

**REPORT OF PROCEEDINGS OF
HOUSE OF KEYS**

**Douglas, Tuesday, 13th March 2001
at 10.00 a.m.**

Present:

The Speaker (Hon J D Q Cannan) (Michael); Mr L I Singer and Hon A R Bell (Ramsey); Mr R E Quine OBE (Ayre); Mrs H Hannan (Peel); Hon W A Gilbey (Glenfaba); Hon 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 Mr R B M Quayle, Acting Secretary of the House.

The Chaplain took the prayers.

Apologies for Absence

The Speaker: Hon. members, I have apologies for absence from the hon. member for South Douglas, Mr Duggan.

Commonwealth Day Message

The Speaker: Now, hon. members, before we turn to our order paper you may recall that yesterday was Commonwealth Day and I have a message from Her Majesty the Queen:

‘A New Generation

The theme this year - A New Generation - captures the reality of a young Commonwealth. More than half of our 1.7 billion people are under the age of twenty-five. They are the future of the organisation.

‘These young people face a world of challenge and change. Many must cope with a life where even the basics of human existence - food, shelter and clean water - are far from guaranteed or in very short supply. Others have had their lives blighted by war, disease or environmental damage. Far too few enjoy the prospect of a decent education, or work which can give expression to their talents and energies.

‘Yet for all its ills and difficulties the world of the new generation also offers opportunities: instant communication, the transfer of knowledge, and advances in science and technology which, if applied sensibly, can help people achieve a more fulfilling life.

‘Despite all these opportunities, we still seem transfixed by our differences. This is where our young people are so important. They know there are so many problems which can only be resolved when people in different countries work together. I hope we can persuade them that the Commonwealth, whose very strength is in its diversity, has much to offer them in charting a path across the barriers of race and religion, distance and economic circumstance.

Making our Commonwealth matter to its younger members is the task for those of us who have lived through its development over the last fifty years or so. I hope that when the ten Commonwealth leaders who have been charged with conducting a review of our association's future report to the Summit in Brisbane in six months' time they will bring with them a message of hope and renewal. For what the Commonwealth becomes will depend on its success in addressing itself to the new generation; capturing their imagination; firing their vision; and enlisting their energy and commitment to an association which I believe can be as important to the twenty-first century as it has been to the twentieth.

'Elizabeth R.

'12th March 2001'

Government Employees — Remuneration — Question by Mr Karran

The Speaker: Hon. members, we will now turn to the order paper. Question number 1, the hon. member for Onchan, Mr Karran, to ask the Chief Minister.

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

Will you request the Treasury to provide, for the information of all members of Tynwald, a report on the remuneration of government employees, including an analysis of rates of pay?

The Speaker: The Chief Minister.

Mr Gelling: Yes, thank you, Mr Speaker. Any report on remuneration of government employees must have a remit which is clearly defined and understood. Now, Mr Speaker, can I take this opportunity to invite the hon. member for Onchan to discuss his requirements in detail with my hon. colleague the Treasury minister, because I am confident that the Treasury will be happy to provide the hon. member with whatever information he does require, sir.

The Speaker: A supplementary, Mr Karran.

Mr Karran: Vainstyr Loayreyder, a supplementary. Would the Chief Minister not agree, whilst thanking him for his reply, that it is important that we do have a true picture of the information as far as wages are concerned? Would he also agree that it is no use being able to say about bumper budgets if we have got one in eight employed on less than £5 an hour and the latest revelation from the DLGE that they want first-time buyers houses should be in the region of £120,000? This issue is important.

The Speaker: The Chief Minister to reply.

Mr Gelling: Yes, Mr Speaker, I can accept that the issue is important. I can accept that also the information that is gleaned is correct and proper and I think we can see from other questions that have been answered in written form that each department has tried their best to answer the question that was put to them and I would suggest to the hon. member that if he perhaps speaks with the Treasury minister and makes it more clear in the definition of what he is looking for, I am quite sure the Treasury will assist, sir.

Digital Hearing Aids — Question by Mr Singer

The Speaker: Question number 2, the hon. member for Ramsey, Mr Singer, to ask the member for Health and Social Security.

Mr Singer: Thank you, Mr Speaker. I beg leave to ask a member for Health and Social Security:

Does your department intend to permit the issue of digital hearing aids under the National Health Service?

The Speaker: Mr Karran, member for Health and Social Security.

Mr Karran: Vainstyr Loayreyder, this department is aware that the United Kingdom's Department of Health, in collaboration with the Royal National Institute for the Blind and the Medical Research Council and the National Health Service's Purchasing and Supply Agency, is currently carrying out research into the provisions of digital hearing aids as part of the National Health Service. This research has been monitored and assessed by the department so that we can learn from the experiences of those health trusts that are taking part in this pilot scheme.

It is envisaged that the plans will be brought forward to develop an audiology service within the Isle of Man hospitals, based on the findings of the research, for the benefit of patients on the Island at a later date.

The Speaker: A supplementary, Mr Singer.

Mr Singer: Thank you. I thank the hon. member for his answer. First of all is he aware that some of the research has actually been concluded and secondly would he agree with me that there is a great technological difference between the digital and the standard hearing aid and is it the department's view that there is a great cost benefit to be gained for those deaf or partially deaf in our community by the issue of digital hearing aids?

The Speaker: Mr Karran to reply.

Mr Karran: Vainstyr Loayreyder, the department's viewpoint is that at the present time until all the investigations have been done they are waiting until they see the reports as far as this issue is concerned and they will do it as far as that is concerned.

The Speaker: A further supplementary, Mr Singer.

Mr Singer: Thank you, Mr Speaker. Is the hon. member aware that in Leeds all hearing aids issued are digital whether or not the recipient takes part in the scientific research and that whereas a private purchase of a digital hearing aid may be be a thousand pounds, the local NH trust there, by buying in bulk, has negotiated the price down to £176. Would the the department consider joining with an NHS trust such as Leeds to be able to purchase a digital hearing aid at this advantageous negotiated price?

The Speaker: Mr Karran to reply.

Mr Karran: Vainstyr Loayreyder, the department is always happy to take on ideas from hon. members and members of the general public as far as ways of improving the health services, but my advice is that we are told that it is questionable whether these hearing aids are as effective as they are being made out to be.

MMR — Refusal of Vaccination — Question by Mr Singer

The Speaker: Question number 3, sir. The hon. member for Ramsey, Mr Singer, to ask a member for Health and Social Security.

Mr Singer: Thank you, Mr Speaker. I beg leave to ask a member for Health and Social Security:

(1) *Is your department aware of any parents refusing to allow their children to have the MMR vaccine due to the worries of serious side effects; and*

(2) *if so -*

(a) *how many parents have refused the vaccination, and*

(b) *what advice is the department giving to those parents?*

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, the childhood immunisation programme is carried out in the community as part of the general medical services. This service includes the provision of information and advice to parents by doctors, practice nurses and health visitors.

A small number of parents have sought further advice from the department of public health regarding the use of combined vaccine and the availability of single vaccines on the Island. In that regard the department of public Health has provided the advice as stated: 'The single measles and single mumps vaccine is not licensed for use on the Island or in the United Kingdom. The single mumps vaccine is not effective in children and if of course there were single vaccines that could be given, this would involve six injections on six different occasions rather than the two for the combined vaccine.'

It is not possible to provide figures for the number of parents who may have refused the vaccine for their children due to the concerns of possible adverse effects or indeed any other reason why the vaccination may not have been administered. It is thought that the figures are small in the Isle of Man.

The dangers of the diseases far exceed those serious adverse reactions from the combined vaccine and the firm advice from the department's director of public health and the Committee on Safety of Medicines and the World Health Organisation is to recommend the use of the combined vaccine as a safer and more effective way of combating these diseases.

The Speaker: A supplementary, Mr Singer.

Mr Singer: Can I thank the hon. member for his answer on what is a very difficult subject and a difficult subject, I think, for the department to handle in getting over the need for such a vaccine to parents who are concerned.

Could I ask the hon. member? Whilst the director of public health has told me that the vaccine coverage on the Island is about 90 per cent, which is about 2 per cent above the UK, this is about the critical figure below which measles and rubella will spread through a community, as has been quite dramatically shown in Northern Ireland and Salford. Does the hon. member believe that the individual vaccines, whilst unlicensed in the UK, can be

imported by a doctor on a named patient basis from the Continent where they are licensed and perhaps this should be encouraged in order to give doubting parents more confidence to have their children protected by vaccination and to get a much greater, almost hundred per cent, coverage of the children on the Island?

The Speaker: Mr Karran to reply.

Mr Karran: Vainstyr Loayreyder, we will look into the issues that the hon. member has raised as far as this is concerned, but the general practice is to follow the recommendations of the United Kingdom's Department of Health on these issues.

I did not know it was 90 per cent that the hon. member reckons it is, 90 per cent is the uptake as far as the vaccines. Maybe the issue is that we need another campaign as far as that is concerned in order to try and allay parents' fears and to realise there are far more dangers from getting these diseases than from the adverse effects that are claimed to happen as far as this vaccine is concerned.

