

**REPORT OF PROCEEDINGS OF  
HOUSE OF KEYS**

**Douglas, Wednesday, 7th March 2001  
at 2.30 p.m.**

Present:

The Speaker (Hon J D Q Cannan) (Michael); Mr L I Singer (Ramsey); Mr R E Quine OBE (Ayre); 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 (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 and Mr J Rimington (Rushen); with Prof T StJ N Bates, Secretary of the House.

*The Chaplain took the prayers.*

**Halifax International Bill — Consideration of Clauses Concluded —  
Third Reading Approved**

**The Speaker:** Hon. members, we now turn to our order paper and we carry on from where we finished last evening. I call upon the member for Rushen, Sir Miles Walker. The Halifax International Bill, consideration of clauses, clause 7, sir.

**Sir Miles Walker:** Thank you, Mr Speaker. I am afraid that it is back to transferors and transferees and matters to be transferred between them, but perhaps it would be useful, before starting on clause 7, just to clarify the point made by the hon. member for Castletown at the conclusion of yesterday's sitting, when he pointed out quite correctly that the term 'transferee' was not included in clause 2 - that is, the interpretation clause - whereas the transferor company is. But, Mr Speaker, when I was moving clause 3, I did explain that I would refer to Halifax International Limited as the transferee during the clauses stage rather than just 'the company', as identified in the interpretation clause, and I have to say I did that, sir, for the sake of clarity!

So, Mr Speaker, to clause 7, sub-clause (1) makes it clear contracts of employment governed by Isle of Man law with the transferor will be treated as the same contracts when transferred to the transferee.

Sub-clause (2) provides that the transfer of employment contracts will not apply in relation to directors and certain other office holders of the transferee. Mr Speaker, I beg to move clause 7.

**The Speaker:** Mr Corkill.

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

**The Speaker:** The motion is that clause 7 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 8, sir.

**Sir Miles Walker:** Mr Speaker, clause 8 indicates that the legislation will not operate with prejudice or affect the rights or benefits of any former or current employee of the transferor under any existing retirement benefit scheme. I beg to move clause 8, sir.

**The Speaker:** Mr Corkill.

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

**The Speaker:** The motion is that clause 8 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 9, sir.

**Sir Miles Walker:** Clause 9, sub-clause (1) provides that the production of a copy of the Act printed by authority will, for all purposes, be conclusive evidence of the transfer of the property and liabilities of the transferor to the transferee.

Sub-clause (2) provides that the Act will serve to operate as stock transfer in respect of transfers of securities to the transferee under the Stock Transfer Act of 1965. Sub-clause (3) provides, with reference to sub-clause (1) of clause 9, that the production of an official copy of the Act as evidence of transfer is avoided where the transferee executes a document or enters into a transaction on or after the appointed day in respect of property or liabilities which was previously owned or belonged to the transferor.

Sub-clause (4) makes it clear that any document which is executed and any transaction which is entered into by the transferor after the appointed day will be as effective as if it had been executed or entered into by the transferee.

Sub-clause (5) provides that a certificate given by the transferee will act as conclusive evidence for the purpose of certifying whether an asset has been or will be transferred by virtue of this Act.

Sub-clause (6) states that the provisions relating to transfer and evidence cannot serve to avoid any liability of either the transferee or the transferor. Mr Speaker, I beg to move clause 9 stand part of the Bill.

**The Speaker:** Mr Corkill.

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

**The Speaker:** Hon. members, the motion is that clause 9 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 10, sir, please.

**Sir Miles Walker:** Clause 10 provides that the registration of the transferor under the Companies Act 1931 will be cancelled and the transferor will be struck off and dissolved at any time after the appointed day upon the request of the transferee. Mr Speaker, I beg to move clause 10.

**The Speaker:** Mr Corkill.

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

**The Speaker:** The motion is that clause 10 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 11, sir.

**Sir Miles Walker:** Clause 11 provides that all goods and documents which, before the appointed day, would have been evidence in respect of any matter for or against the transferor

will be admissible as evidence in respect of the same matter for or against the transferee. I beg to move clause 11, sir.

**The Speaker:** Mr Corkill.

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

**The Speaker:** The motion is that clause 11 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 12, sir, please.

**Sir Miles Walker:** Clause 12 provides that any bankers' books maintained by the transferor prior to the appointed day will be transferred to and vested in the transferee and that entries in such books will be deemed to have been entries in the books of the transferee. I beg to move clause 12, sir.

**The Speaker:** Mr Corkill.

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

**The Speaker:** The motion is that clause 12 stand part of the Bill. All those in favour please say aye; against no. The ayes have it. The ayes have it. Clause 13, sir.

**Sir Miles Walker:** Mr Speaker, sub-clause (1) of clause 13 makes it clear for the avoidance of doubt that the Act will not operate so as to prejudice or otherwise affect any contract, security or interest in land held by the transferor and transferred to the transferee. It also provides that the Act will not result in further security registrations being required, constitute a breach of any obligation, or allow the termination by any party of any contract which the party would not otherwise have been able to terminate. Sub-clause (2): provision extends most of sub-clause (1) to any subsidiaries of the transferor and the transferee. Mr Speaker, I beg to move clause 13.

**The Speaker:** Mr Corkill.

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

**The Speaker:** The motion is that clause 13 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 14, sir.

**Sir Miles Walker:** Clause 14, Mr Speaker, makes it clear for the avoidance of doubt that the transferor and the transferee will still be subject to banking and similar legislation relating to their businesses. Mr Speaker, I beg to move clause 14.

**The Speaker:** Mr Corkill.

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

**The Speaker:** The motion is that clause 14 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 15, sir.

**Sir Miles Walker:** Clause 15, Mr Speaker, confirms that the costs and expenses involved with the Act will be paid by the transferee. Mr Speaker, I beg to move clause 15 stand part of the Bill.

**The Speaker:** Mr Corkill.

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

**The Speaker:** The motion is that clause 15 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. That completes the clauses stage of the Halifax International Bill. Sir Miles Walker.

**Sir Miles Walker:** Thank you, Mr Speaker. I wonder, as this is a private Bill and has raised no issues of concern and it has in fact been on our public agenda for a number of weeks, whether the House would support the suspension of standing orders so that we could complete the third reading this afternoon. So to test the opinion of members, sir, I wish to move that standing order 158 (1) be suspended to allow the third reading to be moved.

**The Speaker:** Mr Corkill.

**Mr Corkill:** I would certainly second that proposition, Mr Speaker, and hope that hon. members will support the measure.

**The Speaker:** Hon. members, the motion is that standing orders be suspended to enable the third reading of the Halifax International Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it.

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

*For: Messrs Gilbey, Quine, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Houghton, Henderson, Braidwood, Shimmin, Downie, Corkill, Cannell, Gelling and the Speaker - 16*

*Against: Messrs Brown, Mrs Cannell, Mrs Hannan and Mr Singer - 4*

**The Speaker:** Hon. members, the motion carries, 16 votes in favour, 4 against. Standing orders have therefore been suspended.

The third reading of the Halifax International Bill, Sir Miles Walker.

**Sir Miles Walker:** Thank you, Mr Speaker. Could I just express my appreciation to the House for their support in this matter and, in a very straightforward way, simply move that the Halifax International Bill 2001 be read a third time, sir.

**The Speaker:** Mr Corkill.

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

**The Speaker:** The motion is that the Halifax International Bill be now read a third time. All those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Statutory Boards (Amendment) Bill — Second Reading Approved**

**The Speaker:** Hon. members, we now move on to item 17 on our agenda, the Statutory Boards (Amendment) Bill, second reading. The member for Middle, Mr North.

**Mr North:** Thank you, Mr Speaker. Hon. members will remember that this Bill was circulated last year and the first reading went through the House last year, several months ago.

The Statutory Boards (Amendment) Bill as printed, which is promoted by the Council of Ministers, is intended to alter the term of office of the members of statutory boards. This is to provide flexibility for a future Chief Minister and Council of Ministers to change the

membership of the statutory boards after a period of 2<sup>1</sup>/<sub>2</sub> years if this is considered to be desirable at the time.

The principle of introducing a degree of flexibility is considered to be important to facilitate the reshuffling of any of the chairmen or members of the statutory boards who are members of Tynwald should this be considered to be appropriate by the Council of Ministers as part of a more general reshuffle of the members of government departments or for other reasons. Introducing a degree of flexibility provides an opportunity to change the non-Tynwald members of statutory boards also should this be considered to be desirable.

Hon. members will be aware that some considerable time has passed since the Bill was granted its first reading and since then a further consultation exercise in relation to the proposals contained in the Bill has been undertaken by the Department of Trade and Industry at the request of the Council of Ministers. This consultation exercise was initiated following comments received after the first reading of the Bill and was limited to four statutory boards, namely, the Manx Electricity Authority, the Post Office, the Water Authority and the Office of Fair Trading. Council proposed that the Bill, when it resumed its passage, should be limited to these boards. Obviously, Mr Speaker, that will be subject to amendment in the House and at the wish of the House.

Now that the Council of Ministers has had the opportunity to study the comments received, it has been agreed that amendments to the Bill will be moved at the appropriate time to, firstly, restrict the Bill to four statutory boards; secondly, limit the tenure of office of a Tynwald member of a statutory board such that they would go out of office after a period of two years and six months from the date on which the Keys was last dissolved, or on the dissolution of the Keys, or on ceasing to be a member of Tynwald or of the branch at the time of their appointment; thirdly, limit the tenure of office of a non-Tynwald member of a statutory board, such that they would go out of office after a period of five years from appointment or on becoming a member of Tynwald; fourthly, it would allow the removal of a member of a statutory board at any time by a direction of the Council of Ministers. Amendment to section 12 of the Broadcasting Act 1993 to remove a statutory requirement for the chairman of the Gaelic Broadcasting Committee to be a member of the Communications Commission and last, to amend section 1 (2) of the Water Act 1991 to allow a degree of flexibility to increase the number of members of the Water Authority if circumstances require.

Mr Speaker, I think it timely to update Manx legislation in relation to the tenure of members of statutory boards, and this Bill, subject to the amendments I have outlined, seeks to do so in a manner which provides a future Council of Ministers with the flexibility it requires regarding the appointment and removal of members while ensuring that there is no undue impediment to the effective functioning of the boards themselves.

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

**The Speaker:** Mrs Crowe.

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

**The Speaker:** Mr Singer.

**Mr Singer:** Thank you. I am just a little concerned about this Bill and the way that it has been presented, in that it is giving the Council of Ministers a blank sheet: they can do what

they like. Now, we have heard the hon. minister say that if the Council of Ministers wishes a reshuffle, then they have the opportunity to change a Tynwald member. Well, that Tynwald member could resign anyway if it was an agreed change, so I do not see there is a problem there. But of course the Council of Ministers may wish to see a Tynwald member removed from a statutory board because, they, the Council of Ministers, did not like what the particular person was doing. That does not mean they were doing a bad job. They may be doing too good a job for the Council of Ministers and therefore it does seem very unfair that they should be able to just remove somebody at a whim. That is their intention - to remove people at a whim and add people at a whim, and it does concern me that the rest of Tynwald has no say in this at all; it will purely up to the Council of Ministers, who will be doing it for their own reasons which may not agree with the feelings and the thoughts of other members of Tynwald.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I have a lot of sympathy with what the previous speaker has said. I believe that it will make it a lot easier to turn chairmen into mandarins of the Council of Ministers. At the present time, once you have been elected as the chairman of a statutory board, you have a situation where, without a no confidence vote in Tynwald, you are fairly safe and I think there is great danger.

I believe that there are going to be some amendments put forward on this Bill at the clauses stage which will enhance the Bill and I think will improve the situation, but I have to be perfectly honest with you, I think the hon. member for Ramsey is quite right: it is just a way of putting more pressure onto chairmen if they do not play ball with the Council of Ministers. As we all appreciate, statutory boards are basically supposed to be the sweeties for bigger and better things which the whole ministerial system is based on. I do think that there is a great danger, and it is all right certain members smirking and nodding their heads, but the fact is that in the real world there is a danger; it will put more pressure on them to toe the line. That is all it is done there for.

So when we have the situation where an authority tries to do things for the public good in the future, they might not be able to get away with it, as they have been able to do in the past. When you look at the situation with the Water Authority where we would not have gone down the road that we gone down within an independent chairman. Then we would not be in the position we are in now, no matter how much they like to rewrite history.

But I have to say that there are amendments that will be put to the Bill that would be of use, but do not delude ourselves, it is yet another stage in the position of bringing people into line. I appreciate that some of my statutory chairmen colleagues are looking rather starry-eyed as far as this is concerned. That is what it is about: it is about control, and I think the hon. member for Ramsey is quite right. I think it is a shame that will be the case. But there are amendments that will come through this Bill which would be of some use. I am not happy with the Bill. It puts us in a very difficult position, Vainstyr Loayreyder.

**The Speaker:** Mr Shimmin.

**Mr Shimmin:** Thank you. As somebody who was alluded to, Mr Speaker, as starry-eyed, I would just like to say that I shall look with interest at the amendments. However, the implication from the previous speaker is that those, granted, chairmanships of statutory

boards become voting fodder for the Council of Ministers. I say to that: shame on those members if that is what happens. It is one where an individual would have the right to resign. I realise the hon. member who has just spoken thinks that is unlikely to happen but that may be says more about him than others.

