important committee.

**Mr Braidwood:** I beg to second, Mr President.

**The President:** Are there any further nominations? I will put Mr Waft's name to the Court. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Congratulations on a successful run, sir.

**Members:** Hear, hear.

**Mr Brown:** Especially Whitley Council!

**The Lord Bishop:** St George's Day is 23rd April.

## **Supplementary Order Paper – Standing Order Suspended**

**The President:** Hon. members, having concluded our scrutiny of the order paper, we turn next to the supplementary order paper and I call upon the hon. member, Mr Speaker, to move the resolution standing at item 1.

**The Speaker:** Yes, Mr President, I formally move:

*That standing order 10.9 be suspended and that, under standing order 2.2(6), the following business be considered.*

**Sir Miles Walker:** Can I second that, Mr President, please.

**The President:** I will put the resolution to the Court. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

## **Papers Laid before the Court**

**The President:** The learned Clerk to lay papers.

**The Clerk:** I lay before the Court:

First Report 1999/2000 of the Tynwald Honours Committee.

### **Tynwald Honours Committee – First Report 1999/2000 Received**

**The President:** Now, item 3, the hon. Mr Speaker.

**The Speaker:** Mr President, I beg to move:

*That the First Report 1999/2000 of the Tynwald Honours Committee be received and its recommendations adopted.*

The first report of the Tynwald Honours Committee is as a result of the select committee's report and you will find at 1.2(3) the reasons which are spelt out by that select committee of who it was felt could be a member on a Manx patriots roll of honour. The select committee spelt out to you again at 1.3 and consists of the President of Tynwald, the Speaker of the House of Keys, both ex officio, and five other members of Tynwald Court and it continues to spell out exactly what the Tynwald Honours Committee should do and that is to report to Tynwald at least once during the life of the House of Keys but not necessarily to make recommendations.

We as a committee decided that what we could do and what we should do is to get a couple of researchers doing work for us, along with the results of the advertisements and the recommendations which were made to the select committee of Tynwald when it was carrying out its deliberations. So we did appoint two researchers to assist us in our works, Mr Hampton Creer and Mr Nigel Crowe, and I would pay tribute to the work which they did on our behalf at this particular stage.

The committee identified five persons, all of whom lived in the years between 1000 and 1800, who might be considered for inclusion in the roll of honour. We would point out that the lack of records has very much restricted the possibility of identifying other potential candidates for such recommendation.

The research on these five people was undertaken by Mr Creer and they were Godwin Crovan, Bishop John Phillips, Edmund Christian, William Christian, known as Illiam Dhone,

and Bishop Thomas Wilson. We have set out the results of Mr Creer's research in the appendices, and having taken all the matters into account we concluded and recommend that the names of Godred Crovan, Edward or Edmund Christian, William Christian (Illiam Dhone), and Bishop Thomas Wilson, but not Bishop John Phillips, be included in the Manx Patriots' Roll of Honour.

The form of the Manx Patriots' Roll of Honour is spelt out in paragraph 3 of our report. The select committee did not give any guidance as to the form which the roll of honour should take and therefore we as an honours committee make the recommendations that there should be a fitting volume, similar to the roll of the House of Keys in which the names of those honoured, together with an indication of the reason for their inclusion, could be entered. The book should be placed in a glass case in the Keys lobby, a page being turned at regular intervals, and up to date, the roll should be added to the Tynwald internet website and this version should include full biographies of those honoured as well as pictures and this would give worldwide access. The computer which is available to the public in the waiting area outside the Tynwald Library and one to be made available in the lobby area of the Legislative Buildings make the contents of the website available without offering free access to the internet.

With the agreement of the appropriate authorities we suggest that similar facilities should be provided in such other sites as the Manx Museum and its branches and the proposed interpretation centre at St John's. It should not be necessary to provide this facility at public libraries where internet access, we understand, is now readily available.

Should our recommendations be approved, we intend to commission an appropriate book and cabinet and arrange for a suitable plaque to be designed, and if hon. members turn to paragraph 4, we are taking it a step further in paragraph 4 of the report because, should our recommendations be approved, we intend to make arrangements for plaques commemorating those persons recommended in this report to be placed in prominent sites as follows: Godred Crovan - in the vicinity of Sky Hill where he secured his famous victory; Edward Christian - in the vicinity of Maughold Village Green where there is already an ancient sundial erected in his memory; William Christian (Illiam Dhone)- in the vicinity of Ronaldsway, the site of his family home; and for Bishop Thomas Wilson - in the vicinity of Bishops court where he lived during his episcopate.

Mr President, I have pleasure in moving the honours committee's report.