Private Sector Employers — Grants — Question by Mr Karran

The Speaker: Question number 4, the hon. member for Onchan, Mr Karran, to ask the Minister for Trade and Industry.

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

Has your department made any grants or other financial assistance available to any private sector employers on the Island which pay any of its employees less than £5 per hour?

The Speaker: The Minister for Trade and Industry, Mr North.

Mr North: Mr Speaker, hon. members will be aware that the Department of Trade and Industry offers grants and other financial assistance for a variety of purposes across a wide range of activities, but to answer the specific question from the hon. member, financial assistance has been available through schemes operated by the department and its predecessors for in excess of 25 years and during that time support has no doubt been given to businesses with employees earning less than £5 per hour.

The Speaker: A supplementary, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the minister not agree and would he give a commitment to this House that he will not put public money into firms that do not employ their employees on more than £5 an hour and would he also not agree that in the past the argument used to be 'Come to the Isle of Man: we are a low-wage economy'? Would he not agree that we want to lose that image? We have a population explosion on the Island and would he not agree that what we should be going for is quality employment for the Isle of Man, front office jobs, not back office jobs, and not this doormat mentality that far too many in the past have had as far as having second best for our own people.

The Speaker: The minister to reply.

Mr North: Mr Speaker, I can agree with the hon. member on certain parts of that, but wage rates in the local labour market are agreed by negotiation between employers and employees and their representatives and they must take account of local conditions and

therefore it is not for the Department of Trade and Industry to seek to influence, indeed to intervene in such negotiations or agreements.

The Speaker: A supplementary, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the minister not agree that the reality is that locals do not get the grants, it is the people that come over here that get the grants, and the issue is would he also not agree that the fact is if we are encouraging any more industry as far as this is concerned we should be encouraging industry that pays a good living wage and not be subsidising it through grants for cheap labour in the Isle of Man?

The Speaker: The minister to reply.

Mr North: Mr Speaker, the hon. member for Onchan, Mr Karran, obviously has not read the policy reports of government for the last 10 to 15 years. If he did he would be able to see, understand hopefully, that the majority, in fact the vast majority, of grants paid out on the Island are to local companies and, I would add, a large amount of them to small companies.

The Speaker: A final supplementary, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the minister not agree that instead of the smokescreen the fact is that he should not be using public money to be spent on projects where the employees are not getting a decent wage? We have got full employment and his priority should be coming for prime employment opportunities for our people, not putting taxpayer's money into poorly paid jobs as far as any sort of business is concerned, and would he also revisit the criteria of how many people have complained to many in this hon. House that if you are local you cannot get anywhere and if you come from across you can get everything?

The Speaker: The minister to reply.

Mr North: Mr Speaker, I am afraid that is a quite disgraceful statement made on the Isle of Man and I can assure this House and the people of the Isle of Man that that is not true.

The Speaker: That completes oral questions for this morning. Questions for written answer 5 to 15 inclusive are on your desks.

Manx Legal System — Report — Question by Mr Henderson for Written Answer

Question 5

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

When will the report on the Manx legal system -

- (a) be made available to members of Tynwald; and*
- (b) be published?*

Answer

The report of the Legal Services Commission 2000 was circulated to members of Tynwald on Tuesday, 6th March 2001.

The report was available to the public the following day, Wednesday, 7th March 2001.

Pensions — Deductions — Question by Mr Henderson for Written Answer

Question 6

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

Under what circumstances would a person in receipt of the Isle of Man state pension and/or the Manx pension supplement have to pay income tax or national insurance deductions on that pension?

Answer

The Isle of Man state retirement pension and the Manx pension supplement are chargeable to the Isle of Man income tax under the provisions of the Income Tax Act 1970. This means that the Isle of Man state retirement pension and the Manx pension supplement are aggregated with other sources of income for the purposes of calculating the Manx income tax liability.

A tax charge will therefore arise when the total amount of income assessable exceeds the total of the personal allowances and reliefs to which the taxpayer is entitled for the year of assessment (the personal allowances for the current 2000-2001 income tax year are £7,535 for a single person and £15,070 for a married couple).

Under no circumstances would either the Isle of Man state retirement pension or Manx pension supplement themselves be liable to national insurance. However, if a claimant continued to work whilst receiving pension, then national insurance could be payable in respect of the earnings from that employment.

Treasury Employees — Pay — Question by Mr Karran for Written Answer

Question 7

The hon. member for Onchan, Mr Karran, to ask the Minister for the Treasury:

How many persons employed by your department are paid less than £5 per hour gross?

Answer

There are no persons employed by the Treasury paid less than £5 per hour gross.

Isle of Man Retirement Pension — Reciprocal Agreement Payments — Question by Mr Henderson for Written Answer

Question 8

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

(1) How many persons who are resident in the United Kingdom qualify for the Isle of Man retirement pension and are subject to reciprocal agreement payments; and

(2) does the United Kingdom Government supply documentation which indicates the amount paid by them to Isle of Man persons living in the United Kingdom, and if so, in what format?

Answer

(1) It is assumed that part (1) of the question seeks information as to the number of persons resident in the United Kingdom who receive a state retirement pension from that country's Department of Social Security, the entitlement to which may be based wholly or partly upon national insurance contributions paid by those persons in the Isle of Man. On this assumption it is confirmed that the United Kingdom claimed, in respect of the year ended 5th April 2000, reimbursement of that proportion of the pension which resulted from Isle of Man contributions in 863 cases. None of these cases, however, involves contributions attributable to the Isle of Man prior to 6th April 1978. No information is available about persons residing in the UK and receiving a state retirement pension from that country where the calculation of the pension was based on such contributions.

(2) In respect of the type of claim referred to in answer to part (1) of the question, it is confirmed that the UK Department of Social Security supplies a certificate of the amount involved and holds individual schedules in support thereof.

DAFF Employees — Pay — Question by Mr Karran for Written Answer

Question 9

The hon. member for Onchan, Mr Karran, to ask the Minister for Agriculture, Fisheries and Forestry:

How many persons employed by your department are paid less than £5 per hour gross?

Answer

My department was somewhat surprised to receive this question from the hon. member, given the pressure it is under in its attempt to put together contingency plans for foot and mouth disease and the work currently being undertaken to try and minimise the risk of transmittance of the disease to the Island.

However, I am pleased to advise the hon. member that no-one employed in the various divisions of the department - administration and finance, animal health, forestry, amenity and lands, agriculture and wildlife - is currently earning less than £5 per hour.

DoT Employees — Pay — Question by Mr Karran for Written Answer

Question 10

The hon. member for Onchan, Mr Karran, to ask the Minister for Transport:

How many persons employed by your department are paid less than £5 per hour gross?

Answer

My department employs a total of two employees, both apprentices, at a rate of less than £5 per hour.

In addition, a total of 74 auxiliary coastguards are engaged in subsidiary employment at a rate of £4.76 per hour.

DLGE Employees — Pay — Question by Mr Karran for Written Answer

Question 11

The hon. member for Onchan, Mr Karran, to ask the Minister for Local Government and the Environment:

How many persons employed by your department are paid less than £5 per hour gross?

Answer

The answer to the hon. member's question is none.

DTI Employees — Pay — Question by Mr Karran for Written Answer

Question 12

The hon. member for Onchan, Mr Karran, to ask the Minister for Trade and Industry:

How many persons employed by your department are paid less than £5 per hour gross.

Answer

The Department of Trade and Industry directly employs one member of staff only. That individual is employed under Whitley Council terms and conditions of service and earns in excess of £5 per hour gross.

All other members of the staff of the department are civil servants who are appointed by the Civil Service Commission and earn in excess of £5 per hour gross.

Department of Education Employees — Pay — Question by Mr Karran for Written Answer

Question 13

The hon. member for Onchan, Mr Karran, to ask the Minister for Education:

How many persons employed by your department are paid less than £5 per hour gross?

Answer

In answer to the question from the hon. member, there are no employees of the Department of Education who are paid less than £5 per hour gross.

**Department of Home Affairs Employees — Pay —
Question by Mr Karran for Written Answer**

Question 14

The hon. member for Onchan, Mr Karran, to ask the Minister for Home Affairs:

How many persons employed by your department are paid less than £5 per hour gross?

Answer

No persons employed by my department are paid less than £5 per hour.

Department of Tourism and Leisure Employees — Pay — Question by Mr Karran for Written Answer

Question 15

The hon. member for Onchan, Mr Karran, to ask the Minister for Tourism and Leisure:

How many persons employed by your department are paid less than £5 per hour gross?

Answer

The only posts within the Department of Tourism and Leisure, which attract an hourly rate of less than £5 per hour gross, are those of casual staff employed at the Gaiety Theatre who earn £4.25 per hour.

The department currently has a bank of 20 staff who may be called upon to work a small number of hours at the theatre. These staff equate to 1.8 full-time equivalent posts.

The department also employs a number of casual and part-time employees, aged 16 and 17 years, who are paid, due to their age, at a reduced hourly rate, in accordance with the Isle of Man Whitley Council Memorandum of Agreement. Whilst these reduced rates are below £5 per hour, the full adult group rate to which they relate is above £5 per hour.