**The Speaker:** Member for Castletown.

**Mr Brown:** Yes, thank you, Mr Speaker. I think that what we have seen over the years is a change in the government structure and virtually no change in the statutory board structure, and my view is quite straightforward: we either depoliticise them or the statutory chairman of boards should not be in a stronger position than any other member of this hon. House and Tynwald Court who serves either as a minister or on a department of government. Everybody else can be removed from their position if the problem arises.

I think history has shown that in the time that we have the system, which is since 1986, the occasions where somebody has had to be removed or has been encouraged to move have been very, very minor indeed, and it has been when there has been a major difference. At the moment, the chairmen of statutory boards, whoever they are - and it is not about individuals who are there now. The chairmen of statutory boards are appointed at the beginning of the term of the House and they stay there until the end of that term of the House, with no provisions to revise it and no provision at all, apart from forcing them to resign or going for a vote of no confidence to Tynwald, to get that person removed as chairman.

Now, from my point of view, from where I am sitting, Mr Speaker, I believe that is not the best position to be in. The whole system of government has developed and this is one area that has not. If we wish to keep political chairmen in these statutory boards, heading them up, then quite clearly in my view there has to be a far better system of dealing when occasions arise, which are very, very rare, where there is a problem, and if you do not like that, then my view is you have to go to a stage where you depoliticise the chairmanships and do not have members of Tynwald Court as chairmen of statutory boards. I prefer this idea because at least then there is a form of control still exercised by Tynwald and by the Council of Ministers who are, after all, responsible for executive government, and these boards are extensions of executive government. Therefore, I believe that this change and the change that is going to be proposed, hopefully, will be a way of modernising the system that we presently have that has not been updated since the ministerial system.

**The Speaker:** Mrs Crowe.

**Mrs Crowe:** Thank you. As the other chairmen have spoken, I feel perhaps that I should, as I might be going to get the sack! I mean, I should perhaps say a word. (*Interjection*)

With regard to the chairman of the statutory board of the Water Authority, I would suggest that I have confidence in the system that is being suggested. Unlike him, I would like to think that the Office of Fair Trading does work with the government for the good of the people of the Isle of Man, and I would not like to see an office that was working separately on its own, divorced from that government impetus. I think it is most important that we do work with government for the good of the Isle of Man, and I certainly have no problems whatsoever and have great confidence in the system that is suggested, whereby also the members of boards will get a chance to be re-elected by rotation, and I think that is also a very good idea. I feel that we have no problems at all with this Statutory Board (Amendment) Bill.

**The Speaker:** Mr Quine.

**Mr Quine:** Yes, thank you, Mr Speaker. I think there are four comments that I would make on this and, like one or two of the other members that have spoken, I will be looking towards clauses and amendments. The first point I would like to comment on, of course, or to recognise, is that I can understand why there is need for a facility to change a chairman of a statutory board part way through a five-year session. I can recognise that need can arise and it is certainly, I think, wrong that they should have any greater security of tenure than, at one end, the minister, or, at the other end, a member of a department. So I recognise that there can be that need for to bring about a change and that we should not be putting them there with de facto they have got security of tenure for a five-year period. So I think there is a common starting point perhaps there between myself and the Council of Ministers.

Then I think, if you recognise that need, the second question you have to ask yourself is, where does the power of appointment, transfer and removal rest? Where should it rest? I think that is quite a different issue. Certainly the appointment or transfer, the removal, I think, needs to be in the hands of the same authority, otherwise it becomes a little bit ludicrous. Whether that should be, in effect, the Council of Ministers is something which I would have serious reservations about. The point has been made, of course, that it is not unreasonable that it should be with the Council of Ministers because they are, as the hon. member for Castletown has said, an extension of executive government. Therefore the argument seems to go that because they are an extension of executive government they somehow should be subject to the same treatment as ministers. Well, that falls flat straightaway, because what is proposed here is not going to put them on the same footing as ministers anyway.

But I would go to the other end and say that members of departments, by the same reasoning, are also an extension of executive government, so we have to consider what is the proper authority for the appointment and removal of members of departments. I am not quite sure where that one rests. I rather had hoped that we would have legislation flowing in respect of the select committee recommendation on ministerial government which would have perhaps highlighted some of these issues and given us a steer on that, but that is not yet before us anyway. But I think there is a need to consider the relationship in terms of ministerial appointments, the question of chairmen of statutory boards and then members of statutory boards and members of departments. If we are considering them all within the context of being part of executive government, there has to be some rationale which links that altogether, and the mover of this Bill certainly has not explained that to us at this point in time.

So I would ask the hon. mover, when he is replying, if he could shed some light on these matters: first of all, how does he reconcile what is proposed in this Bill with that of ministers because, after all, there has been a select committee report recommending a change there too? How does he reconcile that and with the treatment of members of statutory boards and members of departments? Where, in his view, should that authority lie? And to what extent should Tynwald. . . And to my way of thinking this is really the beginning and the end of all appointments to executive government. Tynwald to my mind, is where it should start and where it should finish. Whether we are talking of ministers, chairmen or members, we seem to be skirting around this. We seem to be at risk of sidelining Tynwald in relation to this proposal.

So I look forward to listening to the hon. member and hearing what he has got to say, but my present inclination is that there may well be a need for amendments to this particular Bill.

**The Speaker:** I call upon the mover to respond.

**Mr North:** Yes, thank you, Mr Speaker. Can I thank all those members who have raised what are very pertinent questions. Of course, these are points that have been discussed through the Council of Ministers and during consultation with the various boards, and I can fully understand Mr Singer's point, the hon. member for Ramsey, about removal, and I can understand the concerns of the hon. member for Onchan, the Chairman of the Water Authority, that he might have to toe the line. God forbid that he would ever have to do that! But, Mr Speaker, the intention of this Bill is to streamline executive government and the various statutory boards are, after all, part of executive government and in my opinion should be, but certainly there should be no problem as far as any chairman who is actually functioning properly and getting things done and working with government and Tynwald. There should be no concerns of those particular chairmen, whoever they are at the time, and I know Madam Chairman of the Office of Fair Trading feels very similar to myself on that matter.

Whether it is Council of Ministers or not, as I say, I believe that these boards are part of executive government and the hon. member for Ayre, Mr Quine, raised the question, should it be Council of Ministers and how do I reconcile it reference the ministers? Well, I think the hon. member for Ayre knows my views, as I think it is a majority of this House believe that the Chief Minister should put his Council of Ministers to a vote at Tynwald at the beginning or whenever. I certainly agree with that view and I think the majority of this House does. I know I agree with him, because this is not really an issue similar; really, I suppose, to a certain extent what is left is an anachronism going back that should have been done in 1986 when the ministerial system came in, and it is actually being done now, later on, to provide what I believe to be, hopefully, more efficient government. Certainly the amendments, which I am sorry hon. members have not got in front of them because of course - and I had not realised it - in the second reading those amendments will be in next week's agenda or whenever the clauses come onto the agenda, but basically I have given members the intention of those amendments together with some which have been requested, one by the Water Authority in particular, to try and be helpful.

I am sure that we could never satisfy everybody, and there certainly are different ways of doing this. The Council of Ministers and myself believe that this is the most efficient way to do it and I hope that hon. members will support the second reading and some of the amendments as and when they do appear. Mr Speaker, I beg to move the second reading of the Statutory Boards (Amendment) Bill.

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

## **Road Transport Bill — Second Reading — Debate Concluded — Approved**

**The Speaker:** We now move to item 18 on our agenda, the Road Transport Bill for second reading. Mrs Hannan.

**Mrs Hannan:** I ask for your guidance, Vainstyr Loayreyder. I have spoken in moving the second reading of this Bill. If I can speak again I would ask the indulgence of the House to just cover one or two issues.

**The Speaker:** Hon. members, Mrs Hannan spoke, was seconded and reserved remarks and it went into adjournment. Is it the wish that we now open the debate without Mrs Hannan making any further comment or should the hon. member in charge of the Bill be allowed to make a further comment following the adjournment and the meetings that she has had? I put it to the House. Would the House wish Mrs Hannan to speak, having adjourned - ?

**Members:** Yes. Agreed.

**The Speaker:** Agreed? Mrs Hannan.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. I thank the House too for allowing me to speak again on this particular issue. Members will remember that I moved the second reading of this legislation on, I think it was, 30th January at a sitting of the House and it was rather late in the day starting the debate on this particular reading, because it is new legislation which is bringing in the regulation of all vehicles that use public highways for business purposes, whether that is the carrying of persons or goods.

Since the moving of that legislation and the deferment the Minister for Transport has held meetings with the the taxi industry. However, prior to that the department gave a briefing for members of Tynwald and Members of the House of Keys. This briefing was by Michael Hicks, who is the transport consultant to the Department of Transport and has a great deal of experience in the Isle of Man, UK and also further afield. Also at that meeting were officials of the department and also Posford Duvivier, who are helping in some of the administration.

On Wednesday 7th February a meeting was held with taxi representatives, MHKs and MLCs at 2.30 p.m., and this went on to 5.40 p.m. This meeting reconvened on Wednesday 12th February at 2 o'clock and finished at 7.15 p.m. Since then letters have been exchanged and this has allowed further discussion on the clarification of some of the issues in this legislation and the approach that this legislation takes.

If I can go over just a few of the points that were raised and clarification was sought for, on the Road Traffic Licensing Committee, the appointments and a request was made for trade representation. However, it was pointed out at the meeting to the trade representation that consultation on all of the legislation will take place between the department and all interested parties. There was comment also on the licensing conditions, revocation of licensing and disqualification of licences and also the appeals procedure. Within the discussion taking place on this there was also discussion about the exchange of licences should someone cease to be able to operate either through death or through ill health, and this was clarified by the minister in letters to the trade in relation to how the legislation, which I believe is clause 55 - I stand to be corrected on that - but in relation to the licensing being able to be transferred initially to a family member and allowing time for the family member then or someone else to

make an approach to the Road Traffic Licensing Committee so that that licence could be taken up by someone else. The licence, however, would not be sold.

Different size of vehicles: it was pointed out that this legislation makes no distinction between what we call under this public passenger vehicles, because there is a single procedure for all. However, the licensing to apply for hire will be under a different register. Also, regular bus services come under this legislation and that will also form part of the Bill.

Discussion entered into the size of a vehicle which could apply for hire, the number of seats plus the driver, and this was an area which the minister said at the meeting that he would give further consideration to. It has been resolved with the agreement of the House and to be added to the legislation that it would be eight seats plus a driver allowing for ply for hire within the transitional period.

The other areas discussed were the grandfather rights - that is, someone having a licence at the moment would continue to have a licence - and also within the districts that are now within the legislation, this is the north, south and central and also the Malew parish, which is a transitional period under schedule 2. The minister resolved that he would again consider the points that had been made at the meeting and come forward with an amendment should that be deemed to be helpful to the trade, and it has been agreed that this would go from three years to five years.

Comment was made about deregulation. However, this legislation does not deregulate, in actual fact; it clarifies the situation so that everyone who has a taxi licence or a goods licence or even runs a bus service is treated in exactly the same way and that the whole of the Island is covered in a much more equal way than it is at the moment; also within the legislation for the period whereby this legislation is introduced, there is to be a knowledge test, and that was also discussed at our meeting. Any appeal under the legislation is to the High Bailiff and that was clarified.

There was discussion with regard to fares, whether there should be a maximum, whether it could go over the maximum amount. However, it has been resolved that the proposal within the legislation should stand, also an obligation to carry passengers, and under this legislation we feel it is important that that obligation remains in being.

There were four issues that the minister resolved that he would give further consideration to and I will just go through those again: the transitional provisions under schedule 2, and it has been agreed that the minister will put to the House that that should be extended from three to five years to retain the districts; number of seating in taxis - eight plus the driver; taxi fares with regard to the maximum fare. After further considerations we have deemed that in the interests of the travelling public and also the taxi drivers themselves the maximum fare, once set by the Road Traffic Licensing Committee, should be deemed to be the maximum that could be charged. With regard to financial and statistical returns, that is under clause 39, it has been agreed that there will be an amendment to this that the statistical returns would relate to the taxi drivers, the ply for hire but not the financial provisions under that particular piece of legislation, which will relate to buses and to regular routes.

If I could just cover the grandfather rights under the district area because there has been a great deal of concern expressed about that, especially the people that operate in the south, as members will be aware, at the moment taxi operators operate at the airport out of the

Castletown area and the Castletown operators at the airport over the period since this legislation has been made available have been very concerned that their rights have not been protected. The reason for bringing in the Malew area was because the airport is within Malew parish and it was to safeguard the operation of the taxi drivers at the airport that this legislation was written in the way that it is with this transitional period to give them protection with regard to the operation of the taxis at the airport, but also with regard to the southern district to give a coverage of taxis within the southern district, and therefore anyone with the grandfather rights in this particular area who wishes to operate at the airport would apply for the Malew parish to operate out of, but they could also apply for the southern district if they wished to cover the south as well. Now, that would depend on the number that take up the district in both areas. If all of the Castletown operators applied for the Malew and did not apply for the south then the Road Traffic Licensing Committee would in actual fact have to decide whether they needed to introduce more licences for the south to cover the south, because it would be up to the Road Traffic Licensing Committee to make sure that there was coverage in each of the areas. That is why this particular division has been brought about with regard to the operators of Castletown having to make the decision between operating at the airport and operating in the south. They can do both if they apply to the licensing committee for a licence to operate in the south, but they have to make a conscious decision that they wish to cover the airport and be with the Malew parish district. They can also, if they are with the Malew parish district, operate in the other parish areas, which does give them an added right to operate.