**Sir Miles Walker:** Mr President, I beg to second, sir.

**Mr Henderson:** Mr President, I am only too pleased to support this document and the presentation contained therein, as I did so at the outset when it first came to this hon. Court. I also indicated that worthies and other people from our historical background should and ought to be highlighted as part of our heritage and anything that could be done to do so would receive my support, and this is just it and I am very pleased it has come here this afternoon in this format and the indications from the hon. Mr Speaker as to how the committee have proposed to progress the issue.

I think it is tremendous that this is now going to happen and I am especially pleased, sir, that your good self has been on the committee, as our Island heritage has been in your heart and in progressing its promotion at one and other time, sir.

So without further ado I lend my support to this.

**Mr Brown:** Mr President, as somebody who has on two occasions now moved motions in this hon. Court to have Iliam Dhone recognised, and successfully we ended up with a stained glass window in these premises to do that, I am very pleased that we have now got to a stage where we have a formal body who can actually examine and assess whether or not people connected with the Isle of Man under the criteria as laid down in fact should be recognised by Tynwald Court, and I think that that is something that the Island has tended not to do in enough sort of recognition terms generally.

Can I just say that I welcome the recommendations that are here and I know the remit of the committee is to continue to assess and look in the future as to whether anybody else should be recognised, and I look forward to more coming forward.

I would just like to ask Mr Speaker, the chairman of this, to just clarify a point for me if he would. On page 7 under paragraph 3.1(l) it says that the book should be placed in a glass case in the Keys lobby, and in principle again I do not have a problem with that, but I am slightly concerned at the limited access the public have to the Keys lobby. It is only accessible generally when Tynwald Court or the House or the Legislative Council are in session and that in itself restricts quite considerably, especially during the summer months where there may be interest from other persons, access to look at the actual book and I just wonder whether there is a way round that, and I would ask the committee maybe just to revisit that issue to see if there is a more appropriate place where public could have a greater access to be able to view the document that is there because it will be the original document, and whilst of course we have the internet and we have what has been recommended here, the website or whatever it is through the similar provision we have upstairs, that is fine, but there is always a difference in seeing the actual thing and I am just slightly concerned that it is going to be in an area that has a restricted access to the public, in other words is only available when we are in session, and I just made that point really out of interest. Otherwise I welcome the report.

**The Lord Bishop:** Mr President, if I could just ask Mr Speaker for a little clarification, he mentioned that the committee had recommended areas where these commemorations of the worthies might be placed and I wanted to know who would have the final authority for deciding that. Presumably not the committee because that is to suggest honours, but I would like to know who is going to be the authority to say where such places are going to be allotted? For example, in the case of Bishop Wilson, he rightly said the Bishops court area, but I would want to say that as Bishops court is a private building I would hope it would not be in Bishops court, although that is associated with the Bishop, and I would prefer Bishop's Glen rather than Bishops court which is much more public, following my hon. colleague's point. So I would like to know just who is going to be the ultimate authority for making the decision.

**Mr Waft:** Mr President, as past chairman of the select committee on Manx patriots, I would like to congratulate the committee who were elected to this position. It is not the easiest job in the world to try and fulfil the recommendations of that select committee and the way they would commemorate the Manx Patriots so defined. As they have promoted these recipients, they also, I am sure, will have had to look at many others and it is not the easiest job in the world to do and I would like to congratulate them on the work and on the spirit in which they have carried out the recommendations of the select committee. Thank you, Mr President.

**The President:** Reply, Mr Speaker.

**The Speaker:** Mr President, I think most of the comments made are actually supportive of the committee's work and certainly in relation to the hon. member for Douglas North, Mr Henderson, who is giving full support.

The hon. member for Castletown asks a question in relation to the limited access to the Keys lobby and I can understand that very well indeed and it is something which certainly the committee did consider, but nevertheless it felt that this was a duty put onto this committee, a Tynwald committee, so it should be close to our precincts, we should not be extending this wider afield or placing it outside. It was felt that we should try, if possible and if practical, to keep it attached, linked, as far as the roll of honour goes, to our Tynwald Precincts and yet we are also recommending outside of that that plaques be placed in the countryside adjacent to where these people actually are witnessed as being from or adjacent to. So we did take on board both points.

I am prepared to go back, certainly with the recommendation which the hon. member for Castletown has suggested, that we revisit the idea of where it should be sited, but I can also tell the hon. member that apart from the website, which I know that you acknowledged straight off, the Tynwald Management Committee is in fact actually trying to arrange so that there will be tours of our building, set up formally so that the general public will be given a conducted tour, they will have that facility, and in fact if we can achieve that, what we will really be doing is bringing more people into our precincts rather than keeping the door, as it were, closed other than on a Tuesday, and I accept entirely the point that you are making, sir, but I want to make it quite plain that it is the intention of the Tynwald Management Committee to try to open those doors as fully and as practically as we possibly can.