Bills for First Reading

The Speaker: I now call upon the Secretary of the House to lay papers:

The Secretary: The Mental Health (Amendment) Bill, Mr Karran.

Education Bill — Third Reading Approved

The Speaker: We now turn to item 17 and the legislative programme and in doing so I would like to remind members of standing order number 98. The Education Bill for third reading, Mr Rodan.

Mr Rodan: Thank you, Mr Speaker. First of all in rising to move the third and final reading of the Education Bill can I take the opportunity of thanking those members of this hon. House who have contributed to the debate and for the great interest that they have taken in this very important subject. It is not very often, in fact it is probably once every 50 years, it would appear on previous records, that the core legislation is debated.

The intention of the Education Bill is twofold. In re-enacting and consolidating the opportunity has also been taken to remove anomalies of one sort or another that have arisen during the last 50 years in respect of changes to educational practice, policy and law.

Secondly, the Bill provides an enduring core of enabling primary law for providing future educational requirements. That enduring core specifies new duties and powers under legislation which are fairly extensive, from a basic duty to promote education within provided, maintained and special schools, as well as actually to establish such schools, to establish a national curriculum for laying before Tynwald, a duty, and a new statutory duty

included in this to include Manx language and teaching of the history and culture of the Manx nation: a very, very important new duty.

There is also provision to make clear and where necessary enforce the duty of parents to educate their children of compulsory school age, to make provision for information and reports to be given to parents and for the framework for laying down matters such as the governance of schools, including school discipline.

There are powers to provide other educational services, including special needs education, higher and continuing education, nursery schools and classes, community services and ancillary services such as student awards, transport, school meals and medical facilities.

Powers of the Board of Education, which is an important component of the service, are fully laid out. Powers of inspection and control over degrees, employment of children and educational trusts are also included in the Bill.

I am very much aware that one issue that has given rise to particular comment within the Bill relates to the behavioural problems that a minority of our students and pupils pose to the system, a small minority but nonetheless one which is very heavy on resource and attention to deal with.

I believe that in recent times much progress has been made for those, not only with special learning difficulties, but those with behavioural problems and I would like to place on record appreciation to the many dedicated staff within the education service without whom we would simply be unable to function and the department looks forward to continuing working productively with them to ensure that education in the Isle of Man is of the highest order possible. Having said that, I do appreciate how much work remains to be done, particularly in the areas of pupil behaviour, but I do believe that the Bill provides a good framework for future progress to be made and I commend the Bill to this hon. House and I hope it will be given, if possible, a unanimous third reading and, Mr Speaker, I beg to move that the Education Bill be read for a third time.

Mr Houghton: Hear, hear.

The Speaker: Mr Henderson.

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

The Speaker: Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker. In welcoming the third reading I do appreciate the previous comments of the hon. minister. I would just put a marker down to the department and the minister that during the policy round of discussions to take place later this year I do believe it is important that we continue pressure upon the department to take all forms of action appropriate and I believe that the new clause proposed by my hon. friend Mr Karran, for Onchan, does have merit and I will be coming back, I am sure, with others to try and see what the department chooses to do in that area.

I would, however, consider that as a long-overdue piece of legislation this Bill does deserve a third reading and a unanimous one if possible. I think the department has made efforts, has understood fully the implications of behavioural problems within school and I

will do everything, as hon. members will, I am sure, to assist the department in the achievement of those goals.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I am disappointed in this Bill. I was considering trying to suspend standing orders on one of the issues as far as putting an amendment forward at this late stage as far as putting into primary law the issue of corporal punishment, as I believe it will come back to haunt this hon. House at a later date with the way that many of my colleagues legitimise the bastardy of the United Kingdom as far as the Royal Assent issue is concerned, but at the end of the day I realised that I would be only wasting the time of this hon. House as far as that is concerned.

I must express that I do not agree that this Bill deserves the unanimous support of this House, on a number of points. Whilst I would not question the integrity and sincerity of the mover, the education minister, as far as his views are concerned, I do not believe that he is living in the real world as far as what is happening as far as education is concerned on the Island.

I believe that we have mortally flawed the secondary school system in not putting anything in its place as far as disruptive children are concerned. I think we have scored one of the biggest own goals in recent years and I have to be honest with you, Vainstyr Loayreyder, I am embarrassed to be one of the ones who generally have always been anti-hanging, anti-flogging, pro the minorities within our community to be on this stance, but I do feel as a person who was in school, in a class where four or five wrote the education system off for the others because we were warehoused, I believe today that this secondary education system has improved out of all recognition in the state system in the 25 years since I was in secondary education and I believe that that is something that I have to say has been done and has been improved, that we do not have the same system where if you did not get into the right forms at the beginning you were completely written off in secondary education, but today it is important that we have a system where we do not encourage children to be disruptive. At the present time we have the situation where disruptive children end up being expelled from school and they end up with an hour's lesson every other day. What sort of advertisement is that to the rest of the class when you can have these children roaming the streets?

In my opinion we should have bitten the bullet, and I understand the problems that the education minister has as far as this is concerned, as far as revenue is concerned, but I believe that we have done nothing on that front and that is an important front, is disruptive children, and I can understand the problems that the department has. The department will blame social services and social services will want to blame Education who will then want to blame the parents or whatever. At the end of the day we have a problem. We had an opportunity in the clauses stage to do something about it.

I welcome the fact there has been some movement as far as the curriculum is concerned and Manx language. Fifty years ago when the previous piece of legislation was in being the situation was the Manx language community in the Island were dispossessed and the Church was not. That is why they had their powers as far as religious education and aided schools. I have to say that I was disappointed in the fact that we could not have

got equality for the Manx Gaelic with the religious education in aided schools because my fear is that, whilst it is in the curriculum, the danger will be there are still many in this House and outside this House who will take great pleasure in making sure that that is meaningless as far as having the opportunity of providing what should be provided as a matter of pride, instead of what has been in the past a matter of shame by too many around as far as the Manx language is concerned.

Whilst I will not support the third reading of this Bill because I feel there are missed opportunities, I feel that regarding the issue that the member for West Douglas mentioned, who has actually come from the coalface four years ago to become the member for Douglas West, I believe that we should take heed of his pleas as far as the teaching profession is concerned. I do not think that this Bill is any sort of panacea as far as it is concerned. I think this Bill will go down in history as missed opportunities, Vainstyr Loayreyder.

The Speaker: The member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. I welcome the legislation in the form that it is a move forward on a number of issues, it clarifies a number of issues, but from my own point of view it is a little but not enough.

I will support the third reading of the legislation and in doing so I must follow on from the last speaker. I have always seen the member for Onchan as being a caring member, somebody who has cared and been quite open in his support for minorities, and therefore I think it is very sad that this legislation has been brought forward and, not the only emphasis, but one of the major emphases that he has put on this legislation is hitting children. Now, we have brought in legislation so that adults would not be hit and now he is wanting to with disruptive children. We need to ask the question, why do we have disruptive children in our schools? Why? Because they have been let down by society, by their parents, by school itself to some extent and I think you only have to talk to some of these young ones to find out how they feel at loggerheads with society as it is at the moment and the sort of pressure that they come under. There are many, many pressures that are put on these young people, from parents, society, school and whatever and one of the points that I think can come about through this legislation is that the curriculum can be looked at with regard to children who are not academic, and I feel we need to go back to this area where children who are less academic but have other skills, those other skills can be enhanced and not actually trying to push everyone down the same tube, so to speak, and I would hope that the department, under the auspices of the Minister for Education, can deal with it. I know it has been in some instances, but we have had the change of emphasis on apprentices and it has gone very much more academic and there are a lot of young people out there who are not academic, who probably would turn to academe later in life, but at that stage in their life they do not want that, they are wanting to use their hands more, and therefore I think the emphasis should be on these other areas of education which have been lost in the past and that are needed, because no-one else in the community is providing these sorts of skills and that sort of education and awareness that bring somebody into contact with maybe carving or painting with much more emphasis than we possibly have at present, and all the other craft skills such as joinery, such as catering, which might be seen as being something which is not needed in an all-round education,

but these areas now, with all the added pressures on young people and the multinationals providing more or less everything, the skills of actually cooking and providing and being able to take care of an income, which might not be that great, are really lost in the education system, and therefore I would hope that the skills provision can actually be broadened as opposed to being narrowed.

I would hope, through the other areas that the department has also been instrumental in introducing which is the inclusion part of it, helping children that do have difficulties adjust and getting them back in school without expelling them, it has to be the way forward.

I would hope instead of being negative about this legislation and what happens in the Department of Education we can actually be positive. We can be positive in that we are providing a good all-round education for our young people, providing the best opportunities for our young people and saying to them that education is there for them to take up and to use to the best of their skills and the best of their abilities, and I would hope that in being able to vote for this legislation today, it is a move forward, but it is also a clarification on our part that we support education and that we support an all-round education for our young people, we support the wonderful work that teachers in the classroom, on the chalkface, not on the coalface, as the member for Onchan describes it, but at the chalkface, at the white board or whatever it is, are doing in providing an all-round education in difficult circumstances in some instances for our young people, because we have all heard of the situation where the parents say, 'Oh, you'll get sorted out once you get to school.' Now, quite frankly, we have got to start before we get to that stage. We have got to try to get parents to be positive about parenting -

A Member: Yes.