There was also another issue if I could just cover it, Vainstyr Loayreyder: the ply for hire. If someone collects someone at the Sea Terminal or at the airport or Peel, if I wish to use a taxi to come into Douglas and I say to them, 'Pick me up at the House of Keys at 5.30 to take me home again,' that is quite within this legislation. Someone from the airport can pick up at the airport, take a fare to Douglas, finish their business and can say 'Will you meet me again here at 4 o'clock to take me back to the airport?' and that is allowed under the legislation, in the same way as somebody at the Sea Terminal can do the same. The actual plying for hire is within the district - that is, standing on a stand and taking someone off the stand or in the street.

I hope that clarifies the issues that this legislation covers. I feel that the meetings that the minister called with regard to the concerns of the taxi drivers were a very useful two meetings. Many of the issues were discussed quite freely by taxi operators and by members of the legislature, and I thank the minister for his assistance with this Bill. It is complicated. It is introducing a new aspect of regulation of vehicles using public highways for their business purposes, and I think many of the issues are with regard to ensuring the safety and competence of operators of vehicles on our roads. I would hope that members can welcome this piece of legislation. It is legislation which I think will be fair to everyone throughout the Island. After the transitional period, whether there is then the operation all-Island-wide would then be up to Tynwald in the future to bring about the changes that would be necessary to operate an all-Island following the five years transitional period that the minister is looking to move as an amendment to this legislation, but I would hope that members will give this legislation a second reading, and some of the issues which I have spoken about are detailed under clauses, but I would feel that they do deserve further discussion at the clauses stage. So I beg to move the second reading of this legislation following our consultation. Thank you, Vainstyr Loayreyder.

**The Speaker:** Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker. I too thank the House for allowing the hon. member for Peel, Mrs Hannan, to actually bring hon. members up to date with the discussions that have taken place with members of the taxi trade and of course also included members of this hon. House and members from another place.

We discussed the concerns of the trade over the two meetings which took up just over eight hours of consultation, and so the House was right when it supported an adjournment some weeks ago to enable this consultation to take place, and quite a bit was covered during the eight hours. Of the Bill there were 17 clauses where questions were raised and concerns were expressed from the trade in respect of that. At the end of our last meeting I put it to the minister, who very skilfully chaired the meeting - it can be quite difficult when you have a large group to chair - and I asked him, would he allow and let the trade and ourselves know in plenty of time before the reintroduction of this Bill for second reading? This he gave assurances he would do, and this is where I have to take exception. The trade received a letter of the minister's intention to provide three amendments when it gets to clauses stage and they received that letter of intention on Friday. I got my copy on Saturday and some hon. members who attended the meetings have not received a letter or a copy at all.

Now, the trade believe that they have had - and it is fair - insufficient time in which to consider the implications of the proposed amendments which the minister intends to move at clauses stage, to some of their concerns, and I have to agree with them. They received the letter of intent on Friday; they were unable to contact their advocate for any independent legal advice until Monday; the advocate was tied up in court on Monday, and so it was only late yesterday that they were able to actually go and have a few words with their advocate who is advising them, and to that effect I have had copied that particular letter which is, I understand, now being circulated to hon. members.

You will note from the letter, of course, that he is only commenting on the proposed amendments and also the letter of intent, which was designed to be a letter of comfort issued by the Department of Transport following the concerns of the trade during the very first meeting for our round of consultation. We did, however, receive that letter at five to seven on the evening of the very last round of consultations, and so he is reserving his comments to that letter and the three proposed amendments at clauses stage, and I hope it will be useful to hon. members to clarify in their minds what the legal interpretation of those provisions are.

Of course, in the letter the advocate has said that in his legal opinion the letter of comfort which was received late on the evening of our last round of discussion could be interpreted to be a letter of intent. However, he also says in the letter that no government department really, the transport department or any other, can actually tie Tynwald down in terms of regulations. So, in other words, the letter of comfort that it was designed to be is trying to explain what the provisions of the primary legislation are and what sort of regulations might follow, following adoption of this the primary legislation.

Of course, the regulations would be subject to Tynwald approval and so therefore the advocate is saying that really the Department of Transport cannot make promises to the trade at this time because the regulations are subject to another place's approval and not necessarily the Department of Transport. However, the letter which is explaining the

provisions of the regulations that we might expect in the future could be interpreted as being a letter of intent, and if any future Department of Transport. . . and I say 'future' because we are in our last year of this particular House and we are facing a general election; we could have an entirely new membership next time. We certainly will probably have a new membership in government departments. Policy could change under this primary legislation, because it is so open it could go either way. The regulations could be drafted in either way. The policy could change. These are the observations that have been made by the legal eye that has had a very short time in which to peruse what was in the letter that was received by the trade on Friday in terms of the amendments.

In addition to that, members will also have received a letter from the Castletown and Southern Taxi Drivers Association. Some members will have received a fax last evening, others will have had a copy put on their desks today.

**Mr Brown:** Mine was in the post.

**Mrs Cannell:** Castletown must receive its post earlier than Douglas because I have not had mine yet. I got mine through the fax last night.

Clearly the southern taxis are not very happy. One of the most contentious issues of the 17 clauses we raised questions on, of course, was this special Malew district as contained within schedule 2. Their contention was that that should not be designated as a special area, that it should remain as it is. They believe that their livelihoods are in jeopardy under this new provision contained within the legislation for Malew, and clearly in the last paragraph of their letter they say the areas that taxis work at the moment should be kept for the transitional period. 'Keep the status quo until such time as all-Island plying for hire comes into effect. This surely will also benefit the public who would then continue to be well served. We hope that common sense prevails.' I think, in fairness to them, they made a very good case at our very last meeting when we finally reached the provisions contained within schedule 2 at the end of the Bill for the status quo to prevail. Now, the minister, I think, was somewhat surprised that they were not in agreement to being designated as a special area, but their contention was, of course, after years of being representative on a working party which has helped bring about all-Island legislation which is before us today, this particular issue was never ever discussed. It was never raised by the working party or by any officers or consultants representing the department, so it was never properly aired. This suddenly appeared, to them, in the green Bill and we had it, of course, for the second reading. They are obviously very disappointed that there has been no change of view by the department in respect of this. So that deals with the Southern and Castletown Taxi Association members.

Now, we have heard this afternoon by the hon. mover of the Bill about the areas that the minister considered and decided that perhaps some flexibility, some clarification was required, and indeed the clarifying of the size of the vehicle - that the vehicle should be no larger than eight seats plus driver. But the hon. mover also said during her opening remarks that this would apply during the transitional period, and my question would be, what would happen after the transitional period? Would that fall if it is only subject to the transitional period?

We have also heard, of course, that the transitional period has now been extended from three to five years. Now, the idea of this was first promoted during, I believe it was, our second

round of discussions by the hon. member for West Douglas, Mr Downie, and in suggesting this particular amendment the meat to it was that it should be phased in. The five-year transitional period would allow for different parts to be phased in at different times and allow that particular aspect of the legislation and how it is working in the industry to be tested before running with the rest of the provisions under the legislation, and so therefore it would test it, stop test, stop test and so on and so forth. That was the case that was made for the amendment. *(Interjection)* I have seen the amendment. As I say, I only received my letter with the proposed amendments on Saturday and so I too have not had proper time to be able to go and have my own independent legal testing. *(Interjection)* Ah, well, we have a member who has not received; some have not.

The problem with the legislation as drafted is that - and it was referred to by the mover of the Bill - you have haulage vehicles and companies, you have coaches, you have buses and you have taxis, and they are all being lumped together in the primary legislation and, as written, everything embraces all aspects of the different service vehicles, and that has been a problem in terms of trying to interpret, particularly for the trades, where the cut-off point is. 'Every holder of a service licence shall be subject to. . .' and there are certain things laid down within the primary legislation which they are subject to. However, in the letter of explanation, which is described as the letter of intent by the independent legal adviser, it is specified that there will be a register which will differentiate between the business and the size of the business and the type of business. At the bottom of that register would be the one man or one woman independent taxi driver/owner and at the top you would get your big companies like your big haulage companies and your big coach companies, and so therefore the suggestion was those at the bottom of the register on a register to be kept by the Licensing Committee - the same criteria or the same expectation would not be called upon from them as it would be to the others at the top of the register, but the way the wording of the primary legislation is, it is expected from all, from the one person operator to the fleet of company cars or taxis or whatever to the big coach company to the big haulage companies, and that is where we have the problem, because of course the primary legislation provides for regulations to go one way or the other. The only saving grace to this is that we have had a letter of intent by the department which, if it is not honoured by a future Department of Transport in a future Tynwald in terms of appropriate regulations, could be - and it is suggested in the advocate's letter - or may be subject to legal challenge because it is and has been interpreted as a letter of intent, so let us not forget that. The wording in the primary legislation does not differentiate between the tiny, one-person-operated business to the bigger person's business, but we have been on a huge number of times been reassured by the minister and by the hon. mover that all of this will be catered for in the regulations. It will all flow from the regulations, and so it will be incumbent upon us, if this Bill is supported today in principle, to ensure that those regulations are put together appropriately bearing in mind the size and the scale of the transport vehicles that it covers.

Of course, as a rider to that, I would also remind us - and I am sure we do not need to be reminded but I would like to remind us all - that we may not be here after November this year and so although we are considering primary legislation we are putting it to a future House and we are putting it to a future Tynwald and indeed to a future administration within the Council of Ministers.

So if members are quite clear and their consciences are quite clear. . . I have a problem with this, I have to admit, in the absence of provisional or draft regulations. I have a problem with it because the reading and the interpretation of the primary legislation as written could fall either way, and I think there is a principle here. A few more bits could have been tucked in which may have clarified it a little bit more to the satisfaction of all, but they have been rebutted by the department; the department is only prepared to have three amendments to this particular Bill. Although I welcome the three amendments, I feel that we ought to have gone a little bit further in terms of clarification.

Now, just on the grandfather rights and this special area for Malew, there is a letter - I do not know whether members are actually aware - sent from the Department of Transport on 10th January this year to a holder of a southern licence who lives in the constituency of Peel, and in this letter the minister clarified - it is in the minister's hand and signed by the minister - but he attempted to try and clarify for the correspondent certain queries in respect of clauses that are contained within the Bill, and some are slight variants - I say 'slight' variants - from what has been said thus far in this hon. place. The minister talks about the grandfather rights and it says: 'Whether a permit would be granted' - because one would need to be granted in respect of anybody who was providing a taxi service at the airport under airport bye-laws - 'by the department to a taxi to use the airport facilities would depend upon whether the taxi was to be regarded as having grandfather rights as an airport taxi or otherwise met appropriate specification of quality to provide an airport taxi service, but only taxis which are licensed for Malew to use the taxi waiting facility at the airport without having to apply for the grant of permit to do so from the Department of Transport until bye-laws' - this is until the transitional arrangements have been exhausted. Following that, of course, one would think it is going to be a free-for-all but of course it is not, because further there was clarification in terms of schedule 2.

A special provision, the special designation of Malew, because the airport is situated in Malew, will continue after the transitional period although it does not prevent someone outside of the district applying to the committee which is to be constituted for consideration for a licence to be able to operate from Castletown from the airport. But those who currently operate exercising their grandfather rights will really be considered first.

So this is why the Castletown and Southern Taxi Association are upset about this. They would sooner things stay as they are until it becomes all-Island licensing, which will then enable them to have the freedom to go and ply for hire elsewhere. If there was suddenly a disaster at the airport - and this was suggested as a possible scenario at one of our discussions - if, god forbid, there was a disaster at the airport and the airport had to close down for days hours or possibly weeks, then these particular people in this particular trade applying this particular service to the airport would have no business and so they need the flexibility to be able to go and find business elsewhere, hence the all-Island.

The one thing we have not heard, bearing in mind that this special area never featured in the working party's deliberations for years, to date is a good case being made for this special area for this special designation. We have not heard it today, we certainly did not hear it through our discussions with the department and I do not believe that a case has actually been made for it. It may have been explained the thinking behind it but I do not believe a case has been made for that special designation. Equally, if grandfather rights are to be exercised

in respect of that, why do they not include the Sea Terminal? That is another major port of entry to the Isle of Man. Why don't those exercising grandfather rights for the service provision of taxis at the Sea Terminal not be required to be subject to the special designation? That has never been explained at all and the question was asked. So members might like to think about that one a little: why is this a special area? Why should it be a special area?

There were one or two things the minister did agree during our discussions to consider. I would just like to remind him that there are one or two, but he has not, which he said that he would seek to clarify. One was in respect of clause 18; this is for the revocation et cetera of registration of licences. The trade would like such a hearing; it is in respect of a hearing in terms of revoking a licence, but the trade would like for that hearing to be a public hearing for the benefit of all, and the minister said that he would look and consider that and try and seek to clarify it. Under the wording in the Bill it does not state whether it is public, private or what it is.