The Lord Bishop and his comments, particularly in relation to Bishops Court - I acknowledge entirely that it is private and when it comes to dealing with private property and you wish to erect a plaque, well then naturally there will be negotiation and I think the enquiry really is, who will be the ultimate authority? The authority surely will have to rest with the committee, but I can acknowledge your point, sir, and say that the committee really will have to work in those particular circumstances, if it is in private property, we will have to look to either negotiate for somewhere the public have access to or find a suitable spot outside of that private dwelling so that in fact the general public will have visibility to that plaque which we intend to put.

The hon. Member of the Legislative Council and his comments - I simply acknowledge the fact that he is paying tribute to the committee and, yes, the committee will still in the future have many hours of deliberation in bringing forward. We have only moved hardly into the beginnings of this roll of honour. There are many hundreds of years yet which we have to investigate and that is a work which the committee will continue to do, but I would equally stress, as we do in the committee's report, that the select committee, whilst it has to report at least once in the lifetime of the House of Keys, need not necessarily make a recommendation.

I beg to move, Mr President.

**The President:** Hon. members, I will put the resolution set out at item 3 on the supplementary order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

## Retirement of the Hon Sir Charles Kerruish OBE LLD (hc) CP, President of Tynwald – Tributes

**The President:** And that, hon. members, concludes our business.

**The Speaker:** Mr President, it may conclude our order paper, sir, it concludes also a considerable age of life of this House. Mr President, hon. members:

‘O Land of our birth,  
O gem of God’s earth,  
O Island so strong and so fair;  
Built firm as Barrule  
Thy throne of Home Rule  
Makes us free as thy sweet mountain air.’

Hon. members, when deciding how best to commence a tribute to our President the words of the Manx National Anthem, penned so long ago by W H Gill at the turn of the last century, kept coming back into my mind, those words of our national anthem. I think, hon. members, they fit both the occasion, and more importantly, our President so extremely well.

Born on the Isle of Man in 1917, you have, sir, in a glittering parliamentary career, put the sparkle into this gem of God’s earth. With his shepherding duties taking Mr President walking and latterly possibly riding over North Barrule, the freedom and the firmness of the fields in the roots on this Island as he breathed in that sweet mountain air gave him the stamina to press for constitutional changes. Stamina, self-belief, confidence - all are needed by a politician and to Sir Charles Kerruish they can all be ascribed perfectly.

Elected to serve on Ramsey Commissioners, he became the member for Garff in 1946. An enfant terrible, you soon made your mark in this chamber and that self-belief and that confidence, added to the oratory skills we all recognise, made you the early candidate for high office. Mr President, how oft have I sat on the Rushen benches and seen, sir, you standing here where I stand now, hands holding on to this lectern and when that ‘Oh!’ came out we knew that we were in for an oration. We knew that we were going to be given the message according to Sir Charles.

The years following the Second World War saw massive changes in society, with ‘Healthcare for all’ and ‘A better future for our children’ being slogans on everyone’s lips. Mr President, you were carrying that torch also and the listings in the *Tynwald Companion* do give some indication of the heavy duties that you carried in the fifties and early sixties. Now, Mr President, hon. members, I do not wish to chronicle them all but your chairmanship of the then Health Services Board and the chairmanship of Executive Council must surely be noteworthy.

Your energy had no bounds and the dedication that you have given in service is of immense value to us today. It was the constitutional developments in those days that have enabled the Island to have the independence that we have today. Always fighting for the rights of our Island, what my immediate predecessor called ‘a red meat politician’ was at his best beating the table in London and leaving no-one unaware of his presence. Closely involved in the MacDermott Commission on the constitution of the Island in 1959, such was your energy, Mr President, that you held both the Speaker’s chair and the post of Chairman of Executive

Council from 1962 to 1966, a period which led in 1967 to the Stonham working party and the subsequent report.

Having been elected to the Speaker's chair in 1962, you held that office until 1990 when Tynwald elected you to be our first President. It was in this period as Speaker that your horizons widened considerably and your capabilities were recognised on an international level by election to the vice-presidency and then the presidency of the Commonwealth Parliamentary Association. The Isle of Man again benefited enormously from your work and was recognised as a nation by our hosting the plenary conference, attended by no less than 116 legislative assemblies and opened by the Queen Mother in 1984.

Recognition of your outstanding service to the Commonwealth Parliamentary Association culminated in your receiving the Commonwealth Presiding Officers Award for Services to the Commonwealth in 1998, and as my colleague, the hon. Member of the Legislative Council, Mr Lowey, said, when you announced your impending retirement, in many Commonwealth countries the Isle of Man and Sir Charles are synonymous. Today your stature in Commonwealth Parliamentary Association matters is towering and yet to many in the constituency of Garff, as my other friend from the Legislative Council, Mr Radcliffe, is reported to have said, you are still Charlie.