Mrs Hannan: - and that comes not only from education, because education comes in quite late, but try to help and assist parents even before the children are born, and that could be done through health visitors, it can be done through other contacts and it can also be done through the education system in parenting before the children leave school.

So it is incumbent really upon us all to try to help and assist children before they get to school by good, positive parenting and also to give them the opportunities that do come about through this legislation. So to my mind it does not quite go far enough, but I will be supporting it.

I also welcome the positive that the department has brought to the teaching of Manx. I welcome that. I think it is a major step forward to have the teaching of the Manx language recognised in this legislation. It is something that has not happened before, and I do think it is much easier for someone who is not a rabid supporter of the Manx language to bring something like this forward than some of us who are. So I congratulate the Minister for Education on this. Thank you.

The Speaker: Mr Rimington.

Mr Rimington: Thank you, Mr Speaker, and I would like to thank the last member who has just resumed her seat for her positive contribution to the debate and looking at the issue of education in the round. I think what brought me to my feet was, as we had quite an extended discussion through the clauses stage, I felt the debate concentrated rather

narrowly in certain directions. Admittedly I was part of that in terms of the Manx language and I also spoke on the issue of corporal punishment, but in doing so, by the nature of the amendments that were before us, the debate concentrated on certain areas and really we did not look and take the opportunity to look at education in the round, and the hon. member has expanded on that and I do welcome that, and I am looking forward to the future, and obviously the Bill will have my support, in that we do look at what we teach and how we teach and what it is we are actually giving to the children, and I think the important thing is that Bill provides us with that framework so that we can go forward into the following decades with a good framework for education and, yes, let us as time goes by in the ensuing months and years, look at the actual detail, the vocational element, the whole issue of the curriculum, how we teach it, what we teach. These are the important things, now that we have got the framework in front of us. Thank you.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. I think overall members unanimously welcome this legislation and I think that has been illustrated here this morning and of course here on previous occasions. But I just wanted to refer to one or two points and some of them have been covered by the hon. member for Peel, Mrs Hannan, and I have to concur with many of her observations.

In terms of behavioural problems, it is a problem, but it is not a problem solely for the education department. Social services have a role to play in this and we all have a role to play as a society. But one of the things which keeps coming back to me time and time and time again when I hear of cases where a youngster has gone out of control or got themselves into trouble - because I do have the odd occasion, as we all do in our constituencies, where this situation arises and they or the parents or a relative come to us for help and assistance and guidance - is that we do not have parental guidance, we have no scheme for parental guidance, and good parenting is not in all of us. Some make good parents and it comes very naturally, others do not make very good parents, it does not come naturally. We live in a different society today. Society is motivated by the power of earning, the power of spending, the power of possessions and material wealth and as a consequence the fostering of a child through its life to adulthood and into making a good adult is somewhat brushed to one side by some parents. Now, I am not blaming those parents entirely. They are partially to blame, but I feel we are to blame because we should be providing better parental skills and Mrs Hannan was right when she spoke about pre-school age, concentrating on children, but I would also like to concentrate on the parents of pre-school age children and also pre-children too. But of course it has to start fundamentally with our youngsters by teaching them good parental skills when they are in that position, where they are also fostering the growth of a human being into society. We may be able to nip this problem in the bud. At the moment, of course, it is a vicious circle and it is getting worse and we have to, I think, as legislators, look to the future in terms of being able to stop the vicious cycle.

What I would say is that signs in children are usually there at a very early stage. Now, I say this because I have had previous experience of working with young babies and children who had hyperactive problems, and hyperactivity, to my mind, is the start of behavioural problems possibly later on in life and hyperactivity of course has nothing to do

with education here, but it is something I feel the minister may wish to consider at some point.

Hyperactivity of course is caused most often by the chemicals, the additives, the colourings, the flavourings in food and drink which we now consume today and youngsters consume in great quantities, especially in schools. If you look back 10, 15, 20, 25 years ago, food was purer and we did not have hyperactive problems.

Now, hyperactivity is only now just becoming recognised by certain general practitioners because the evidence is there. But my experience has shown me that you can feed to a child something that is laced with a particular e-number and that child's personality totally switches and becomes a Jekyll and Hyde until that substance is out of the system. Now, that in itself causes behavioural problems and you have toddlers of pre-school age who are behaving badly and are being fed literally a constant flow of e-numbers. It perpetuates anger in the parent and the parent begins to lash out. Hence the situation has been born, it is born and we as a society encourage that situation to grow and develop. Then the youngster is in the school system, still consuming the ill-advised foods, still perpetuating the anger in the parent and is causing as a consequence behavioural problems in the classroom and making every other youngster and the teachers suffer. How do we nip that in the bud? Well, my suggestion is we go right the way back and we start to examine what we provide for children to eat in school. It should be a healthier diet, parental skills for young children, for young people, parental skills for the parents, pre-pregnancy stage and during the pregnancy period.

I would also concur with some of the comments in respect to life skills. I sincerely would like to see more life skills being taught in the school, if it is possible at some stage. I think the hon. member for Rushen, Mrs Crowe, may have touched on this too during an interview over the weekend, that when we were at school we had domestic science twice a week, at least I did, and it was not just about cooking and looking after yourself, it was about hygiene, personal hygiene, it was about looking after kitchen equipment, appliances, all of that. They are all life skills to enable the young person to be able to cope for themselves and fend for themselves, and particularly if they are going off to a college or university when they have left our education system here on the Island. So I would like to see more emphasis on the life skills in school.

My own two young sons, who attend Ballakermeen High School, have only had the very minimal of cookery tuition, the very minimal, and they do not do it now and they are 14 and 15 years of age and I would have thought this is the age really, and I know the curriculum is full and I know the demands upon them are great at this time because they are studying and preparing for their exams which are coming up, but I still would have thought this is the time really when they need to be coached in the life skills and we must not forget those.

So I wish the Bill well. I hope the Legislative Council do not twiddle with it too much and that it goes through in one piece, and as for the comments from the hon. member for Onchan and also to a degree Mrs Hannan from Peel, that it does not go far enough, well of course we always hear in this hon. place that if a Bill does not go far enough, then amendments to it can come forward in the form of mini-Bills in the future. If we have not got it on the agenda today with other legislation, I dare say we can add to it, but I believe it

makes a very firm and strong foundation from which we can grow a good education system. Thank you.

The Speaker: Member for Ayre, Mr Quine.

Mr Quine: Yes thank you, Mr Speaker. The great majority, and I do say the great majority, of our children are well behaved (**Mr Henderson:** Hear, hear.) and I think really I suppose we have given disproportionate attention to that very, very small minority who have and do create problems and I think we need to get some balance brought into this.

I have listened intently to some of the contributions here this morning and I can see that they are well-intentioned, I can see that there is a desire within them to identify problems and to try to deal with problems, but I think a balance has to be struck, otherwise we are in danger, we are in danger of making excuses and not trying to enforce a standard, because things happen and what I have heard from several members here is it is tantamount to make excuses for this behaviour.

I believe that children generally need to have parameters drawn in respect of their behaviour and their conduct, what they can do and what they cannot do and that needs to be clear and there needs to be discipline to enforce that, and if we take a view that this is a problem, we have laid this pothole, somebody else has laid the other pothole, making these excuses is not going to address the problem. We need parameters to be set and we need enforcement to be applied to ensure that those parameters are met, and I just want to put that one cautionary note into these proceedings, that making excuses is not an answer to any problem, and that is what I have heard coming from a number of members hear this morning.

The Speaker: I call upon the minister to reply, Mr Rodan.

Mr Rodan: Yes, thank you very much, Mr Speaker, and can I thank everybody who has contributed to the debate for some very interesting comments, which I have noted and while not primarily to do with the legislation, nonetheless do enshrine issues which are of fundamental importance to the way we are moving as a society and as providers of an education service.

Can I firstly thank the hon. member for Douglas West, Mr Shimmin, for his support and the very constructive approach he has taken. I have noted what he says and what he says is borne out of a direct experience, as we know, and I would like to thank him for that and to assure him that in the round of policy development we will closely look at the issues of how we are in fact to deliver on some of the issues that have been highlighted at great length during the passage of this legislation which is to do with the problem of disruptive children, which of course was a theme that the next speaker, the hon. member for Onchan, Mr Karran, referred to.

I am afraid he is not correct in highlighting the issue of Royal Assent as the fundamental question related to the non-inclusion in this Bill of provision for corporal punishment. It is simply not true. This did not enter into the thinking of the department and those with whom we consulted in bringing forward this legislation. It is not a case of copying the UK. I can tell him that if there was a case to be made for it, it would have possibly been included or the Bill might have been silent on the subject and the custom

and practice would have been allowed to have been taken up or not, and of course the custom and practice have been that it has been phased out and phased itself out as something that is no longer appropriate and a distraction from remedy, from working up remedies which actually have some value and some practical use. So I do not believe this legislation therefore is flawed in not allowing secondary schools to have this provision.