There was also a query in terms of extra fees. This legislation before us today provides for extra fees to be imposed on all of the trade in addition to what they are already paying. It provides under the schedule to charge, or the department 'may' charge, a fee for a hackney stand; it is at the back of the legislation here. That has not been explained.

We have had an explanation in the letter of intent of the situation where the owner of a business - for example, quite a substantial haulage business or taxi business or coach business valued at hundreds and hundreds of thousands of pounds - suddenly dies. Under the terms of the legislation as written, he dies; his licence dies. That is how the wording in the Bill is written. The regulations, however, will hopefully seek to clarify that situation and there could be a transitional period of six months or possibly a year to try and resolve the problem. Meanwhile it *may* be in the regulations that the widow or the widower or a family member or someone appointed to represent the family may continue to run the business during that break period whilst things try to get sorted out, but again it is all 'if' it appears in the regulations, it is all 'it' will be covered in the regulations. The primary legislation says that on the death of somebody who is holding the licence everything else dies with him.

Now in clause 17, this is where the industry still contend that clause 17 is to provide for deregulation, which is what they are vehemently opposed to. The department has gone to great efforts to try and explain that one, but nevertheless it will be up to the committee which is yet to be appointed, and they will be empowered to increase or decrease the amount of licences that are available on an all-Island basis, but it is not incumbent upon them within this legislation to do proper assessments. One would hope that they will; one would hope that it will be covered in the regulations. But in the absence of draft regulations before us it is very hard for us to make a judgement, but nevertheless they have got the power to be able to increase the licences without a survey, without testing to see if there is a need, if there is a shortfall somewhere, but one would hope - and I am sure the department presently hope - that it will be covered, and they will cover it in the regulations.

There was a very strong allegation at one of our meetings that such a committee is nothing more than a quango. Again, the minister has tried to reassure us it is not a quango but that it will be put together, selected by the Council of Ministers subject to Tynwald approval. However, the Council of Ministers have the power to terminate a membership, one or more, possibly - well, in fact, the way the wording is on clause 1, page 1 - of course, 'subject to the

following provisions of this section a member of the committee shall hold office for a term of five years beginning with the date of his appointment but may be removed from office during that term by the Council of Ministers.' That is without Tynwald approval. The only recourse to Tynwald is when the Council of Ministers want to make a reappointment, and then that will come to Tynwald, so we will have no say if a member is suddenly dropped from that committee for whatever reason, we will not have any input into that and we may disagree with the reasons for the removal of that particular individual. Again we may not. It has been suggested to me that this could be in breach of article 6 of the human rights legislation. Again, the minister, in answer to that query said it is for Tynwald to decide.

One reassurance I did ask for from the minister is that in the make-up of the committee under clause 1 it is quite specific that you are not eligible if you are a member of the Council or the Keys and if you have any financial interest in any trade or business involving the carriage of passenger or goods, and it goes on. What it does not say that neither are you eligible if you have been acting in a consultancy capacity to the Department of Transport in relation to this. The minister said he hoped that that would not be the case, but again there is no provision, there is no clarification.

I am sure there are copious notes being made by the members of the Department of Transport and I feel sure some of this they will try to explain; there will be an attempt to try and clarify and explain the situation. We have, some of us, spent hours and hours and hours on this. It is complicated, it is made unnecessarily complicated because everything has been lumped together. The taxi owners and the taxi trade generally would have preferred legislation just for taxis. The problem is they have been lumped in with everybody else and so the same expectation is referred to within the legislation as written.

I am grateful to the department in honouring the commitment of the House in enabling us to get round the table to air some of these concerns and to enable the trade to express in their own terms and to explain the possible scenarios and realities under the legislation, but I am disappointed that the minister did not give us plenty of time, which he said that he would, before reintroduction today and that we have all who have been involved in this had to hurriedly read through the explanations or the so-called 'minutes', for want of a better description, which have been put on our desks today; members have not had time to absorb those or test them against the written Bill, and again, of course, the trade will say, 'The department is rushing with the legislation' because again they have not been given proper time to evaluate the proposed amendments or the letter of intent in conjunction - well, the letter of intent they had earlier but not the amendments; the amendments were only received. The letter was only received on Friday and so we only have the first advocate's letter and I understand there may be more.

I would urge hon. members to be very cautious in respect of this legislation. The trade themselves - and I have subsequently been contacted by some coaching companies who unfortunately were not aware of the round of consultation afforded to them and were not party to the meetings and I have been contacted by them and of course they are fairly concerned that they were not invited to the table. Of course, there is always a difficulty, I know, for any department when it is doing its rounds of consultations. You can send letters out to all and sundry; some may not receive the letter, some have been away, some have been on holiday

or whatever and it is difficulty for any department to try and bring all in, but there are other concerns that will be raised during the passage of this legislation.

I personally have no option, I am afraid, but to vote against the 'in principle' and I have taken on board the letter of intent and the interpretation of the letter of intent by independent legal evaluation, but I feel in all conscience that I cannot approve such legislation which is so reliant on so many regulations for a future House and a future administration to consider when I am facing, as you are facing, a general election this year. There is no assurance that any one of us will be returned to this place (**Members:** Hear, hear.) and so why support legislation which is wide open, full of question marks for trades, for our incumbents to come in and do with whatever they like? That is the wording of the legislation. The regulations could go for them, they could go against them; that is the wording in the Bill.

I would urge hon. members to vote against this legislation. This is the stage for voting out a Bill if you are not in agreement with it. However, you do not need to be made aware, of course, that equally a Bill can be voted out at third reading stage, but I would say if you are not happy like some of us are not happy, why put this House, hon. members, the department, the Clerk, the Speaker, to all of this trouble in going through clauses of a Bill when one intends to vote it out at third reading stage?

**Mr Brown:** It is called democracy.

**Mrs Cannell:** I would say it was a waste of time bearing in mind the stack of legislation. If the intent is not to go with it, please make that intention known now. Now is the time to do it (**A Member:** Hear, hear.). No number of other amendments that one could possibly promote in respect of this will make it any more palatable or fair for the trade. The Bill is unfair as worded. Thank you.

**The Speaker:** Member for Douglas North, Mr Houghton.

**Mr Houghton:** Yes, thank you, Mr Speaker. I join the previous speaker and in fact I congratulate Mrs Cannell for putting some extremely well-prepared points in response to those two very long meetings that a number of members of Tynwald attended, and I do thank the Department of Transport for holding those meetings, but I still have to say that I myself am not convinced either.

But I am even less convinced when I heard the points put forward by the hon. mover of the Bill in what I can only say was an ill-prepared diatribe by the hon. member for Peel, because it appeared to come across in an extremely half-hearted manner with an extreme lack of confidence in it, and that then broke my confidence, if I had any at all in the Bill to begin with, in following this.

Now, the hon. mover has got an enormous amount of support from the department behind the scenes. There could have been an extremely well-prepared document for her to continue to read here at second reading to give up much more detailed and absolute definitions of what the department wish to bring forward, but all we saw was a few notes that the hon. mover had prepared on her own bat, as can be seen, apparently without the support from her professional resources in the department to support her, so I just wonder whether we have got a joined-up circumstance in the Department of Transport between the political arm and the officer arm, and I just wonder what is going on there. It just appeared to be half-hearted

and a lack of interest, and I get that now with the body language of the hon. mover, that she has a lack of interest in the arguments put forward and the extremely detailed arguments that were put forward by Mrs Cannell. *(Interjection)* Well, we have heard her and I will be interested to hear what she has to say but I do hope that she takes these points here on board, not as a personal charge -

**Mrs Hannan:** Oh, it is!

**Mr Houghton:** - against the hon. member, not at all, but just in the way that she has conveyed her message at the start of the proceedings this afternoon. So I am sorry but I will also, because of that and the reasons given by the previous speaker, Mrs Cannell, be firmly voting against, and I am sorry but I will have to advise the rest of the hon. members in here to do likewise, sir. Thank you.

**The Speaker:** Mr Cannell, member for Onchan.

**Mr Cannell:** Thank you, Mr Speaker. Dealing in reverse order of the way I was intending to put some of the points, one thing I would like to say at the outset is that if in fact wastes of time are being cited, as we have actually heard referred to by the hon. member for East Douglas, in fact I cannot see why it can possibly be suggested that to consider legislation because there may be different members in the House of Keys means that we should not actually vote in favour of legislation. Is the hon. lady suggesting for a moment that because some members may make up a different set of House of Keys no legislation should be passed? That in fact could be the case all the time; it is a running scenario, and in actual fact not only with the views of the members possibly change but the views of the public may well change as well and if there is anything I am detecting from the public, in actual fact with the greatest of respect to the taxi and licensing trade, in actual fact all I am getting from them is, 'What on earth is going on, why can't you sort it out?'

So dismissing that as an argument I thought we had left it and in my little simplistic way I come in on my own - and I say these things because I just try to make my way through the middle of it, and I thought what we had was the presentation of a well-researched government Bill coming forward, the Road Transport Bill with all its 65 clauses, which actually appeared to me from what I had heard to commence just as the sedan chair went out, because it certainly feels it has been that long to actually get the thing to fruition. **(A Member:** Hear, hear.) *(Laughter)* We have been talking about this since the cows were not allowed to come home any more, Mr Downie. It is dragging on and the public of the Isle of Man are demanding action. **(Mr Gilbey:** Hear, hear.) They want to know why the problems they perceive with the taxi trade are not being resolved, and I am not saying at this moment that in fact I support one way or the other on the view on the actual clauses; sufficient time will come for those to be debated at the time when they come forward, which is not now; this is the second reading.

So what did we have? We were all set to go, as I recall, and we had a lobby that can be described as nothing else - fair enough, a democratic lobby or pressure, whatever you care to call it - and in the end the mover of the Bill, after a little bit of prodding, was persuaded to actually leave it over by whatever method we chose - I cannot remember - to actually enter into further consultations with the representatives of the trade, and I recall standing in this very position and saying I hoped that they would be representatives - in other words, a small

number empowered to talk on behalf of their recognised associations. So that is where I left it and it duly appeared back on the sheet today.

Now, I happened to be in the House at lunchtime and I received a fax, which reminded me that all did not seem well, that the consultations had not gone well and I saw fraught and frazzled figures coming into the Members' Room on their hands and knees saying they had attended yet another consultation meeting, and my ears pricked up and I wondered, not that I had the slightest inclination to spend five and a quarter hours at a taxi meeting, why the elite had been chosen for this gathering? (**A Member:** Hear, hear.) This is not a Douglas taxi issue

**Mrs Cannell:** It is all-Island.

**Mr Cannell:** - it is very much an all-Island issue, (**Messrs Houghton and Henderson:** Hear, hear.) but when I see the consultation list I see something like what used to be called the Board of Education and its thundering herd. The 40 or so members who attended the meeting - no wonder it went on till a quarter past seven, but there is not a mention of the other MHKs beyond the Douglas MHKs and a stray MLC who happened to be wandering past. (*Mr Cretney interjecting*) But where were the rest of us? Why were we not party to this?

**Mr Brown:** Didn't you ask?

**Mr Cannell:** Why was it actually selective? And why were there about 20 other members all purporting to be representatives of the taxi trade when we were quite clear that the department was to consult with representatives of the trade? So we have a body there that could never come to an agreement if they were there until the next millennium, because there are too many of them! You need representatives who can speak, and when they speak and agreement is reached, they go back and say, 'Yes, what you've told me to say I said and, yes, we have got it agreed.' or 'No, we haven't.'

So that apart, we then get our facts and we here the hon. mover of the Bill then stand up - in fact, it was very difficult to hear, but just about heard, that allegedly there had been some amendments agreed which the department would or would not support. This was another mystery. Where had these come from? Under the settee of the Cannell household, mixed up with the Auto Cycle Union correspondence or all the other vagaries that members have, when they cannot find their papers they do not want to admit it so they look around and they say, 'Who had these?' So I did, and I find half the House had not had them. We have not got them. We do not know anything about it, but we are getting a response now, and this has come to the floor of the House since this sitting started at half two, from Laurence Keenan, Advocates and Solicitors, responding to the amendments, which the members have not got. What is going on? Who is doing the governing around here? What is happening? Is it an attempt to lay this off by whatever possible method and talk it out right through to the election? That is the way it is looking from my seat at the moment. We have got the Department of Transport here, in their minutes, report on the famous all-night meetings or whatever they were, and quite honestly you could read them again forever more and you still would not be any the wiser.

But at the end of the day what we are trying to do is for the public, to regulate a service which the public have patently demonstrated they are dissatisfied with; that is what we are trying to do here. But we are not ignoring the wishes of the taxi organisations, but they came to this table exceptionally late and, in fairness to the department, even their severest critics

would not say they would stick a Bill up to the House of Keys that had not had consultation. There was more consultation on this, I think, than there was about whether the Millennium Dome should be built -

**Mr Houghton:** And made a mess of that!

**Mr Cannell:** Well, they made a mess of that, certainly! (*Laughter*) That just shows you what too much consultation does! But at the end of the day, I am perplexed: we have a Bill here, down on the agenda that I have anyway, for second reading. But you would actually think it was the third reading and that everybody was supporting it and there was a last ditch attempt from the opponents to actually talk it out. Why it is being done I do not know. We are just as much in a mess: we have got regionalisation; we have got 'Will the airport be in or will it be out?'; 'What happens if a bomb drops on the airport?' - all these kinds of red herrings being thrown in. Absolute balderdash! There is the Bill. It is being asked to give it a second reading; let us give it a second reading. If, indeed, we are going to have amendments, at least let the members see them first. It is only yesterday the hon. member for East Douglas was talking about the problems of the seven-day amendment difficulty -

**Mrs Cannell:** Eight days in standing orders.

**Mr Cannell:** Eight days - that is even. . . eight days, a week. It actually is just a complete mish-mash and it is about time someone took it by the scruff of the neck, minister, and put some steer on this as to where we are going.