Now, Mr President, 'Charlie's Angels' helped you to successfully contest elections over a period of some 45 years. Throughout this long service, with immense pride in your nation, you have held at all times the support and the love of your family. That fatherly concern spread to the welfare of members and it is with gratitude that I, and I am sure many others, recall the support given to myself when I first came here as a new member. (**Mr Delaney**: Hear, hear.)

Mr President, 1979 was a special year for our Island, a second millennium for the Isle of Man, and it was a special year equally for yourself. Already a Member of the Order of the British Empire which was awarded in 1964, you were further honoured when knighted by Her Majesty Queen Elizabeth. Justly awarded, the man remains the same: a Manxman, stubborn, yes, but with at least his heart and soul always striving to add glory to the Island. This chamber, the House of Keys chamber, and Tynwald Court have been your workplace but Tynwald Hill and St John's are also close to your heart and held most dear. It is largely due to your initiative that Tynwald Day is now a focus of nationhood to the people of the Isle of Man and indeed to many who mark July 5th overseas. I have often, Mr President, heard you describe St John's and Tynwald Hill as the heartland of the Manx nation and your determination for the protection of this site has been immense.

Mr President, you hold the affection of us all in the way that you have upheld the position of Speaker and then our President and apart from the members of Tynwald I know that the staff within the Tynwald Precincts will also miss your presence and would wish you well for the future.

Hon. members, it is often said that it is a wise man who knows when to retire. Mr President, you took everyone by surprise, sir, with your announcement and we can only say we will truly miss your presence in this hon. Court. We will miss your comments. We will miss your guidance. We will miss your ability to lighten proceedings with the appropriate quip. We acknowledge your achievements and we admire the dedication that you have given and held

to the office. We will miss your presence but sincerely wish the man who put the sparkle into Manx politics a happy retirement with both books and his shire horses.

Mr President, it would be remiss of Tynwald Court not to recognise the outstanding service that you have given to Tynwald and the Island. Mr President, when you retire back to Ballafayle with your books and shire horses, Lady Kay at your side, this House's wish is that you will have a long and happy retirement. (**Members:** Hear, hear.) and it is with great pleasure that I have the honour today to be able to pay a tribute to yourself on behalf of Tynwald Court. It is with great pleasure that I have the honour to present to you on behalf of Tynwald, indeed on behalf of the people of the Isle of Man, the President's chair from which you have so ably conducted our business proceedings. Hon. members, I simply ask for you to show your appreciation to an absolutely outstanding Manxman and politician: our President. (*Applause*)

**The President:** Thank you.

**Mr Gelling:** Mr President, this is a parliamentary setting and a parliamentary occasion but I feel that as Chief Minister I should place on record on behalf of myself and the Council of Ministers and the government of the Isle of Man our appreciation for your service as President of Tynwald.

Mr Speaker has spoken for us all as parliamentarians and as Manxmen and I and my colleagues, I am sure, endorse completely what Mr Speaker has had to say. But it is the government which provides much of the order paper which is dealt with in Tynwald each month and over which you, sir, preside and I am sure that it is right that government's appreciation also be placed on record.

Mr President, your period in this Court has seen many, many changes. One of these was of course the introduction of ministerial government and the consequent clearer distinction that can now be drawn between the government and Tynwald. This has paved the way for more effective scrutiny by Tynwald of the work of the executive and has made responsibilities much more explicit.

The government, to be effective in a parliamentary context, needs to have an environment which is fair both to itself and to those who wish to argue against what government is proposing and it needs an efficient parliamentary process which allows for government proposals and for the scrutiny of government activities to be processed expeditiously. Much of the responsibility for this fairness and efficiency within Tynwald rests on the shoulders of the presiding officer. Your shoulders, Mr President, have carried those responsibilities with distinction to the point where we have, I think, rather taken them for granted.

Your presidency has allowed us to move forward government's programmes and policies under the careful eye of Tynwald and has struck a real balance between the needs of the executive and the needs of parliament. The Island has done well and the operation of Tynwald has facilitated that. Mr President, I and my colleagues would wish to formally record our thanks for the way you have presided over Tynwald and allowed the government to argue its case and to progress its agenda. Your successor, whoever that might be, has been given a splendid role model but, I would suggest, a tough act to follow.

Today is of course an historic occasion. We stand in awe at the end of a career of a very great parliamentarian who, as Mr Speaker has said, has a reputation worldwide, particularly within the Commonwealth. As parliamentarians, Mr President, we salute you and your record and I hope that we can promise that the legacy that you hand down will be treasured and hopefully nurtured as the Island moves forward in this new century.

Mr President, may you enjoy your retirement from Tynwald, sir. Tynwald will not be the same without you, but you have more than earned both your retirement and the accolades that go with it. You are, sir, if I may say so someone of whom it might truly be said, 'Cha vaikmayd nyn lheid eu dy bragh reesht', and as a student of all things Manx, Mr President, if you could in fact interpret my pronunciation, you will know that what I said was, 'We will never see the like again, sir.' Thank you.