Secondary head teachers are in constant regular discussion with the department focusing on this precise issue of what facilities need to be made available to deal with the problem of disruptive pupils, and I can tell him that corporal punishment is not one of the issues for which they are pressing. What they are pressing for is special provision to remove, on a temporary basis, disruptive and badly behaved pupils from the mainstream situation to allow the vast majority, which others have referred to, to get on with the business of learning, for which they are there, and the business of being taught as effectively as possible without distraction, for those individuals to be worked on and worked with by specialist teachers in other settings and then reintegrated back into the mainstream and that is the way we are focusing at the moment.

He has given credit to the fact that secondary schools have, in his words, improved out of all recognition in recent years. This is nothing to do with me, it is do with changes in theory and practice, it is to do with changes in policy and the actions of previous ministers of the department, so if there is credit due in this legislation and the practice that it enshrines in law, it is to them also that credit must be due.

Mr Karran is right to highlight the need not to go and get ourselves into a culture of blame whereby the Department of Education blames social services, social services blame parents and parents blame society as a whole and there we go in this vicious circle. In order to break that circle, what needs to happen of course is a corporate approach to these matters, a multi-agency approach, and I believe that is exactly what we are engaged in doing, because there is no one simple answer, whether it be physical chastisement or anything else, that is what is required.

The next speaker, the hon. member for Peel, Mrs Hannan - as a former Minister for Education I do thank her for her constructive and positive comments which are very welcome. She quite rightly started by highlighting the fact that there is a bigger picture to be looked at in relation to destructive children, and she went on then to urge, quite rightly, that the department look carefully at the issue of the curriculum and the fact that the curriculum is relevant to everyone for whom education is being provided, which means looking at the needs and requirements of the less academic pupils, and that is most important because, just as we wish to pursue excellence in education in terms of academic achievement, so there is a need to pursue excellence in terms of vocational achievement and those individuals who are not primed and cut out for academic learning should be given every opportunity to be the best that they can be, whether that be the best craftsman, best mechanic, the best woodworker or anything of this sort, and in recent years there has been much attention given to the development of GNVQ and so-called vocational A-levels to try and achieve the best standards in these vocational areas, certainly in a post-16 situation.

In a pre-16 situation much good work is being done through the training division of the DTI and through schools directly through day release, and this is something I would like to see enhanced and developed further.

To use the jargon, as far as post-16 education is concerned, what we are aiming for is a planned, mixed economy whereby we have an integrated system of access to vocational and non-vocational academic subjects, integrated as far as possible within the Island. I believe we are not achieving that integration as yet. A lot of work still needs to be done in our sixth forms to ensure that students, wherever they live in the Island, have the fullest access possible to subjects that might be minority subjects delivered in schools in different parts of the Island. This is where our post-16 units come in and where the possibilities are there for distance learning, electronic learning and so on. But that is for the future, it is not here yet. The first thing we need to do is to get the timetables properly integrated. I think it is ridiculous, quite frankly, that in Douglas within a two-mile radius there are three institutions which are not yet integrated in sixth-form education subjects. It ought to be perfectly possible for Douglas students to go to the college part of the day and St Ninian's and Ballakermeen. This is being actively addressed at the moment, but we are not there as yet.

The issue of inclusion that the hon. member, Mrs Hannan, raised is of course very important. Education is for young people to develop their particular skills to the best of their ability she said, and that is absolutely correct, and on the question of inclusion, society, to which the end products of the schooling system enter, is or ought to be an inclusive society and we therefore must have an education system that recognises this and does not compartmentalise people so that they cannot give and contribute to their full to the society of which they are members, which is why we do not have on the Isle of Man something called expulsion from schools because where are individuals to be expelled to? Who is to pick up the pieces? We do suspend for various lengths of time, but expulsion is a contradiction of the need for as inclusive a society as possible. The problems are not going to go away but they need to be certainly tackled more effectively than they are being.

The hon. member for Rushen, Mr Rimington, I do thank for his support and he raised the issue of needing to look at how we teach and what we teach and certainly in the consultation that will be required on developing the curriculum these issues are very important. Looking at the latest research, ensuring that any change that is brought in is tried and tested and not changed for change's sake I believe is very important.

We have heard much in Education in recent times of the number of initiatives that the department has brought in. Well, we did a little analysis the other day of the initiatives emanating from the UK or generated by the present government in the UK, which number no less than 50. I can tell this hon. House that of those 50, six have been introduced into the Isle of Man, literacy and numeracy being obvious examples that spring to mind, the early years education as well. Much of the rest have not been introduced because there is no need to because such issues as funding for enhanced musical education clearly appears to be a worthy initiative, but the fact is it is already being done and we do not need a whole raft of bureaucracy and paperwork in its wake to make sure it is followed through. So I think that is a very important point, but we still need to look at this factor because undoubtedly, however well meaning, it is a source of additional work for the already overworked teaching profession.

The hon. member Mrs Cannell welcomes the legislation and points out the need for good parenting and that was a theme of Mrs Hannan also, the fact that it is a partnership

that we ought to be engaged in between parents and the schools. The schools cannot do it all on their own, parents similarly cannot do it all on their own: there needs to be a partnership. But for that partnership to be effective it does indeed need parenting skills, and the way society has evolved in recent generations, many of those parenting skills which were passed on one generation to another, today in our highly mobile society are not there and have to be taught and have to be learned, and that is not happening as widely as it should be and certainly the area of personal and social education at school does include matters such as parenting within the Life Education syllabus but an awful lot more needs to be done, and regarding that teaching of parenting skills, there is no point expecting those parents who we are talking about to turn up at evening classes at the college: they are not going to do that. We need to take it out to them into their community situation at times that they will attend. So an awful lot more needs to be done in this area.

She also raised the issue which appeared to deviate from the subject before us and that was hyperactivity of children, but it is an important point because it is an illustration of the fact that the foundations of future behaviour and learning behaviour start at a very early age in the home and that behaviour is influenced not just by inherited factors but environmental and physical factors as well, and how the brain develops is a very interesting area of current research in educational circles and there is evidence that environmental factors have contributed to our understanding in this area.

The hon. member for Ayre, Mr Quine, I do thank for his comments also and he rightly lays emphasis on the need to get the correct balance struck, and I would not necessarily agree with him that earlier comments were making excuses. I think in talking about behavioural issues and disruptive children it is not so much excuses as trying to get a broader understanding of why it is that certain individuals behave the way they do. But undoubtedly he is correct that the moral dimension and the setting down of parameters and the difference between right and wrong, which is a parenting skill that needs to be brought to bear, are also very, very important.

So the schools cannot do the job alone, parents cannot do it alone, we need a joined-up approach to these matters, and of course as far as the department is concerned as the education provider in the formal sense, we cannot do it without resources and certainly government has, as a matter of political priority, always laid great emphasis on ensuring that the appropriate resources are in place in Isle of Man schools, but I do have to say that our need for those resources has never been as great as it is. We are trying to deliver between 200 and 250 more children every year entering the system, something of that sort, and we cannot do our job without adequate numbers of teachers and other support staff. We are in a very difficult situation at the moment with being able to provide supply staff to cover short-term emergency. We do not yet employ, which is a policy that I have been trying to promote heavily within the department, a locum pool of teachers in the primary and the secondary sectors who can go into schools at short notice at times where the schools need particular assistance. Our special needs demands have never been greater: they have doubled. The profound needs I am talking about; stage 4 and 5 needs of profoundly handicapped children have doubled in the last five years. These young people need often one-to-one attention and we have got seriously within government to look at this question of how we, through our personnel policies, meet the needs of what is required. We have growing numbers and we have curriculum changes and these have all got to somehow be

accommodated within our allocation this year of 33 extra staff, a very welcome allocation and they will be used to the utmost.

So on that highlighting of the practicalities of the situation, which is not specifically to do with the Bill but nonetheless given that what we are talking about in our third reading is the framework within which the education service can operate, I trust I can be forgiven for highlighting that need at this particular time.

I do thank members for their contribution to the debate and for the welcome support and I do hope it will be unanimous support from the House. Thank you, Mr Speaker.

The Speaker: Hon. members, the motion is that the Education Bill be read for a third time. 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, Houghton, Henderson, Cretney, Braidwood, Mrs Cannell, Mr Shimmin, Mrs Hannan, Messrs Singer, Corkill, Cannell, Gelling and the Speaker - 20

Against: Mr Karran - 1

The Speaker: Hon. members, the motion carries, 20 votes in favour and 1 vote against.

Minimum Wage Bill — Third Reading Approved

The Speaker: We now move on to item 18 on our order paper, the Minimum Wage Bill, hon. member for West Douglas, Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker. May I say first of all how pleased I am with the progress of the Bill so far and I would wish to thank all hon. members for their support at the previous readings of this Bill.

As I have stated previously, the Bill provides a vehicle by which the principle of a statutory minimum wage, which was agreed by Tynwald in October 1999, can be put into effect, thus providing a safety net for those who suffer from unexpectedly low levels of pay. I believe that this Bill addresses in an effective manner that requirement.