**Mr Houghton:** Yes. Hear, hear!

**Mr Cannell:** We are trying to put through a Bill which stands or falls, as we have all had the privilege of doing, on the merits of the argument of the mover and its supporters and if that does not win the day, then it does not win the day. But, we will not be clouded, or I will not; this member is not for turning and I am not prepared to be clouded by a whole load of wish-wash about how there has been insufficient consultation. For heaven's sake, let us get on with it.

**Members:** Hear, hear.

**The Speaker:** Hon. members, just a point of information: No amendments have yet been formally tabled. Hon. member for Douglas West, Mr Downie.

**Mr Downie:** Thank you, Mr Speaker, hon. members. As one of those who attended the twilight meetings (*Laughter*) and have been involved in this issue for a couple of years now - I am sure in summing up the hon. member moving the Bill will indicate the number of letters and articles of correspondence I have had about consultation and other views related to the hackney industry - my situation is quite clear. Having attended the various meetings, which I am very grateful to the minister for arranging, and indeed inviting as broad a spectrum as he possibly can of the hackney trade, I think what he has done is invite those along who have been involved in this particular issue and have had past correspondence from constituents, who are in the hackney trade themselves.

Now, as far as consultation goes, I do not think any other piece of legislation has had as much consultation as this particular subject, and in my own heart I feel that we are as close as we are ever possibly going to get to come up with some legislation which will actually work. The only area where I agree with the hon. member from East Douglas is that it is all, like lots of other legislation we pass here, very much down to regulations, and this is a fact of

life. We are dealing with a very complex issue and, in fairness, we cannot write legislation in tablets of stone; it is not as simple an issue as that. Otherwise you would finish up with a Bill with about 550 clauses in it. You are going to have to have some faith.

Now, if there is something that is lacking between the Department of Transport and the hackney industry in the Isle of Man, it is goodwill. You can say that about all the other local authorities who have got responsibility for hackneys and taxis, because sadly over the years they have not accepted their responsibility and the hackney industry on the Isle of Man has been allowed to develop in such an unregulated and ad hoc way that there is a tremendous amount of confusion and mistrust.

I do not think that is a very nice statement to make in this hon. House, but I think it is one we cannot move away from. I think, rightly or wrongly, that here is an opportunity in this piece of legislation to have a proper, regulated body and an opportunity for a fresh start and to rebuild on the relationship between the industry and the regulatory body.

Now, the hon. member for Onchan, Mr Cannell, referred to these amendments. These amendments were born out of the two meetings and they were circulated to the members who had been along and represented the various factions. They were sent to us on a semi-confidential basis last Saturday as a form of draft amendment. I can tell you that the amendments that I received I discussed with my constituents and other people in the hackney trade on Saturday afternoon, and I am pleased to advise the House that if they are published on the Keys agenda where the rest of the members of the House can see them, I have no problem in supporting that.

**Mr Cannell:** So why have your constituents got an advantage over mine?

**Mr Downie:** Because I have been involved on a regular basis. I was invited to the department. (*Interjection*) Well, you could have come along. I am going to speak to the chair, right?

As far as I am concerned, one of the amendments that the department have put in their draft list was actually drafted by myself and another person who was involved in the discussions. So, I think they go some way to assisting us over this particular situation.

**Mr Singer:** On a point of order, Mr Speaker. Matters are being referred to here and some of us have got no idea what is being talked about. Could we possibly have some sight of what these amendments were so we can understand what we are talking about?

**Mr Downie:** There are no amendments before this.

**The Speaker:** Hon. member, I have already said no amendments have yet been tabled before this House, and until they are tabled before this House, they cannot be debated. Carry on, hon. member.

**Mr Downie:** Just to clarify the situation, Mr Speaker, I did indicate that they were draft amendments. They are not before this House and if they are coming to this House they will be on the agenda for our next meeting, when this particular issue can be debated at clauses stage. There will be ample time for everybody to see them.

Now, I just have one slight criticism to make of the opening remarks made by my hon. friend and colleague, the member for Peel. She really needed to be much firmer and to clarify

the situation regarding the ability to sell a hackney business. I think she perhaps was a little lightweight on that particular issue. My understanding of the situation is that you can sell a hackney business; you can sell the goodwill. It is just like selling the ingoing and existing business in a public house.

**Mr Houghton:** Hear, hear. Yes.

**Mr Downie:** The only thing that the department or the regulatory body has to reserve judgement on is whether that person, because of previous criminal convictions, is a fit and proper person to hold a hackney licence. So provided the criteria fit the Bill, there is no problem with a person selling his business on. Now, that really did not come over loud and clear and I want to make that clear to the hon. members now and I am hoping that will be reinforced when the summing up takes place.

Hon. members, we can argue about this hackney legislation for the next 10 years, because it has been about that length of time -

**Mr Brown and Mrs Crowe:** Fifteen.

**Mr Downie:** Fifteen, somebody said, in its conception stage, and I am hoping in the life of this present house we will give birth to some legislation which will provide a proper framework for the hackney businesses to flourish and all the other operations, transport operations, the coaches and so forth, a proper foundation on which to establish these businesses, and give the people involved some security of tenure and a proper direction and a proper set of rules and regulations to operate by.

The other business about having separate licensing for Malew and so on - without coming in with some draconian measures, I think this has been a compromise and think it is one that should be accepted. There is a transitional period and it is recommended in the Bill now. If the draft amendment is supported it is over a five-year period and I think then we could into a proper rhythm, a proper regulatory body and at least all those in the trade will know that there is some professional organisation which they will have proper access to who are running the affairs and laying down the rules, and I sincerely hope that it is done with the consultation and the goodwill of the industry itself. The best thing that could happen, I think, is a proper framework to be in place so that the drivers themselves and the people in the trade know that they have got a good future. It is not in anybody's interest to decimate the hackney trade and that is not what we want; we want them to flourish and we want them to provide a damned good service for the Isle of Man and have a transport system that we can be proud of.

Mr Speaker, I would urge hon. members to support the second reading of this Bill, and when the amendments come out we can study them more closely. There may be other fresh amendments coming in, but do not kill it off; give it an opportunity for it to be full debated and discussed and let us hope that we have a proper message to send out that the taxis within the Isle of Man have a proper future.

**The Speaker:** Mr Henderson, member for Douglas North.

**Mr Henderson:** Thank you, Mr Speaker. I think I want to start my contribution as a slight response to some issues that were thrown into the debate by the hon. member seated opposite me, Mr Cannell, and I just love it when he is in full flow; it reminds me of the Jurby Air Show and when he used to do that, when he lost the plot there too and could not recognise a

Harrier jump jet when it took off in front of him. He has missed the issues here now, Mr President, too, because we are talking about some very serious issues here -

**Mr Cannell:** I did it for 17 years for nothing!

**Mr Henderson:** - and also, Mr Speaker, the issue of consultation which was alluded to time and time again - the hon. member must be suffering from amnesia; it does not seem too long ago that the public gallery was full of taxi drivers and they made it very, very clear that it was an all-Island issue. There were fellows from all over the place sitting there. So just because a list has got a few Douglas fellows on does not mean anything. The point is, it was made very clear by the trade that what we are discussing is all-Island and there are all-Island concerns. Okay, there is a weighty input from the Douglas section at the minute, but that is not to the detriment or preclusion of any other section.

**Mr Houghton:** Hear, hear.

**Mr Henderson:** The southern section was ably represented at our consultative meetings, and also drivers from Peel. So it is not just a case of that, Mr Speaker, and I would also put it that if there was anybody else particularly interested, the hon. minister for the department would have allowed them to come along too and express any concerns or support a particular position. The one thing I will say for the DoT, Mr Speaker, is the fact that they did lay on the consultative meetings, which we were pleased about -

**Mr Houghton:** Hear, hear.

**Mr Henderson:** - and I think we need one or two more to just get this thing correct.

Anyway, Mr Speaker, I feel that this Bill is not a panacea to solve the entire trade issues that we have heard about, but there are issues and they do need to be addressed. I recognise this and so does the trade. Unfortunately, I do not feel the Bill is going to resolve everything, not by a long shot. What the Bill does do, though, is affect every taxi driver and small business in this Island, and it also lumps it in with buses and PSVs, which is causing a great amount of concern at the minute. If we are talking about small businesses, Mr Speaker, this House has been in uproar over the last six months ensuring its support for the small business, especially when we have come to things like the human rights legislation, sex discrimination legislation and now the minimum wage legislation. We have been very, very careful of how we affect small businesses and so on. We are not talking about huge hackney companies here; we are talking about single-man outfits, two-man outfits, family input, family businesses, the same as any other small business.

**Mr Houghton:** Hear, hear.

**Mr Henderson:** That is what we are talking about here today, Mr Speaker, let us not try and get away from the main issue of what we are trying to do - ordinary, hardworking people who have got families and mortgages. The very people we are purporting to be so concerned with, we are moving a giant slab of legislation against at the minute, or on top of, or something that they will have to cope with.

Now then, Mr Speaker, what my position is - if I can be allowed to continue, hon. member for Rushen -

**Members:** Ooh!

**Mr Henderson:** - to contribute my small piece, if there is doubt being expressed, why should we vote for something if there is still some concern? Why should we be browbeaten into something? We have gone this far down the road with the consultative mechanisms, which I have been pleased with; why can we not go on a bit longer and hack out a bit more? The trade is willing to work with the department, Mr Speaker, and I know they will come back to the table and try and resolve any more issues that we possibly can and make it as right as we can. That is not a problem. What I feel is, we are just taking things a little bit too far here today and going for everything rather than just taking a step back and having few more consultative meetings. I am sure we could get this through on that score, Mr Speaker, and I know the trade are wanting to, but what we must not lose sight of is to blame all the ills on the small businesses and taxi firms in this Island. They are hardworking folk. They know there are problems, they want to address them, but if we are going to regulate for this set of folk in our community, why cannot we just listen to them for a little bit more, make a few more changes, which are not insurmountable, and if it takes another six months we could have something that comes back here - three months, two months, whatever - but why not have it as right as you can? What is wrong with that? Thank you, Mr Speaker.

**The Speaker:** Hon. member for Castletown, Mr Brown.

**Mr Brown:** Thank you, Mr Speaker. I would like to first start my contribution by explaining for the benefit of the hon. member for Onchan, Mr Cannell, the basis of the consultation meeting. As he is aware, the House determined to adjourn this matter to enable the department to undertake further consultation with the taxi trade. Now, when that invitation was sent out to the representatives of the trade, the invitation said, whilst inviting them, that if they wished to bring any political representative, then they were more than happy to do that and it was left to the trade to determine who they wished to bring along. It was certainly not our intention, and never would be, to invite the 24 Members of the House of Keys and however many numbers who would arrive from the taxi trade to a meeting to all sit around a table to go through the details of the Bill. The responsibility for the members of this House is to consider the detail of the Bill here in the House, in public, and, in response to some of the comments that I have heard so far from other members, to make their mind up what it is they want to do and where they want to go with this very important piece of legislation. So I hope it responds to why there was no specific invitation to hon. members. It was not through discourtesy; it was left for the trade to decide if they wished to bring a representative and who that is was up to them.

There has been criticism from the hon. member for Douglas East, Mrs Cannell, about the timescale and the introduction, reintroduction and proceeding with this legislation. As the hon. member knows, the department has endeavoured to do as much consultation on this as possible. At the meeting we said we would give as much notice as possible for proceeding with this legislation. Four issues - that is all - at the end of the meeting I agreed to examine further in relation to the Bill after a considerable amount of time that had been undertaken, some eight hours of discussion. Four items, at the end of the day, the trade asked us to specifically look at, and I said I would. Those four items were responded to. I would say I hope I was quite forthright in my responses to those questions that were asked. Certainly our professional adviser was unrestricted in giving the advice and interpretation of the legislation and clarifying issues that were raised by the trade.

I certainly did not rush the meeting. On occasion it is fair to say things got a little bit agitated, but generally the whole meeting was a very good and positive meeting, and one thing we have to accept is, whatever legislation we come up with is likely to have a difference of opinion between what the trade, or some in the trade, want and what we believe is in the best public interest. That means the public interest for the trade and the interest of the public, because this is not just about the trade, and we must keep that in mind.

I was interested to note that the hon. member for Douglas East, who has spent something like 25 minutes talking about the legislation, never once in her whole contribution mentioned the public. They might as well not have existed. The one thing that I made clear at the meeting was, we are very conscious as a department of endeavouring to get a balance that assists the trade, ensures the trade goes forward in a far more professional way than it does now - and I mean by that in a regulatory fashion, because that to me is important - and ensuring what they require to survive and develop their businesses if they so wish and that the public is serviced.