**Members:** Hear hear. (*Applause*)

**Mr Rodan:** As one who currently has the privilege of being member for Garff I would wish to pay tribute on behalf of the constituency that was for so long and with such distinction represented by yourself, Mr President. By your own admission, sir, it was from the electors of the sheading of Garff, the people of the ancient parishes of Maughold and Lonan and the village of Laxey, that you drew inspiration in your lifelong task of advancing the cause of the Manx people. With nine successive general election victories fought and won, often legendary battles, you repaid the confidence of voters across three human generations, a record without parallel, with a vigorous defence of their interests and promotion of their welfare in this place. To those of us who were not your contemporaries of those days it is to the *Hansard* record that we look and this shows especially that it was in those times of economic hardship and unemployment that your political life found its greatest expression as the people's champion. Certainly the office of Speaker, which you occupied for longer than anyone else in the Commonwealth, was most certainly no constraint in giving the people of Garff a powerful voice within this hon. Court.

It has been remarked upon that it is as Charlie that your constituents knew and indeed still know you. Personally I first became aware of this when, as a very new resident of Laxey, one day a man in working overalls came into the chemist's shop and said Charlie was asking if I would mind a ladder being put onto my backyard to get to the roof of the property next door. Wishing to check out the situation and not least discover who this person Charlie was, I of course went out and came upon you, sir, in the process of personally supervising repairs to the leaking roof of the adjacent Laxey Working Men's Institute of which you turned out to be its chairman.

I suppose one learns several things after that day, first of all that there is not a parish or village organisation with which you have not been involved, scarcely a family which has not in some way benefited from your skill and attention or been touched by your help, secondly that the Sir Charles Kerruish who had recently become at that time MHK for the ninth time was known to one and all simply as Charlie, and thirdly, that he was kind enough to ask for permission instead of trespassing on a neighbour's property.

Any member in here wondering what sort of relationship to have with their constituents or what standard of public service to give to people who send them here need look no further than yourself, sir, which largely explains the regard and the affection with which you and Lady

Kerruish continue to be held in your old constituency. Mr President, Charlie, the people of Garff salute you.

**Mr Lowey:** Mr President, this is a formal occasion and you will be very pleased and relieved to know that they get shorter. May I on behalf of the Legislative Council, all members past and present, ally our votes, not that they are required any more, to that of Mr Speaker, the Chief Minister and your successor, the hon. member Mr Rodan, and return you at long last full-time to your family and it is lovely to see Lady Kay, your son and grandchildren in the public gallery. It is about time they saw more of you and I am sure, sir, that the one thing that Mr Speaker rightly said, which everybody in the Isle of Man can tune into and agree with unreservedly, is that if anyone has earned their retirement it is you and may it be a long one, may it be full of contentment and just think of us now and again. Thank you, Sir Charles.

**The President:** Hon. members, I find difficulty in giving expression to my feelings as I try to respond to the sentiments that have been expressed in this chamber this afternoon, but Mr Speaker, may I first of all thank you, sir, and the Chief Minister, Mr Rodan and Mr Lowey for the generous and gracious terms in which you have acknowledged my contribution to our Island's story during my 54 years in this setting and to you my colleagues all for your endorsement of the sentiments that have been expressed.

As the page turns and I leave what I consider to be one of the world's most unique and successful parliamentary institutions I can only reflect, my Lord Bishop, on the great good fortune that has enabled me to participate in the operation of this ancient assembly for such a period of time. It was one of your predecessors, sir, Bishop Rutter, who wrote, 'We eat, we drink, we sing. Tomorrow freely comes and goes, yet custom plays her part to bring cherished memories on her wing', memories, hon. members, that to me go beyond the confines of this assembly to a childhood in a country setting, so aptly described by Brown in those lines which run,

'Or gath'rin' bluebells, or looking for eggs,  
Or peltin' the ducks with their yella legs,  
Or a climbin' and nearly breakin' your skulls,  
Or a shoutin' for divilment after the gulls,  
Or thinkin' of nothin, but down at the tide  
Singin' out for the happy you feel inside.'

Against the idyllic nature of such experience as a child, school was a penance to be borne with less than fortitude, minister.

The ploughman's lot that later was happily to be mine was to be enriched and enhanced by association with the then newly formed young farmers' clubs, a medium that, thanks to a man called George Howie, was to give me, and indeed so many colleagues with whom I served in this chamber later, an opportunity to exercise the competitive side of one's nature, as well as a greater understanding of the social structure of the day.

A ploughman working with his team can understandably feel at one with nature and the life force around him. He has time to ponder as he plies his craft and for me, well the result was I was unwilling to accept the doctrines of the day.