Clearly the level of minimum wage rates that are set may impact significantly both on the earnings of those who are amongst the least well paid in our society but also on the viability of some businesses on the Island. The task which the Department of Trade and Industry and the Treasury have been jointly charged with, to recommend appropriate rates, is not an easy one, but as you are aware, work has already commenced on consultation across a wide cross-section of the local economy to establish appropriate figures for recommendation to Tynwald.

Members may also rest assured that the department will carry out its commitment to make everyone aware of this legislation and its implications on them, whether as a worker or an employer, in a form that can be easily understood.

An important feature of the Bill was that it should not place unnecessary levels of administration or record-keeping on employers and to this end the requirements in that area we believe are both reasonable and practical in terms of enforcing the legislation.

Before closing I would again advise hon. members that it is still the department's intention to bring the minimum wage regulations before Tynwald at its June sitting. I should like to take this opportunity of thanking the officers of the department for all the hard work put in to get to this stage and their ongoing work on the regulations.

Mr Speaker, I have nothing further to add at this stage but beg to move that the Minimum Wage Bill be read for a third time.

The Speaker: Mr North.

Mr North: Mr Speaker, I first of all would like to thank the hon. member -

The Speaker: Are you seconding?

Mr North: Sorry, I second, Mr Speaker, and reserve my remarks, sir.

The Speaker: Mr Henderson.

Mr Henderson: Thank you, Mr Speaker. I rise to support the overall Bill wholeheartedly basically. It is very welcome and a slab of enabling legislation that at last will put a much-needed social standard in place. Exploitation of employees must become a thing of the past.

In the days of an average mortgage standing at around £750 a month at the minute for a first time buyer and a weekly family shop that could cost around the region of £150 per week, and that is basics, not fancy goods, it does not take a mathematician to work out that even on £5 an hour, working a 40 hour week is not going to make ends meet sufficiently: a second wage is essential to the modern family. The minimum wage for a grade 1 manual worker employee, certainly within government, is set at £5.60 and I would ask the hon. mover of this legislation, when they are considering the orders that will be coming before another place in due course from their consultation exercises, that that be a point borne in mind, and there lies the problem: people have to work and will accept standards less than marvellous, which is why we have got the issue before us. It is our job as legislators to ensure, especially in this climate of prosperity, that good, positive social legislation is pushed forward and in an economic climate such as we have today we are talking about a marvellous capital programme scheme, but this needs to be complemented with the bedrock of positive social legislation such as this Bill in order to ensure that we are helping and recognising in other ways the people who our success is built upon.

The least we should be doing is a positive programme of social reform in keeping up with the twenty-first century and our present economic status. I know the department is working towards this but I would make a call on them to continue and bring more of the same more quickly. The ordinary folk of this Island, the hardworking people, are bearing the brunt at the minute and we urgently need to address this situation a lot sooner.

The technical specifications of the Bill are good. I have analysed it and spoken at length to the department's officers. The overall enabling package is quite good but I would have to say to the hon. mover that the Bill does carry one inherent Achilles tendon, which I have already spoken to him about at length, but it has to be pointed out that a lot of the right for redress if an employee is aggrieved with any particular aspect in the future is the right of redress to the Employment Tribunal and at present this is woefully inadequate and does

need a review of all its present systems including such things as the right to representation and all the other host of issues that I have continually pointed out.

I have had a positive meeting with the hon. member in relation to this but would point out to this hon. House that at the minute any right for redress rests with making application to the Employment Tribunal and the sooner we have a review of this system that has been in place for 10 years now the better so that employees have the full set of rights that they should have been entitled to in the first place.

I would also draw the hon. member's attention to another small element of the Bill for the time limits that an employee may make representations and to keep those under review and not to have them at such a short interval that it may be impractical for an employee actually to make a claim or a complaint or bring something forward to an Employment Tribunal, otherwise the effectiveness of the Bill will be lost, which is the last thing anybody in this hon. place, I would guess, would like to see. We want the legislation. It is effective, but we want to see that the things that protect it, such as the Employment Tribunal and the time limits for making applications for aggrieved employees, are equally effective.

I am especially pleased with the passages that examine benefits in kind and set a minimum rate for that so that can no longer just be taken into the overall package payment for an employee or staff member and that it is recognised that they should be paid a decent wage outwith that.

So there are a lot of good things in this Bill which I fully support and I wish the department success and also to ensure that they consult with all agencies including the Isle of Man Trades Council and others in preparing their further orders. Thank you, Mr Speaker.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I will be supporting this Bill. I think the mover and the minister should be congratulated as far as bringing this piece of legislation forward: it is long overdue.

I was disappointed that we could not get a proper starting point to start off with. My fear is that we will have a situation where there will be a Dutch auction as far as what the rate will be. I hope that that will not be the case. I do not question the integrity of the mover in his sincere commitment to get this piece of legislation on the statute books at a meaningful level but I just wonder whether, when the vested interests and the powerful voices behind the facades of many in this hon. House have their way, it will make life a lot easier to go with those that will be trying to turn this piece of legislation into a meaningless piece of legislation. That that opportunity has been lost but at the end of the day I do feel that the mover is going to try his best as far as that is concerned.

It must ease the situation that the United Kingdom have brought theirs up, even if many would have said that that is for a cynical election.

The fact is at the end of the day we have full employment. We have never had a situation where our economy has been booming so much, more likely since the mines hit their peak 130-odd years ago.

I hope that the Bill will go through speedily but I do hope that it will be at a meaningful level. I believe that it will be an own goal if we once again get into the fixation of trying to follow the United Kingdom as far as their legislation and levels are concerned. At the end of the day it is dearer to live in this country than it is to live in the adjacent isle. I believe also that we believe in a one-nation country. The fact of the matter is that a £5 minimum wage in the south of England would not be in question, £5 in northern England where for generations they have virtually abandoned the north-east and the north-west to a lesser degree as far as the United Kingdom is concerned, I believe that we should not follow them and I do hope that we do not allow that to be the fig leaf to water down this well-meaning piece of legislation and I do hope that the mover and the minister and others in this hon. House will not allow the rate to become a Dutch auction, ever going down to a level that makes it a meaningless piece of legislation.

The Speaker: Minister for Trade and Industry.

Mr North: Mr Speaker, thank you and can I thank those hon. members who have already spoken who I hope now do accept the intent of the department to come with this legislation, and I am sure hon. members do understand that legislation, particularly like this, takes a lot longer than sometimes one would wish.

But I have to say also that we have heard and we have listened to the opinion of the hon. member for Onchan and to others and of course we need to consult many other people and organisations and this we are doing, and I would at this stage like to thank all the work that the hon. member for West Douglas, Mr Shimmin, has put into this Bill. He really has committed himself to it and I thank the hon. member for Onchan for his kind words because his intent and his purpose is absolutely there for all to see and when we have had consultation, I am sure, with the help of everybody else, we will hopefully come to the June Tynwald with the regulations.

The Speaker: Sir Miles Walker.

Sir Miles Walker: Yes, thank you, Mr Speaker. Just in case some time in the future I am accused of hiding behind a facade, as the hon. member for Onchan suggested that some members may, I would like to make my position clear on this piece of legislation and can I say that I also applaud the work that the hon. member Mr Shimmin has put into this Bill and the progress that he has made.

Now, fundamentally I do not believe that a Minimum Wage Bill is the best way to raise salaries and wages overall in an Island economy such as ours. Now, I have made that case and I think every member of this hon. House and people outside I hope know my views. Nevertheless that argument was made and lost and I accept that and we now have a situation where we are putting into place a piece of legislation regarding a minimum wage.

I also accept that it is difficult for a small island like this not to have this sort of legislation when our large neighbours do, but I would suggest that if our large neighbour had not gone down this road it is highly unlikely that we would have taken this course because we felt it was good for the lower rate wage earners in our community. So I accept now we are in a situation where we have got this legislation and it is going to go on the statute books.

I was heartened by the words of the hon. mover of this Bill when he moved this third reading and he said that we should consider this piece of legislation as a way of having a safety net for the lower wage earners in our community. Now, if that is the case I have absolutely no problem at all, if in fact this piece of legislation is going to be used to catch up - and I believe it is very few employers who on purpose allow their salary levels to drop below what is in fact the norm, the negotiated rate of pay between the employee and the employer - if it is used as a safety net I have no problem. If it is used as a way of raising the levels of salaries against the market conditions that apply, then I think it could be a very difficult and I have to say dangerous piece of legislation as far as the economy goes and I do believe those that are charged with the setting of the level have got a very responsible and yet difficult job to do.