Now, we all know there is criticism from the public on occasions, but that is because the public perceive at times that, when they go like that, there should be a taxi there. The reality is, you cannot expect it just like that. The reality is that there are so many taxis in the Isle of Man and they themselves do different operations and may not be available all the time, 24 hours a day, to suit what we, the public, might want. But what we can do is try and endeavour to ensure, and this legislation, I would suggest, does, that there is fairness in the legislation, fairness to the public and fairness to the trade. That is what is important. That is our job, and if members are not happy with that, then they have got two things they can do: throw the Bill out, or amend it. That is the choice before members. We will have to make our case here on the floor, in the right place, and it is for you as hon. members, the vast majority of you who are not linked to the department, to put your case as to whether or not you agree with us. That is why we are here and what we pass will be the law - end of story. So there is your direction. What we want is in this Bill and I will be bringing forward four amendments that I believe, after our further detailed consultation, are reasonable to make a change to.

So let us be clear on it. There is no problem from my department's point of view. It was the House who determined an adjournment, not my department. We were content to proceed as we are. So that is where we are.

Now, the point about regulations, Mr Speaker. The hon. member for Douglas East, whilst thanking her for her kind comments about me taking the meeting, quite clearly understands, as we do, as politicians why in certain legislation there is a need for considerable regulation. I explained that at the meetings we had, and I have to say that whilst members may oppose legislation, I also believe there is a responsibility on members to explain to those who they are endeavouring to represent the good bits as well as what they perceive as the bad bits of the legislation. The regulations are specifically being included because they are going to be very detailed because of the nature of the trade. I have to say that I find it amazing that I and my department are accused of deregulation. I can tell you, if there was to be deregulation, which some members of the public would like to see, and some members of this hon. House, we would bring forward a Bill that just rescinded all legislation that affects the taxi trade and then you would have deregulation. You would have freedom. This Bill regulates and, I can tell you, very much regulates, because when we had our consultation, some of the criticism was that

there was too much paperwork required by the legislation for the trade, who in many cases are individuals trying to operate a business.

One of the changes that we are going to be proposing will be a change to that specific point, so how anybody can say it is deregulation is beyond me. What it will do, eventually, after the transitional period, is bring about all-Island taxi services, but that is what the trade wants - or at least that is what I have been told over the years. Of course, it depends who in the trade you talk to, but some have been trying to find a way forward on that for some time, and certainly my understanding of the working party set up by my predecessor, the hon. member for Middle, the hon. member Mr North, in the working groups was that was what they were trying to do: to go forward to a position that everyone could accept was a deregulation.

Now, Mr Speaker, we have had the issue raised about the Castletown taxis, and members have had circulated a letter from Mr David Midghall on behalf of the Castletown and Southern Taxi Association dated 6th March, and he has got a letter in the post to him tonight, from me, dated 7th March which responds to the points. Why, the question is, are we suddenly having a zone? Why are we suddenly having a Malew zone, a Malew district? Well, partly the hon. member for Peel has responded to that by saying because the airport is in Malew.

The second issue is - and again I am saying I am not saying anything that I did not say at the meeting - there are something like, I think it is, 42 Castletown licences, of which 40 operate at the airport. What we are endeavouring to do - and this is reality - is actually protect the airport and the operators at the airport during the transitional period by providing a protection by creating the district of Malew, but because it is a parish where any taxi can operate, by having a further protection brought into place by control of the airport taxiway, by the airport, by the department, by its policy. Now, if the airport taxis do not want that protection, I do not have a problem. We can take it away, we can sweep it away, and I would be happy for some member to move an amendment to that effect, when we get to clauses, with the letter from the Castletown and Southern Taxi Association telling me quite clearly they want no protection whatsoever at the airport, and if that is what they want, I do not have a problem at all. But the point is, Mr Speaker, what I do want is the south of the Island, like the north, west and east, to have the ability to have an adequate taxi service to cover the population of those areas, and the reality at the moment is that the airport system distorts the Castletown taxi licensing system. Castletown Commissioners have been criticised by other operators that Castletown is issuing far too many licences and it is out of proportion with the rest of the Island, but the only reason they do it is because they issue the taxis because people say there are not enough taxis in the town, but then they go to the airport because at the moment, if Castletown issued another 20 licences, every one of those could go to the airport tomorrow. What we are trying to do is bring some form of way forward during the transitional period that will give some form of protection for those who operate at the airport, and if they do not want it I am quite happy, I do not have a problem; we will remove it.

Now the hon. member for Douglas East made the point about the legislation, 'Oh, it is awful complicated legislation', and it is -

**Mrs Cannell:** I did not say it was complicated.

**Mr Brown:** Well, I will say it is complicated. It is.

**Mrs Cannell:** I understand it.

**Mrs Hannan:** Oh, good!

**Mr Brown:** Well, that is very handy. Anyway, what is in the legislation has been all mixed up, because it has got heavy goods, it has got buses, it has got taxis - why bring them all together? The taxi side of it is clearly, in the Bill, quite separated and there is cross-reference to provisions of things like appeals and to things like issuing licences but it is quite separate; there will not be a problem for those on the committee who have to enact the legislation and make sure, if it is passed by this House, that it actually works, so that is just a red herring; that is just putting in to it, 'Oh, get rid of the Bill because it actually has too many other things in it.' Every piece of legislation we have has all sorts of different things in it where there is a common factor, and the common factor here is a Road Transport Bill. We are modernising the legislation for the future. And if you think that is bad, look at the old Local Government Consolidation Act which presently controls the basis of the taxi trade along with later legislation which has been brought in to amend that. So there is nothing really wrong with it; it is just using it as an excuse.

The hon. member for Douglas East believes the Bill should be further amended. I do not have a problem with that. The right of the hon. member and every other member in this House is that if they do not agree with a piece of legislation that is being promoted by a department they have the right to move an amendment, and it is for the House to decide whether they agree with the hon. member for Douglas East if she moves one or whether she agrees with the department with its Bill. I have no problem on that. I will stand up here in public and, if I disagree with the legislation amendment, I will oppose it and explain why, and if any hon. member puts forward a piece of legislation which is acceptable to us then we will say, 'Fine'. We have already said we will make four amendments to this legislation after our consultation, but it is consultation; it is not for me to be told what I have to do. I have a responsibility as the Minister for Transport, given to me by government, to proceed and progress a new piece of legislation, one component of which covers the taxi trade, and we have endeavoured to be as fair as possible to that trade in trying to bring forward what we believe is a reasonably balanced piece of legislation, and we know there will be those in the trade who disagree with us. All we can do is endeavour to explain why we are doing it, which we have tried to do in more detail, justify it on the floor of the House and the House will make its decision - not my department, because my department has already made its decisions; it is this House that will make the decision and nobody else.

The hon. member for Douglas East said that she was going to vote against the principle and she felt that it was unfortunate that the Bill did not do everything that she wanted it to do. Well, that is fine, that is a member's right. I do not take that away; that is why we are here. I vote against things sometimes that I do not agree with because that is why I am here. But the one thing the hon. member for Douglas East was absolutely right about was that if you do not agree with this Bill, vote against it now. And if it gets through to the clauses stage and you still do not agree with it, then try and amend it because that is your right as well. The House will decide - no-one else, not my department, not an individual but the House by a democratic vote. That is why we are here, but it will all be debated here in public so everybody knows why we are doing it, what we are endeavouring to achieve and members can then make up their minds.

We had the hon. member for Douglas North, Mr Houghton, complaining about the lack of, I think he said, information or certainly consultation, but the hon. member for Peel who is taking the Bill on behalf of the department had a presentation in the Millennium Room open to all members of Tynwald, and those who attended it were given a full briefing the same as the taxi trade had when we went through the points they had, in fact I suppose even more detailed, with Mr Hicks there providing all the answers to the complicated piece of legislation so that members could understand why we have got from there to there. The responsibility, hon. members, now is with you. We have done our bit except proceeding through this House with the Bill that is before us.

The hon. member for Douglas West, Mr Downie, said one of the problems is - I think he used the words - 'there is no trust.' Well, I can understand that to some degree, but let me make it clear: to date the only statutory authority in relation to the taxi trade is those relevant local authorities. My department has no statutory powers whatsoever to regulate or control the taxi trade, nor does any other department of government, nor does the Chief Minister, nor does the government; it is a local authority function. They and they alone under the provisions provided in the law are the ones who determine how the taxi trade in the Isle of Man operates, no-one else. What government has said for many years now and what the taxi trade itself has said is that the existing system needs changing because of what goes on in the local authority areas, because what was all right in 1916 is not all right today; it is as simple as that.

So what we are endeavouring to do is provide modern legislation to protect the trade within reason and to protect the public, and there will be good bits and there may be bad bits, and if there are really bad bits when the legislation is enacted, this House can change it if it so wishes. It has the ability, because that is why it is here. We believe, after all the consultation, that we have got a reasonable balance struck and we understand the concerns of those in the trade; it is their livelihoods, they have an investment in the business. And it is all right for us as legislators to sit here in what they may term as 'our cosy little seats' and determine their future, but if you have a legislation controlling a business, then the responsibility in this House is to determine that business's future, and the only way we can step away from that is for total deregulation to take place - that is, no law at all controlling the trade. But nobody wants that, or very few, I should say, so we are endeavouring to get the balance right.

I would say to the hon. member for Douglas North, Mr Henderson: when he says that they will not be browbeaten. I am not browbeating you; I am just asking you to make a decision and that is your responsibility, that is why you were elected, and we all have this problem regardless of whether it is election year, because that is irrelevant. We have a responsibility, we have to make decisions. The public elected us to make decisions and some of those decisions are not easy, but all we can do is in our own mind feel satisfied that the decision we are going to make is the right one and that we can justify it. So I am not browbeating you, hon. member, it is a matter for you to make your decision and to say 'more consultation', I have to say, is I do not believe we would go anywhere further. We have had a lot of consultation, we have had the latest rounds of consultation, we have been open, we have been honest, we have explained as best we can what we are trying to do. We now have a situation where we as a department believe this is now the right way forward and, yes, we have four amendments which I will be putting to the House at the appropriate time and then you can debate them.

If the House supports the principle of the Bill before us today, as hon. members know, we will then get down to every detail of the Bill and points that have been answered to those who attending the consultative meetings will be answered to the House. There is duty that is going to be on, the statutory duty on the committee, to ensure that areas are properly serviced with taxis, the duty to protect those who have businesses in the trade, the rights of those in the trade to go to appeal against the decision of the committee, the independence of the committee - they are all in here, and if members have read the Bill carefully - and I accept it is complicated because it does go backwards and forwards but that is the nature of legislation - and listened to the explanations and again listened to the detailed explanations the hon. mover will make when we get to clauses if the House approves the Bill at this stage, then the questions will be answered and you will have to make your minds up; you either will agree or you will disagree, and if the Bill falls, so be it, but I do not believe that is what the trade want. Most in the trade want this matter dealt with.

The transitional period, which is creating a bit of a problem, is put in there to provide some form of protection to get over the changes to help those who have invested money in their business, because it is not cheap and they may work long hours and some do, and they can be unsociable hours and we recognise all that, but the point is we have endeavoured to do what we think is fair and reasonable in the Bill.

Mr Speaker, I hope hon. members will support the second reading. I think it would be extremely unfortunate - and that is putting it mildly - if after all the consultations, discussions and so on that have gone on over the last 15-plus years we now flounder when the House is asked to start getting this issue sorted out, and I hope the House will support the second reading of the Bill.

**The Speaker:** Member for Middle, Mr North.

**Mr North:** Mr Speaker, having chaired many meetings at the airport with all the representatives of the taxi associations and interested parties and all the relevant local authorities over a couple of years, in fact, I obviously have a keen interest in this particular piece of legislation. When I had the honour to be the Minister for Transport I was expecting this legislation to be forthcoming. As the Minister for Transport, Mr Brown, now knows, I have been asking for it for four years as to what had happened to it, and I know he has been through and I am very interested that the hon. member for East Douglas, Mrs Cannell, who appears to have recently become very interested in this, fully understands it. I congratulate her, because it really is a very complex issue. I have to say that certainly at some of those meeting I attended - and this has already been mentioned - and I am sorry to correct the hon. minister, but the hon. member for East Douglas did mention the public once, because I took a note because that was the one thing that was missing in a lot of the discussions: the public. **(Mr Brown:** Hear hear.) And I have to say that it is something that is not easy; it has been needed for such a long time, and I am sure that everything in here is not as many in the trade would like it, but I also congratulate the minister and I am sure that he will honour, as he has said, and his department will honour in regulation those things that he has agreed to change, and I think those changes certainly have been welcomed; I am sure they are not everything.

I would also just like to congratulate the hon. member for Onchan, Mr Cannell, who I think had it summed up again when he was talking about the public. We have to think about the public. The public and the trade want this sorted out, and we will go round in circles for

another 15 years if we do not put this legislation through. The work that has gone into it - do you think that anybody is going to come up with anything better?