In a letter in 1894 our national poet had written, 'In the parish of Maughold, commonly reported as the last fortress of barbarians, they are going to stage a play. Tomorrow I preach at Ballaugh - a tamer lot.' (*Laughter*) Well, barbarian or not, I was unwilling to accept what appeared to me to be a completely unfair society, a society in which the provident bought a measure of support from organisations such as Oddfellows, Rechabites, Buffaloes and the Andreas Benevolent Society. Those who could not afford the sixpence a week contribution involved had to resort to the often frugal provisions of the parish and poor law.

So what could one do about it? There seemed to me to be only one answer: to try to effect change and that was to get into the forums that mattered, the House of Keys and Tynwald. So I stood as a candidate in a wartime by-election, only to be defeated, and I had to wait for the postwar election of 1946 to achieve my ambition and begin a partnership with Garff that, as you have said, sir, was to last over nine consecutive elections. That partnership was based on my pledge to them that I would speak the truth as I saw it and follow my conscience without fear. While such a commitment can certainly provoke malice, from it you can derive strength.

So it was on to the Tynwald of 1946, which was facing a formidable task, hon. members. Its administration was centred on the 'Wedding Cake' building next door. This Court had a part-time secretary in Mr Frank Johnson, who incredibly carried out the many and diverse roles such a post requires. A workforce of some 227 employees were employed by government. The government of the day with 227 employees was effective. Today's figure is 6,000. The initial budget, hon. members, amounted to £1,700,000, in contrast to today's £482 million provision.

The task after the long years of sacrifice and privations of war was to meet the promise of a better land that the electorate sought, the better land for which they had fought, struggled and often, sadly, died. The old order had had its day. Over-powerful Governors, Your Excellency, the Establishment, vested interests were the targets as the Manx people sought control of their own destiny.

Looking back, hon. members, that first postwar assembly was a truly remarkable one and as the youngest and most inexperienced member of it I recall with gratitude the guidance and advice I was to receive, particularly that of a man of great achievement overseas who had returned to place his talents at the service of his native land, the late George Moore of Peel.

It was an assembly that in its lifespan produced 2,000 homes, permanent and temporary, created a Water Board. What does that mean today? Recall that water, which today we often take for granted, was more often drawn from wells than a reservoir at that time. Ronaldsway Airport, on the verge of transformation, was purchased for the nation, and the health service was created just in time to bale out the ailing provisions of the local hospitals.

The decision to make significant health and social security provision was to prove the most outstanding social achievement this Island had ever seen and so it remains: a pearl beyond price. Yes, there are those who would destroy its lustre, perhaps for personal motives, but I am convinced that the provision of 1948 will remain as the standard-bearer of the caring society of today into the far-distant future and most certainly the Tynwald of 1946 did fulfil its promise to the people.

The memory, hon. members, of the Court going forward into the following years with the same dedication was accompanied by an ever-increasing awareness of the weakness of our constitutional position and the absurd postwar colonial relationship that pertained with the United Kingdom. We quickly learned that the Home Office, exercising responsibility for Manx affairs, to use the words of Edmund Burke, 'was resolved to die in the last dyke of prevarication' rather than concede the most modest transfer of authority to an offshore dependency intent on strengthening its identity.

We witnessed equally small but younger jurisdictions, for whom the Foreign and Commonwealth Office had responsibility, advance to greater or total independence while we languished in the backwaters of colonialism under a different brand-name: a dependency.

Those early Tynwalds were strong Courts with no dissipation of strength. The Labour stalwarts of the day, Jack Nivison, whose 90th birthday we recently acknowledged, along with men such as Kneen, Teare and Corrin, worked as a team with their Independent colleagues to drive this Island's interests forward. The party has continued to do so over the years.

There were also men of discernment who saw that that wellbeing was closely related to constitutional evolution, men such as Clifford Irving whose brilliant oratory and thought led to him being given the title of the 'Silver Fox'. His brilliance was truly memorable. He claimed Whitehall was ruining the Island and stated that unless the will of the people could prevail we were not a democracy. Howard Simcocks - a legendary figure defying with dexterity the affliction of blindness to make such telling contributions both in Tynwald and at the conference table in respect of constitutional issues. Harold Colebourn - the visionary who wished to transcend frontiers. Roger Watterson - probably the best informed member on constitutional issues of his day.

The remarkable thing was that the achievements of the time were accompanied by a paucity of paperwork, the use of in-house consultants and realistic planning and that those achievements were to implant a recognition of the need to strengthen in every possible way our national identity.

To that end, to effect stability of the economy and develop it while maintaining adequate reserves, it was John Bolton who was largely instrumental in laying the foundations of the economic development which has continued through the medium of past and present governments to serve the Island so well.

Memories, hon. members, so varied, such as being joined in the House of Keys by Annie Bridson and Jean Thornton-Duesbery as colleagues representing the Garff constituency and looking back today, evaluating the part played by lady members over the years, from Marion Shimmin to this day, hon. members, their contribution has been out of all proportion to their numbers. In short it has been outstanding.