Now, I do believe it is nice, it is probably encouraging to people out there, it is perhaps good in an election year to talk about £5, £5.60 or £6 or whatever an hour. I do believe we should sit down and think about the implications of that. If you are in business, and I am talking about a business which is privately owned or an employment situation outside of the government, it is easy for the government to put up salaries and wages, it is easy for us to make those decisions because it does not cost us anything. It costs the taxpayer and if people care to look at the amount of the taxpayer's money in the Isle of Man which goes on salaries and wages it is immense, it is absolutely immense, but it is comparatively easy for us as politicians to say, 'Let's raise the level of government employees', because as I said before, it does not cost us anything. Now, if you are in private business, if you are attracting business to this Island, as I believe we have done successfully and I hope we will continue so to do for many years, we have to think about the conditions under which those businesses operate, we have to think about the costs faced by those employers and we have to think about the costs faced by employers in the competitive areas where they may go to set up because there are other places besides the Isle of Man which are attractive to employers and business, and I think, because we have got a taxation strategy I believe the envy of the world and I think it is going to be put into place, we have to understand that that is not the be-all and end-all. Tax is but just one cost that a business has to face. I rather guess by far the biggest cost for most businesses is the cost of salaries and wages and so I think this Island needs to remember that it is in competition with other places for employers and businesses and if we get too much out of kilter with that competition, then this Island could be in trouble in a very short period of time, and these things are difficult to say, but I believe they are important. I am not making a case against a minimum wage, I am, I think, indicating the way in which I believe it should be used.

I think we should also appreciate in a small community like this that the consultative process that is being entered into by the Department of Industry and the hon. member Mr Shimmin is quite difficult.

Again it is not too difficult for an employer of a large number of people, particularly if that employer is a part of a large international organisation, to write in and make the comment that they believe the minimum wage should be whatever their organisation pays and has been negotiated between their employees and employers, no difficulty. It is comparatively straightforward for the trades unions and the employees to write in and say, 'We think we should be getting a pound more than the average or' - let us pluck a figure

from the air - '£5, £5.60.' It is not an easy task for the smaller employer on this Island who has limited resources to write in and make his case to the Department of Industry that the wage levels should be kept down to perhaps what is negotiated, what is an average amount that is paid throughout the Island, because the Island is a small place, employers are recognised. I do not believe there are many employers on this Island who set out to pay their employees a very low wage, to treat them unfairly. I just do not believe that is the case. There may be some, there are always some. I do not believe there are very many, but I do believe that we should understand the situation of the small employer and the difficulty they have writing to a government department and saying, 'We can't afford to pay more than - whatever they pay in the United Kingdom, £4.50', because that sort of information soon gets out and they will be labelled as ungenerous employers or scab employers or whatever the expressions are, and again I do not believe that that is good for our community, good for our society in a community sense.

So although I am going to support the third reading of this piece of legislation, I obviously have qualms about it and I believe there is going to be a great deal of skill required on behalf of the Department of Industry and its members in setting that right rate of pay, and I have to say I hope they get it right, we get it right, because if we get it wrong, fundamental damage can be caused to our economy and that damage will happen, I believe, quite quickly and it may well be irreversible. So this is a serious piece of legislation and it is a piece of legislation that we need to deal with responsibly. I have got faith that we can do that, but once it gets on the statute books, who knows what may happen in the future and I just hope that we do not depart too far away from the minimum wage that has been set by our close neighbours. Thank you, sir.

The Speaker: Mr Cannell.

Mr Cannell: Yes, thank you, Mr Speaker. I am grateful the way it worked out because I was attempting to get to my feet before the preceding speaker, but in actual fact I am grateful that I did not because he has made, as usual, thought-provoking comments, but he does come from a point of view different to that which I come from, which is not usual, but on this occasion we seem to have centred on an arbitrary figure of £5 an hour for working and below that it is not acceptable to work in a job in the Isle of Man. I do not think that is the case. The Tynwald motion, resolution to accept the principle in October 1999 recognised that there are some people who are living on earnings which are not acceptable these days to provide for an income, as a preceding speaker said, and when I have spoken on this subject before I have pointed to what would be classed as being the basic level of living as outlined by the social security division of the Department of Health and Social Security and no matter what is said, it is not right that we should have employees in the Isle of Man who, to be able to reach the very minimum standard of living, and it is a minimum standard, it is not living any luxurious way of life, we have to supplement those incomes by actually entertaining paying the taxpayer's money out in the form of benefit.

Now, at the risk of again going over previous ground which I have outlined but with the knowledge that there have been other contributors to this part of the legislative process, I still return to the fact that the Isle of Man obviously is enjoying a financial boom. I am told that we should be looking over our shoulders, that the decline is coming, the markets are

dropping and heaven knows what is going to come down round our ears. That is not the perspective which I obtained from a representative of a property company conveying, selling houses in the Isle of Man. I specifically asked the gentleman, 'What is the situation? Is there a levelling out of the property market?' Nothing whatever of the kind. A house in my constituency, a bungalow rather, which I thought was way overvalued at £150,000 18 months ago, you pass it now and you say, 'I wish I had had the resources to buy it at £150,000 then because it is now going for £195,000 and it has not had any work done on it.' So do not tell me that the economy at the moment is levelling out, but I do respect the views of those who say eventually it will, but that is not what we are talking about here. We are talking about ensuring that everyone who works in this Island of ours will be, with the exceptions and there are many, there are many exceptions built in now. In fact you could easily reach the point of view that the Bill is a long way from what was intended because if there is one thing we are good at in government or people are good at in governments, it is to get a principle agreed and then try and write in so many exceptions that in fact it is nowhere near the original principle. It was certainly a lesson I learned here pretty early on, because when you have taken out apprentices, when you have taken out certain age capacities, when you have taken out certain employments and certain hours and everything else you will be left with very few people, and the preceding speaker said he did not think there were many employers in the Isle of Man deliberately trying to pay low wages to feather their own nests. I agree with that, I doubt that there are, but up to fairly recently there most certainly were and if this has done nothing else whatever, it has brought people to their feet, it has made them look and see: are we on a rip-off situation here? We know who they are or were. There were certain unscrupulous people who just declined to have anything whatever to do with social legislation, they just rode roughshod over people and they did not actually care tuppence about their employees.

But over the years there have been substantial improvements even in the period which I have worked, which is only about 40 years, there have been major changes to the conditions which applied then and this is only the latest and there are more to come, though not to ridiculous levels where everybody is so protected that no-one would even contemplate being an employer and particularly in the red tape element of being an employer where it can absolutely strangle them to the point where they say, 'It is not a profitable business because I need to employ someone that I did not previously need to employ, purely to do the red tape, bookkeeping et cetera.' In small businesses it is absolutely strangulating some of those operations and even the British Government managed to recognise that last week and eased up on some of the obligations there.

Now, preceding speakers have put faith in the department to produce the acceptable figure. It is tempting now to say that figure will be £4.10, dead easy to do because it has actually been done for us. I suggest that we can go better and I hope that the representations that will be made, which the hon. member the mover of the Bill has said he promises to bring forward after consultation, will attack it from an independent point of view, not looking to see what we can get away with. What will satisfy my hon. colleague from Onchan, what will be the least that the beloved Mr Moffatt and his cohorts will accept? What we can get away with. I hope it will be attacked from the point of view or addressed from the point of view, what can be afforded, what can the economy reasonably expect and how best can we do for people? Not how badly we can get away with it so as to just shut

them up in the House of Keys. Do something. Go forward and say, 'Look, this is what we're doing for you.' Now, I moderate my point of view to that, I am content to rely on that.

If the obligation is given, and I have no reason whatever to doubt the motives of the department on this, I believe they are sincere, they must tread carefully through those who come along with the big guns. As I have said before, they must make sure that they are not told by people 'If you do this there will be a wholesale emigration from the Isle of Man, certain employers will go.' They will go all right, but they will go where their goods or their manufactured requirements are, whatever the industry they happen to be in, they will perhaps go to where they can get away with being in the business and paying a lot less, and I regret to say that that will not be a case of departing from the Isle of Man to the United Kingdom, nor from the Isle of Man to southern Ireland. It is more likely to be following the trend which we have seen so much lamentable direction of recently, which is to actually head a lot further away to the Far East and actually have virtually slave labour. It still exists if you go to Hong Kong and to my shame I was one of those who ordered one of these overnight suits that you get made up for a hundred pounds, a made-to-measure suit overnight a few years ago, and I have regretted it ever since because I found out when I went to collect it that somebody had been up all night doing the thing, though you would not have thought it when you saw it on me, but in actual fact, or maybe that was why, this product had been gained by three or four people up in a sweat shop knocking these suits out at an incredibly low rate of pay. Now, you might argue that is a better rate of pay than they would have got if they were not making suits because they would not have got any rate of pay, they would not have got anything. But you cannot go round hearing that responsible British organisations are going to pull out their labour from the United Kingdom, from the Isle of Man and take it to the Far East just purely to actually save labour costs. Are we going to condone that? I do not think we are by doing this, but what we are doing is to actually satisfy a growing requirement that everybody should share in the prosperity that the Isle of Man has had. I am expecting to hear a few groans there because it is a drum I have banged before, but in fact what you have got is the opportunity here to make sure that the faithful people of the Isle of Man who are struggling along on a low rate are actually brought into the fold to some extent, where they can say, 'The government had a good go for us and tried to help us, tried to bring us onto some kind of minimally accepted rate where we do not have to sit in great worry as to how to make ends meet.' I could not concur that the average family shopping bill is anything of the nature outlined before, you can get by with a lot less than that, but you still do have massive costs and in other places we shall be addressing some of those basic costs, such as the absolutely terribly high gas prices, electricity prices, fuel prices, et cetera, not for this debate, but all drip, drip, dripping into the family economy.