Now, I had a slightly different view on it. I was looking when I was the minister, as the current minister, knows, for even more simple primary legislation so that there was more detail in the regulations and, all right, that has not happened and I notice that the consistency of the Road Transport Licensing Committee is slightly different, but those are details, and obviously a lot of work. . . and certainly the officers of the Department of Transport have put an amazing amount of work into this, and certainly the consultation that has taken place over the years, and I have to pay tribute to some of those in the public gallery today because in their own interests, I accept that, but the hours that they have put in and the knowledge that they have is quite extensive; in fact, far better, I would hasten to add, than most in this hon. House, but they agree with some things, I do not, and I hope that they will accept that maybe if there are not some things in this Bill that may not go the way they think, this hon. House will be able to put those right. This hon. House can decide on what legislation and, if it does not work, we will fix it. I will not be here but I am sure, hon. members, many of you I hope will be here and will make sure that the Island is served by an all-Island service eventually. I know it will take a few years and I hope that the public will get the service they deserve.

I have just one little dig at the trade: I hope that, over the years when it is regulated, fewer new commercial businesspeople coming to the Island do not, as it does on a frequent basis now, come into me and are actually surprised at the anti-Isle of Man attitude of the driver that brought them in from the airport, and I hope that goes through to the trade and that they take note, and I do not, I hasten to add, include any of the members who are in the gallery today. But it is amazing to me how many visitors to the Island for the first time arrive in the Department of Trade and Industry and really are amazed at how their chauffeur or whatever - and I am not saying it is all taxis this at all - has run down the Island between the airport and Douglas. So I just hope that goes home, that in some of the countries that many of us go to the taxi drivers are great ambassadors and a lot of ours are, and I hope that those in the trade will just pick out those who are a little bit anti-Isle of Man and just support the Island a little better, like some of their compatriots elsewhere. As I say, the majority here are very good and do an excellent job, they really do, but there is a small minority and it happens frequently.

So I am sure there will be some amendments, and certainly the one on the airport I was interested on the minister - yes, I think that will be quite an interesting amendment if that came forward. I hope we put it forward, I hope that it gets on the statute, get the regulations in which I suspect must be well in hand, and let us get on with this legislation.

**The Speaker:** Mr Braidwood.

**Mr Braidwood:** Thank you, Mr Speaker. I will be brief. Initially I would like to thank the minister for those meetings on the 7th and 12th February, but in response to the hon. member for Onchan, Mr Cannell, every member in this hon. House could have gone along to those meetings if they so wished.

**Mr Quine:** If we had been invited.

**Mr Braidwood:** Now, I heard the minister when I came back in talking about 'trust'. Now I think one of the points on this was that the taxi drivers with the consultation, had a white paper and when they received the green Bill there were differences there, and at the second

reading, when the hon. mover was putting the second Bill forward on 30th January, we had, as I thought, an agreement at that time that they would have consultation, and that is why the adjournment debate took place and we had the consultation on those future dates where again it eroded that little bit of trust with not giving an assurance, through you, Mr Speaker.

Now, I am quite prepared at this present time to give the benefit of the doubt and go along with the second reading, because the clauses stage is not going to be until 27th March, I presume. Now, the reason I say this is, this will give everybody an opportunity with the amendments to have a look at those amendments, the taxi drivers who only received them and had from Mr Keenan the advice and his legal opinion on those but at least will come forward to this hon. House. Now, at the conclusion of the meeting the four issues were raised: one which has already been said by the hon. mover - that the maximum fares may not be exceeded. Now, I was under the impression at the meetings that you might have a fare from Douglas to Ramsey and you set the fare, but when you get to Ramsey the passenger says, 'Oh, I live along the coast road a little bit further out of Ramsey,' and how can they charge for that? And I thought that would be allowed for although the fare would be allowed from Douglas to Ramsey as a maximum fare but if then there was an add-on the taxi driver should be able to charge for that amount, but that will come on clause 35, and I am sure we can always move, as the hon. minister said, amendments to any of the clauses.

I was a little bit disappointed as well that we only received the minutes of the meetings of the 7th and 12th today, so we have -

**Mrs Hannan:** You should have asked for them.

**Mr Braidwood:** Well, I thought they might have been circulated so that we had a chance to peruse them.

I do not have a lot more to add. I think it has been covered by many other speakers prior to myself and at the present time I will support the second reading so that we can go forward to the clauses stage, but I will be looking at the clauses very carefully indeed, Mr Speaker.

**The Speaker:** Mr Singer.

**Mr Singer:** Thank you, Mr Speaker. I do think there is a desperate need for legislation because we have to regulate the trade, because in some areas of the Island there is absolutely no control at all and the public do deserve a good, regulated service in all areas of the Island. But we were told before the adjournment that the department felt they were 95 per cent there in agreement with the taxi drivers - I think the figure of 95 per cent was actually quoted - and certainly from the minutes of the meeting that we have had here and the correspondence from Castletown, to me it seems we are certainly no further forward than that 95 per cent and it appeared at the time that the department were looking to be able to get to that 100 per cent agreement.

I thought the briefing by Michael Hicks was very helpful, certainly to myself and the explanation he gave, but I do believe there is a quandary: do you take legislation forward with the trade being against some of the proposals which affect their livelihood or do you water it down to the possible disadvantage of some of the trade and maybe even to some of the trade's customers? We were told last time that all the taxi drivers were united as far as what they wished to see. However, it is clear from the letter we received from the Castletown and

Southern Taxi Association they still do have their concerns despite the minister's assurances. Now, what I am not clear about is whether the taxi drivers who we were told were united are actually still united with the Castletown drivers and agree and accept that they have their worries and wish to see that resolved as well.

The other point I would make and I have made before and I will make again - I made it quite clearly and I say this from experience - I do not believe that an all-Island system will work. I have seen it happen, I have had experience of it and I do not believe it will work. I do not believe that, if you have one area only, the taxis will remain in their own areas; I believe that they will be attracted at certain times of the week to the honey pot, and the honey pot is Douglas and the airport. I believe that the rest of the Island could well suffer and therefore I do not support an all-Island system. I believe in regulation of the trade, I believe the regulation of the trade is right for the good driver to provide a good service and it is right for the public, but I do not believe that these particular proposals are correct and they do not receive my support.

**The Speaker:** Hon. members, can I ask the mover now to respond?

**Members:** Agreed.

**The Speaker:** Mrs Hannan.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. This legislation is detailed; it is looking at all users of the public highway and it is not just taxis. We seem to have got to the situation where we are just looking at the areas of the legislation that people wish to oppose. There are many good and worthwhile and very far-reaching parts in this legislation other than taxis. Taxis are important, but also the regulation of others, the goods part of the legislation is supported - that is why we have heard nothing about it; buses and coaches - there is no opposition to that part of the legislation. With regard to the taxis we have concerns, and I think by the number of members that have spoken today they recognise that there are concerns, and the concerns have been addressed by the meetings that we have had first of all initially with the members of Tynwald, where we had the briefing.

Now, in a way I was disappointed with the number of people that decided to come to that meeting. The member for Douglas East, who spoke first, came at the very end and did not wish to raise any points at that meeting at all. She said she was going to be at the Wednesday meeting to talk with the taxi operators and therefore I think it is a shame that, having so much concern about legislation, she did not sit down with our consultants and go through and ask questions at that particular stage. Now, the Department of Transport -

**Mrs Cannell:** On a point of order, the member is actually misguiding the House here. I was in attendance and I did ask questions.

**The Speaker:** Thank you.

**Mrs Cannell:** Thank you, Mr Speaker.

**Mrs Hannan:** It is, as I said, Vainstyr Loayreyder, and I repeat it, the member did come in at the end of the meeting, did not take part because the concerns that the member had would be raised at the taxi meeting.

**Mr Downie:** Get your handbags out! *(Laughter)*

**Mrs Hannan:** Yes, I am quite happy, handbags at dawn!

**The Speaker:** Carry on, hon. member.

**Mrs Hannan:** Now, the department cannot make promises, I accept the points that she made, but the minister was commenting on the legislation as it is printed and what the legislation says, and that is the comment that was made by the minister - quite clear and unequivocal. The minister, the member for Castletown, has covered the issue with regard to Castletown and the Southern Taxi Association: it is protectionism, we cannot get away from that. It is to protect the operation at the airport for the people who operate there at this moment. They can write to all members saying they do not like it because they do not understand that that is why it was set up. It was set up purely to protect their interest at the airport. There are no two ways about it. I have spoken to the person that was mentioned, a constituent of mine who operates a Castletown taxi. He does not operate a Peel taxi at all; it is a Castletown taxi. There will be a register. Anything that is within the realms of this legislation or any other legislation can be subject to a legal challenge; that is why we pass legislation, that is why we have courts, that is why we have advocates. We have seen an advocate's letter here before us today who has not objected to the legislation but points out a few facts which, if the people who received that letter had contacted Mr Kyme at my department who had supported quite clearly this legislation -

**Mrs Cannell:** Mr Speaker, on a point of order, sir, the member again is misleading the House. The member says the advocate's letter is not objecting; the advocate's letter says he is not commenting.

**The Speaker:** The advocate's letter is before members on the table. Mrs Hannan.

**Mrs Hannan:** I realise the member is trying to put me off my stride but I am quite happy with her, Vainstyr Loayreyder.

**The Speaker:** Carry on, hon. member.

**Mrs Crowe:** You carry on!

**Mrs Hannan:** For 15 years this legislation has been discussed; I covered that quite clearly in my opening remarks at the end of January.

This legislation is complicated, it does mean bringing forward regulations. Should this legislation be approved, Tynwald will decide whether to accept or reject, but that will be after consultation. The consultation is in clause 60(5): 'The department will consult on all of of these issues and it will consult the committee, such representative bodies as the department thinks fit and the regulations will not have effect unless they are approved by Tynwald'.

I would urge members to vote against this legislation if they do not wish to see this legislation enacted, not only for taxis but also for minibuses, limousines, buses, coaches and goods vehicles. It will allow goods vehicles to move into Europe; they do at the moment, but they could be under stopping and if they have not got the proper documentation it can hold them up for a long period. If we want to see free movement under protocol 3 then this legislation is very important.

The member for Douglas North, Mr Houghton, suggested that he supported Mrs Cannell in her opposition and he also criticised me for my lack of confidence in speaking initially with moving this Bill. Can I explain that I did not know and I did not expect to speak at this stage of the legislation because I am speaking twice to the legislation. I am grateful to the House for

allowing me to speak, but simply because I had moved the second reading of the legislation I did not have something totally prepared to do that, but I was grateful for the opportunity to do that. I have moved the legislation. I have got all of this; I have another bag down here full of documentation and, if I started to read it to you now, I would be here for the next 15 years.

**Members:** Go on!

**Mrs Hannan:** I do not intend to, but I am appalled by the personal attack by some members when legislation is being moved, and I know it is personal attack to try and put me off.

**Mr Houghton:** No, it is not.

**Mrs Hannan:** Absolutely personal, it always is and I am sick to death of it and I do not even have the protection of the chair when it is done!

**Members:** Oh! Shame! (*Other interjections*)

**The Speaker:** Hon. member!

**Mrs Hannan:** Vainstyr Loayreyder, I can take it. The member for Douglas East is despicable in her attacks on some people.

I am grateful to Mr Downie for his comments on the legislation. Mr Downie understands this legislation much more than some other members in this hon. House.

**A Member:** Because he agrees with you, Hazel?

**Mrs Hannan:** No, he does not agree with me at all on this particular legislation, but he understands it. Mr Downie did ask a point about the selling, the hackney business, but I think the member for Castletown has gone over that, but the legislation really is down to a fit and proper person to hold a licence. It does pass on to members of the family or with members of the family to run it, but to get a licence one has to be a fit and proper person, and that comes back to the Road Transport Licensing Committee who have to make that decision, but under clause 55 of the legislation it quite clearly sets out the responsibility that someone has for keeping the licence going until the licence can be dealt with. It is comprehensive and it relates quite clearly to the responsibilities that the Road Transport Licensing Committee has. It relates to the death or the mental health of the operator, and it goes through in quite clear details of the relationship that the person has, the continuation of the business as such and the licence should someone else approach the Road Traffic Licensing Committee for that licence.

If I could just comment on the meeting that was held, the minister did deem to keep it to representatives of the taxi trade, but with that, because of the concerns of members in this hon. House, he did extend it to representatives should they be invited by the taxi people to attend, and it is unfortunate that although it was an all-Island taxi meeting it was only Douglas members who were asked to attend.

I thank the member for Castletown and also the member for Middle, who have a great deal of knowledge of this subject, much more than I have in my short period of time with this legislation.

Could I just explain the points made by Mr Braidwood? Mr Braidwood suggested that the green Bill is different to the white paper that was submitted. I have to say that is because

consultation took place on the white paper. It was comments from the taxi industry that brought about the changes in the green Bill. The transitional period was discussed quite clearly at the working parties. There have been two working parties, not just one, but at the second and more up-to-date working party that transition period was discussed, and because the department listened at consultation stage and reacted to those comments, there is a difference between the green Bill and the white Bill.

Now, the minister has already said that we are not going to please everyone on this legislation, but we have listened both at the consultation stage and also our discussions since then, and since the meetings that we have had, chaired by the minister, there have been letters of clarification to the taxi industry that have been there because of the points that have been raised. Consultation has taken place, is taking place and it will go on taking place. The legislation quite clearly states that.