Another such memory, with a Council now bereft of deemsters, would be the part played in Common Market and constitutional deliberations by the late Deemster Moore. He led in negotiations with determination and strength, which did not always endear him to those who sought to undermine the Island's pleading. Deemster Corrin was at his best when involved in complex negotiation on our behalf, always seeking avenues through which to advance this Island's cause. They, hon. members, along with the Attorney-Generals that it has been my

good fortune to work with, have been instrumental in maintaining a standard, first achieved by Sir James Gell, of legal support for this Court.

In this millennium year vivid memories of yet another millennium, that of Tynwald itself. I well recall Betty Hanson, whom I am delighted to see here today, two years before the anniversary alerting Tynwald to the significance of 1979 and receiving the Court's backing for a proper acknowledgement of the forthcoming milestone. The outcome must have exceeded the mover's wildest aspirations, lasting for a year. It renewed friendships with the Nordic territories. The King of Norway spent a week here. Norway, Iceland, the Faroes came for the event, as did representatives from a goodly number of Commonwealth countries to whom we are related through the CPA.

The Celtic fringe was truly supportive. The European interest was manifest, as was the support of some 5,000 Manx ex-patriots who registered here during the year.

With the monarch presiding over Tynwald the ancient ceremony was enhanced to a degree never previously experienced. Celebrities and minor royals came and went, as did an extra 130,000 visitors. In the process the Island had received acknowledgement of identity which it had hitherto lacked.

The success of the year was largely attributable to the role played by the then Clerk of Tynwald, Robert Quayle, a builder of bridges of friendship, indefatigable as an organiser, with the capacity to handle unforeseen situations with great assurance. We were to use his flair with yet another Tynwald promotion referred to earlier and that was of course the CPA Conference of 1984, which brings for me the recollection of an ongoing, happy relationship that I was to enjoy with that organisation from the days when I was first privileged to represent our branch in the 1960s at a plenary conference lasting some six weeks and covering India, Pakistan and the then Ceylon.

I had the satisfaction of witnessing the acknowledgement of this Island as a player in an international organisation, whose thinking was not in any way governed by size, and then becoming its vice-president and travelling some 30,000 miles in that role to visit a large number of its then 120 parliaments, sited from the Arctic to the Pacific, having, when I became its President, the support of this hon. Court for our branch hosting some 400 delegates for that association's plenary conference. With the Queen Mother as its opener, it was to prove not only a local success story but a major step in the ongoing recognition of this Island overseas.

Memories, hon. members, of my years leading up to my election as President are related to a mix of success and failure, failure to stop the operation of the wholly owned United Kingdom Government's Sellafield plant, though fully backed by Tynwald, failure to have the Island operate its own Wireless Telegraphy Act despite similar backing at that time, failure to get Her Majesty's Government to acknowledge their obligations under United Nations resolutions to bring this Island to a point of self-determination. In all of them I have tried and feel no shame in failure.

Delight would relate to association from its inception with the Island's health service, to have played a part in the limited constitutional advance and the special relationship with Europe, to have helped save elements of our heritage and encourage others, delight that the surging water rate that has been mooted has been limited by Tynwald's acceptance of my proposal many years ago to double the size of Sulby reservoir, delight, hon. members, in

being instrumental in giving the Island its own Post Office and coinage, both giving emphasis to identity, and last but by no means least, honoured to have been associated as this Island's representative with the CPA over a long period of time, along with the opportunity of playing a role in the Tynwald millennium promotion.

But the real success for me personally lay in the retention of the support of Garff over those years and in the process I have accumulated an enormous debt of gratitude to a wide range of people at home and overseas, to family in an age when the institution of family is being questioned. I have the great good fortune to have a family who are a shining example of that institution, encouraged by family when I first considered entering politics, strengthened by family and supported by them through the years that followed by their love, encouragement and support. That has been constant. I acknowledge that support with gratitude as the bulwark that has sustained my career.

I feel indebtedness, hon. members, to a wide range of people that I can never hope to repay: the Manx people and in particular the electors of Garff, friends throughout the Commonwealth and Nordic countries, the Commonwealth Presiding Officers and Speakers. I feel indebtedness in particular to you, my colleagues of recent years, as well as your predecessors in office. Your contribution to my career, whether encouraging or critical, has all helped in its development, enabling me to become the youngest member elected in the first place, the youngest Speaker, the longest serving Speaker and finally the role I hold with pride today, President of this venerable assembly.

Election to the present role, a significant honour for any Manxman, was to create a new perspective and from it I would confirm that the post is not complete. My successor, I claim, should preside over Tynwald as of right, both here and at St John's and that right should be implemented with the appointment of the next Lieutenant-Governor.