I am quite sad, really, that Mr Singer has decided not to support this legislation. He does not support an all-Island situation, but the minister has said that this transition period, should it be approved by this hon. House at the next meeting coming forward as an amendment, will extend that period to five years and then it will allow, if Tynwald wishes in the future, a tailing off of that. It may allow the district system to continue, but that is up to Tynwald to decide, but that would be in the provisions of the transitional period.

I would hope that members will support this because this really gives a new approach to the licensing of taxis. We have at the moment Douglas Corporation who licence for Douglas and Onchan. Douglas has bye-laws. Laxey Commissioners are also licensed by Douglas, but they have no Laxey village area. They do not have bye-laws. Castletown have hackney bye-laws which are out of date. Castletown also licences Port Erin and Port St. Mary, but Port Erin Commissioners have no bye-laws, Port St Mary have no bye-laws, Peel have no hackney bye-laws and they licence for all the West; Ramsey, for the northern parishes, and they have no hackney bye-law licences. If you apply to any of these local authorities, if your face fits you get a licence; if it does not, you will not. But government is saying that it should be all-Island licensing under this Road Transport Licensing Committee and they will take into account, without looking at whether it is Mr Bloggs down the road or whatever, fit and proper person and that aspect, and I think that is one of the most important things when it comes to the operation of this legislation.

Now, it was said at the last meeting when it was discussed at the end of January, that 95 per cent of this legislation was okay. A letter from the Isle of Man taxi owners, incorporating Castletown and Southern Taxi Owners Association, Isle of Man Taxi Owners Association, Taxi Owners Cab Section, Douglas, Western Cab Owners, ends up saying, 'We need time to discuss the shortcomings of the Bill, including deregulation.' The minister has quite clearly stated this is not deregulation; this is equal treatment for all operators within certain limitations of the district set-up.

Transition period. We have listened to what has been said at consultation stage: three years, it was said, was not enough; five years. The minister has quite clearly said that five years will form part of an amendment to be moved with this decision in the future should it be changed.

Financial implications - I covered that in my opening remarks. It relates to where the hackney operators would have to put in financial information to the Road Transport Licensing Committee. We have dealt with that. The amendment will remove the financial part of that. Statistics, yes, but the element of financial information to be submitted to the Road Transport Licensing Committee will be removed. There is then this sentence which says, 'We know changes are needed, but they need to be fairly and democratically implemented,' and I would put it to this House that this legislation is fair and, should it be implemented, it will be democratic and it will support and treat all taxi operators, all operators of buses and coaches, all operators of goods vehicles equally throughout the Island. I would hope members will give it a second reading this afternoon.

**The Speaker:** Hon. members, the motion is that the Road Transport Bill be read a second time. Will all 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, Quine, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Cretney, Braidwood, Shimmin, Downie, Mrs Hannan, Messrs Karran, Cannell, Gelling and the Speaker - 17*

*Against: Messrs Houghton, Henderson, Mrs Cannell and Mr Singer - 4*

**The Speaker:** Hon. members, the Bill is read a second time, 17 votes in favour, 4 votes against.

### **Housing (Special Provisions) Bill — Second Reading Deferred**

**The Speaker:** We now move to item 19 and the hon. mover, Mr Karran has requested that the Housing (Special Provisions) Bill for second reading be held over until the next sitting, to which I have given consent.

### **Road Traffic (Amendment) Bill — Second Reading Debate Commenced**

**The Speaker:** We now move to item 20, Road Traffic (Amendment) Bill for second reading. The hon. member for Castletown, Mr Brown.

**Mr Brown:** Thank you, Mr Speaker, and I appreciate the advance warning!

**The Speaker:** I do apologise -

**Mr Brown:** I was only jesting, Mr Speaker.

**The Speaker:** I do apologise. I had anticipated that the Road Transport Bill would have gone on longer. Sorry.

**Mr Brown:** I appreciate that, sir. I was semi-jesting. As always, I am ready, sir. Mr Speaker, the Road Traffic (Amendment) Bill 2001 is promoted by the Department of Transport and introduces amendments to existing road traffic and highway legislation.

The proposed Bill provides for the following legislative measures: it provides for traffic to and from construction sites to be regulated and advanced clearance of routes for such traffic; new provisions for authorising temporary road closures for filming; provision for introducing variable speed limits on roads at certain times, for example outside schools and within an area covered by wig-wag lights; it makes provision to enable the police where a vehicle is on

the road to require that a disabled badge shall be produced for inspection by a police officer; it provides and gives authority to the Department of Transport to employ parking controllers. These powers will be in addition to those presently available to the Department of Home Affairs, who will continue to employ traffic wardens.

There is a provision which corrects an omission in the present provisions related to fixed penalties; the Bill also provides for the use of speed cameras and enables evidence from such speed cameras to be used in evidence in certain proceedings; it enables regulations relating to pedestrian crossings to apply corresponding UK regulations and provides for provisions that regulate traffic on the roads to be applied to designated car parks; the Bill simplifies the rules applying to parking in narrow roads and near junctions and enables the plated weights and particulars of goods vehicles to be determined without inspection; the Bill simplifies the arrangements for authorising old, rare motor vehicles to be used on the roads; it enables officers of the Office of Fair Trading to enforce controls on the sale of motor-cycle helmets, motor vehicles and parts, and applies powers relating to test purchases, search and seizures; the Bill provides and widens the categories of vehicle tests. This may result in the prohibiting of the driving of a vehicle.

It also provides for the testing of trailers; there is provision made to enable the police to demand a driver's name and address whether the vehicle he is driving is on or off the road and where he has committed an offence; the Bill provides for the provision of prescribed signs to be required and appropriately displayed at the site where the owner of the private land operates a system of vehicle clamping; there is also provision to require the owner to display on the sign and to limit the level of the charges to be made for the release of a vehicle clamped; there are offences for not complying with those provisions.

The Bill also provides for the definition of vehicles for driver licensing purposes to be prescribed by regulations and allows for staged driving tests to be introduced; provision is also made to require overseas licences to be produced or surrendered in certain circumstances; provision is made within the Bill to enable the department to require evidence to be produced when a vehicle is licensed so as to ensure that a vehicle is plated to the correct weight or is in compliance with the construction requirements of vehicles; the Bill also makes provision to enable trailers to be registered.

Provision is also included in the Bill to make it an offence to supply a number plate which is not of the prescribed type - that is, as provided for under regulations approved by Tynwald. Within the Bill a new provision is made to require the third party motor insurance covers accidents which occur in public places as well as at present on the public highway.

Provision is made in the Bill to enable the department to enter into a legal agreement whereby a local authority can undertake specific works in relation to a highway. The Bill also provides and enables the department to suspend a general delegation to a local authority in relation to highway maintenance functions where an authority is not performing satisfactorily.

Within the Bill provision is made to make it an offence to carry out unauthorised works in a highway, and gives the department powers to carry out remedial works at the expense of the person responsible. There is also provision for a requirement to require that mud brought onto a highway by a vehicle is removed within a reasonable time where it is practical to

remove the mud. There is also a requirement that adequate warning signs are placed at each approach to where the mud may be deposited on the highway.

The Bill also provides new provisions in relation to the control of skips, structures and deposits on and excavations in the public highway. It also provides that it will be an offence for a business in the course of its business operations to display a 'for sale' sign on a vehicle that is on the highway. Provision is made to enable the department to direct when road works by a statutory undertaker may be carried out and enables the department to issue a code of practice for such works. **(Mr Cretney: Hear, hear.)**

The Bill provides for the transfer to the department of the functions for authorising the provision of cafés, kiosks, seating et cetera on the public highway from a local authority. The department is required to consult the relevant local authority in which area the application has been made, and also it must consult the relevant statutory authority who may be affected. Also, due to the transfer of responsibility for the provision of bus shelters to the Department of Tourism and Leisure who operate the bus services, there is introduced a provision to require that department to consult with the Department of Transport before installing a bus shelter on the highway. Provision is made to enable cycle paths to be created and, where appropriate, to enable cycle paths to be created on footpaths. It also enables bridle paths to be created.

The Bill enables the department to work minerals for the purpose of its statutory functions. There is a general provision in the Bill similar to a Statutory Provisions Bill, and this brings in all these different powers that I have just explained before and provides new powers and provisions in addition to the present Road Traffic and Highway Acts. There are some important provisions in this Bill in relation to the existing legislation which will enable the Department of Transport, in my view and that of my department, to be more effective in relation to highway matters.

It is not expected that the Bill will have any significant effect on public revenue, expenditure or personnel. Mr Speaker, I beg to move the second reading of the Road Traffic (Amendment) Bill 2001.

**The Speaker:** Mrs Hannan.

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

**The Speaker:** Mr Houghton.

**Mr Houghton:** Yes, thank you, Mr Speaker. I rise to give notice to the House of my intention to table a clause at the forthcoming clauses stage which sets out to amend legislation with regard to the imposition of theoretical tests on provisional drivers. I will set out detailed reasons at the clauses stage which will support the continued use of theoretical tests to be undertaken by persons who have a provisional licence, but that the theoretical test must be passed before that person is permitted to take the practical driving test.

Currently, due to primary legislation being passed in 1996 which led to a Tynwald regulation last year, the theoretical test must be taken and passed before a provisional licence can be issued. This is causing severe problems with the industry who teach those provisional drivers, namely the Driving Instructors Association. Driving instructors are being starved of the throughput of provisional drivers due to the imposition of this current measure, sir.

What I shall be seeking at the clauses stage is simply to amend the timing of the theoretical test so that people can begin to drive under supervision, but must have passed the theoretical test before they are able to take the practical driving test. What I will seek at the clauses stage is simply what is already in force in the United Kingdom, not the reverse as currently exists in the Island, and I do hope that all hon. members will support me at that stage, sir. Thank you.

**The Speaker:** Mr Downie.

**Mr Downie:** Yes, thank you, Mr Speaker. I just briefly would like to speak in favour of the Bill. I am very pleased to see that there were going to be some control measures brought in to deal with the sale of vehicles on highways. This is a situation that has got quite out of control in the Douglas area recently and I do not think that people should be allowed to just leave a vehicle on the roadside and stick signs all over it saying it is for sale. In clause 32(a) I would just like to ask the minister, is this the beginning of technology coming into the Isle of Man or are we now hailing the speed camera? Is that what is referred to as equipment for detecting traffic offences?

On clause 9, it is actually, or 18(a) in the Bill here, there is a section which deals with marking the road within seven metres of the junction and the section which stated, 'The department may by order provide that subsection (1) shall not apply to any length of the road, or any junction specified in the order.' Does that mean that we are now going to have a little bit more discretion in tight areas of the town and not be depriving ourselves of valuable parking spaces?

The other issue I was going to raise with the minister: as a keen motorcyclist and one who often comes on mud on the roads, clause 24 - 'within a reasonable time' is the terminology that is used in the Bill. I would just like to see if the minister could advise us what he considers a reasonable time to allow mud to stay on the road? Thank you, Mr Speaker.

**The Speaker:** Mrs Crowe.

**Mrs Crowe:** Thank you, Mr Speaker. I rise also to support the Bill and also to thank the minister and his department for the full co-operation and consultation that they had with the Office of Fair Trading (**Members:** Hear, hear!) that has resulted in clauses that will mean that there will be adequate enforcement of the many problems that you have just highlighted, hon. member for West Douglas, Mr Downie. Without these clauses enforcement would be impossible. Any rate I just wanted to thank the minister and his department.

**The Speaker:** Sir Miles Walker.

**Sir Miles Walker:** Yes, thank you, Mr Speaker. I rise to give this Bill all my support in broad terms. I find it difficult, though, and I am a little bit sceptical about the sentence at the end of the explanatory memorandum where it says, 'It is not expected that the Bill will have any significant effect on public revenue, expenditure or personnel.' It seems to me there are a lot of responsibilities in there quite rightly being put into place, and I cannot imagine that they will all be fulfilled within the present personnel requirements of the department.

I wonder, would the minister just explain a little bit further about clause 18 which enables trailers to be registered? Does that mean they will be registered and given registration numbers of their own, or how will it work? Will trailers have to be licensed under this system

of registration? Then I have to say I think the department really are being a bit of a spoilsport where they are going to make it an offence to supply number plates which are not of the prescribed type. I have to say I think the number plates of the prescribed type are quite boring, and I have to say if the purpose of the number is to identify a vehicle, well, it seems to me that that vehicle identification is sometimes easier carried out if people have number plates which are a little bit different to the normal ones that are supplied and, just thinking about number plates, does this mean that 'classic' vehicles, for the want of a phrase, will in future have to wear the newly prescribed number plates rather than the ones that were traditional when that vehicle -

**Mr Downie:** Black and white.

**Sir Miles Walker:** - was produced - i.e. black and white in the traditional form? Just a couple of queries really.

There is one further one: clause 28 transfers the functions of authorising cafés, kiosks et cetera on highways from local authorities to the department. During the sort of consultation period on this Bill can you tell me what the views of the local authorities were on that particular provision? Thank you, Mr Speaker.

**The Speaker:** Hon. members, the time now is half past five, there are several members who have indicated to me that they wish to speak, therefore the House will stand adjourned until Tuesday next in our chamber at 10.00 a.m. Thank you, hon. members.

*The House adjourned at 5.33 p.m.*