Sitting here you witness the strengths and frailties of the Court, you see its Trojan horses and, with the citadel under pressure externally, crave the strength of unity, unity that will enable the Court to advance along its declared path of constitutional evolution to the point of self-determination, unity to withstand the challenges to our authority of operations such as Edwards and the more recent decision to apply pressure to the Island in respect of the European Union's code of conduct group on taxation. Listening to the Chief Minister's reply to Mr Speaker on the definition of good government this morning I was reassured that the reins of government here rest in good hands.

The presidential role is no sinecure. Along with that of Mr Speaker, the holders of the office are the guardians of a sacred trust determined by the traditions that have grown through the mists of time to maintain this ancient assembly as the forge from which our Island can shape and strengthen its identity and institutions, and this provides the opportunity, through the medium of the Tynwald Ceremony Arrangements Committee, to happily work towards the discharge of those responsibilities, towards not only the enhancement of our national day by increasing awareness within the Island and outside its shores of its significance but to further develop awareness and pride in identity through a national week, for which the response is really promising, to develop, hon. members, the latent pride in country which bruted after many fallow years at the time of the 1979 millennium and in that context I would acknowledge Onchan's contribution: it always proudly flies the flag.

These advances are accompanied by ongoing improvement in the setting of the Court in what, as Mr Speaker has described, is the sacred heart of our nation which for me is the vale of St John's. Here in that setting we must continue the development of past years, sensible developments, such as a fairground extension and the arboretum development, shortly to produce Cooil ny Ree Gardens in the old Sandpit, to be followed, in confirmation of this Court's decision, by the transformation of the old school, when vacated, into an interpretation and cultural centre, hopefully providing a home for many local organisations dedicated to our culture. This in time will be followed by the creation of an open-air theatre for which the new school will provide the base facilities. Quiet, appropriate development, hon. members, which I hope you will continue to support in the years ahead to give an ever-growing influence to the setting I have always claimed we must revere as the symbol of our nationhood.

Certainly there is the responsibility for the functioning of this Court and all that that involves and the opportunity to take an interest in the return of such treasures as the *Chronicles of Mann* to their homeland. In my most recent submission to His Excellency I have his assurance that my plea has been forwarded to the appropriate quarters.

The role extends outwards to embrace gatherings of Presiding Officers and Speakers from around the Commonwealth and again provides a unique opportunity for the holder of the post to increase international awareness of our Tynwald's unique operation and to bind with the gossamer threads of friendship those who have come together in that setting in their interest in our Island.

You, Mr Speaker, have referred to the honour conferred on me by the Commonwealth Presiding Officers and Speakers Organisation. I felt it was a reflection of the part the Isle of Man itself was playing in the operation of the CPA on the one hand and the Commonwealth Presiding Officers and Speakers Organisation on the other.

Now, hon. members, it is pleasing, having come into Tynwald 54 years ago with the determination of youth to put things right in 10 years, to find after 50 years that the combined efforts of those who have laboured here over those years have so richly endowed our Island and the uncaring society that impelled me into politics has become the caring society of today, proving, if proof were ever needed, that in Tynwald we have a unique instrument through which we can effectively influence the wellbeing of our people.

Today, as I come to the end of the road I have been privileged to travel for a longer time, I believe, than any other member of this Court in its history, happily in the presence of my wife and family, former colleagues and friends, whose presence touches me, I extend to you, Mr Speaker, and you, Chief Minister, and those who have spoken my renewed thanks for your generous tributes and to my colleagues here assembled my gratitude for your support and kindness throughout the years we have been together.

I do not know whether in the days ahead I will be sitting in this chair announcing standing orders to my grandchildren and grooming them for the future (*Laughter*) but what I do know is that this gift has touched me deeply. I do appreciate the thought that has gone into it. Its significance to me is something beyond price. I first sat in it in 1962. The imprint must be there because it has been here ever since. (*Laughter*) So, hon. members, I do accept this wonderful gift with heartfelt gratification and in some way it will be a symbol of the richness of friendship and co-operation that I have enjoyed over the long years I have been here.

Now, I would say to you in a parting message, hon. members, you bear an awesome responsibility as you seek to preserve in an ever-changing world our independence, our laws, our customs and our way of life, working together in this assembly to promote the interests of the Manx people, and I wish you and the nation you so proudly serve well as I now lay down the reins of office, recognising in the words of Brown,

‘And the years do come and the years do go,  
And when you look back it’s all like a puff,  
Happy and over and short enough.’  
Thank you, hon. members.

*There followed a standing ovation.*

**The Speaker:** Hon. members, we should finish properly whilst you are on your feet.

*The Manx National Anthem was sung.*

**The President:** Thank you. Thank you all. The Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker may place before you. Mr Speaker.

*The Council withdrew.*

### **House of Keys**

**The Speaker:** Hon. members, the House will stand adjourned until Tuesday next at 10 o’clock in our own chamber. Thank you, hon. members.

*The Court adjourned at 4.48 p.m.*