We have the chance to do something here. We are not saying that we want the employers to go. It is not a case of a cull, because you could easily use this to actually cull many if you did not want many of the employers of the Isle of Man, you could see them off, as they would say in the Isle of Man, in one foul swoop. One fell swoop is actually the expression, but you could because you could bash this up and see them all off and there are some, very few, one or two, I am sure where we could say, 'And good riddance too.'

So we are seeking to raise the standard. I do not honestly believe, for all of the comments that have been made, I do not think many people are electioneering with this. I

certainly am not. I would say that no matter what period of the five years we are standing here, these would have been exactly the same remarks I would have been making. I am not trying to get anybody on board for an election. It is a principle I would fight long and hard for, that in a booming economy such as we have here we actually look after those few people. Perhaps it is only a few, perhaps we are spending a lot of time for 50 people at the most, but if it is 50 people or one person or 500 the principle remains the same. No-one should be expected to work an ordinary 40-hour week or whatever the equivalent is these days, because you only need to look at these answers we have, provided by the government departments, and I accept what the hon. Sir Miles Walker has said, that it is dead easy for us to pay as government, but not many trade union organisations are sanctioning fully paid up craftsmen, apprentice time-served craftsmen, in fact I do not think any are paid and when you see these, the answer to all of those questions, the written answers to the hon. colleague here, for government departments is there are none who are on less than £5 a week, so why should that be the case and yet we say we are not going to pay other people? If the government can afford to pay it, and some of the cases are way over, then the very least we can do is look at how near to that can we get without throwing the baby out with the bath water?

I have moderated maybe a little bit and that is no bad thing, I think that is what we are here for, to listen to a debate, and in actual fact if it does not come up to £5 I will not be unhappy, because I will know, I hope anyway, that every possible view has been taken by the department of all the input that has been made and I call upon them to reassure me that they will not be hammered by those who claim that they will be off if you do this, but rather listen to those who would say, 'Yes, we will do the very best we can possibly afford' and go in with that premise. Thank you, Mr Speaker.

The Speaker: If nobody else wishes to speak I will call upon the mover, Mr Shimmin, to reply, sir.

Mr Shimmin: Thank you, Mr Speaker. I was not quite sure how much discussion there would be this morning and I think a number of comments sufficient just to acknowledge previously stated viewpoints.

Within the consultation process we will be going through all the *Hansard* records of the debates and those points being brought forward today and on other occasions will be borne in mind.

I would like just to concentrate on a couple of moments of time with the previous speaker's comments. I was a little bit concerned when he gave the impression that there are many exceptions within this legislation. This is probably one of the most inclusive Minimum Wage Bills the world will have ever seen. If one talks about a minimum wage elsewhere, the number of exceptions in those cases, I can remember last week the hon. member for Ramsey, Mr Singer, was looking through the internet in the United States of America, and the amount of exceptions within the states that say they have a minimum wage is nothing to do with what we are talking about today, so in all jurisdictions, including southern Ireland, the United Kingdom, the exceptions are far greater than we propose to bring forward in this legislation.

I cannot remember whether the previous speaker, Mr Cannell, was praising or just commenting upon the level of bureaucracy, but I did say in my speech at the start that an important feature of this is to try and reduce the level of bureaucracy on employers, still ensuring that they take due regard of the legislation but not to burden them with unnecessary extra bureaucracy.

When Mr Cannell talks about potentially driving away to sweatshops, that is theoretically what could happen under this legislation in certain areas and we would not be able to control where employers would take their business, but if the level picked was enough to drive them away from the Isle of Man, then inevitably the purpose for that would be to go somewhere where the wage salaries were much less and in effect that is what we would do. What we must do is make sure that we can hold our heads up with the levels that we propose as being appropriate for the Isle of man.

The comment regarding the government pay I think was well covered by Sir Miles. It is one where that is not our money, that is taxpayer's money. When we are talking about business it is the success and viability of that business. Now, for us to impose a level which will damage them is necessary. The ones everybody has accepted who are paying below a reasonable level, yes, they should be affected and brought in by this legislation, but everybody has commented upon the difficulty of doing this. I think that is for another time. The legislation is before us now. We are aware of what we as a department, with Treasury, have to do in the future. It will be our attempt to come back with the right figure, but that is not our choice. We will come forward to another place with a figure and it will be up to the will of Tynwald to evaluate the grounds on which we have come forward with those figures. If Tynwald is not satisfied they will let us know and we will have to go away and make alternatives, and I would hope that hon. members will appreciate that throughout the debate on the minimum wage to this stage I have deliberately avoided putting forward a figure of my own, because that is not appropriate. The legislation is here, the regulations will only be finalised after consultation and it is only really at that stage that I would like to comment upon an actual figure, sir. I beg to move.

The Speaker: Hon. members, the motion is that the Minimum Wage Bill be read a third time. 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, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Houghton, Henderson, Cretney, Braidwood, Shimmin, Downie, Mrs Hannan, Messrs Singer, Corkill, Cannell, Gelling and the Speaker - 19

Against: None

The Speaker: Hon. members, the motion carries, 19 votes in favour and no votes against.

Income Tax Bill — Third Reading Approved

The Speaker: We now move on the order paper to item 19, the Income Tax Bill for third reading, the hon. Treasury minister, Mr Corkill.

Mr Corkill: Thank you, Mr Speaker. This short Income Tax Bill confirms the temporary taxation order approved as part of last year's budget. It tidies up a couple of minor problem

areas and it prepares the way for the major update of our income tax legislation which is in keeping with the taxation strategy approved by hon. members in Tynwald in October of 2000. I now look forward to hon. members' support for this Bill. I beg to move, Mr Speaker.

The Speaker: Sir Miles Walker.

Sir Miles Walker: I beg to second, Mr Speaker, and reserve my remarks, sir.

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. An issue has come to my attention and that of my colleague Mr Henderson in respect of cohabiting couples who are unable to enjoy the transfer of income tax allowances from one party to another, as is the case of course with married couples. There is of course an arrangement whereby cohabiting couples who have their own children are indeed able to have their tax allowances transferred between each other. One of my constituents has lived with a partner for many years. Unfortunately, due to ill health my constituent's partner is now unable to work and is receiving benefit. The rate of benefit is inadequate and does not cover the minimum amount required to maintain a comfortable living. Therefore my constituent is caring for her partner out of her earnings, a situation which she readily accepts. However, it is my opinion and I am sure the opinion of other members of this House that, especially in cases such as this one I have described, there should be the ability for one partner to elect to transfer his tax allowances either in whole or in part to the credit of the other partner.

I would suggest that if acceptable, this scheme could be imposed after a five-year period so that such a scheme would address those cohabitants who have lived and continue to live together under the same roof for a long period of time.

I have already raised this matter with the hon. Minister for the Treasury and mover of this Bill. May I ask, therefore, whether the minister would arrange for an appropriate amendment to be drafted and moved in the Legislative Council for eventual consideration in this hon. House. I do hope that the minister will give serious consideration to the proposals which I have set out today. Many people who find themselves in this situation would be extremely grateful, sir. Thank you.

The Speaker: Mr Henderson.

Mr Henderson: Yes, thank you, Mr Speaker. I rise not surprisingly. I cannot second it, but I would if it was an amendment or some such. But the point is my hon. colleague and friend for North Douglas has raised an interesting point. It is a serious point and it is an honest endeavour to address a very genuine anomaly which is causing a problem at the minute and I would support the endeavour for an amendment and certainly it may help others in the same unfortunate predicament. I would call on the Treasury minister to make some sort of comment in his reply to this Bill because I see this as an ideal vehicle for such an amendment or rectification of the situation, Mr Speaker. Thank you.

The Speaker: If nobody else wishes to speak I call upon the Treasury minister to reply.

Mr Corkill: Thank you, Mr Speaker. The hon. member for Douglas North, Mr Houghton, did actually raise this with me in between readings of the Bill and I thank him for that because it did give me an opportunity to consider the point and in fact the lady concerned

who is his constituent and a constituent of Mr Henderson's also, obviously, has written to me with the issue that is on her mind. So without referring to any individuals any further the issue really is about transferring income tax allowances between people.

The Treasury, I think it was two years ago, and approved by Tynwald, did make changes which permitted equal treatment of children in effect because what we had was a situation where in the ordinary way of a married couple, married in the normal way with a child, that child was actually, if you looked at it from a family point of view, from the child's point of view, better off than a child born out of wedlock, as it were, in the traditional expression of not married.

Now, the point was made at that time that perhaps the state, or the Treasury in particular, should not be determining whether people should be married or not and the fact that a child who was being cared for by two loving parents, albeit not married, should be treated equally to that of a child born within wedlock. So the rules were changed and there was a bit of a debate at the time because it does open up a number of issues when these changes are put into place. But it was agreed upon that where there is a child, where parents are not married, those allowances could be transferred from one partner to the other. The point that Mr Houghton has raised is that where there is no child, should that be also allowed and it is not allowed under the rules at present.

Now, the very first point that came to my mind was whether this system could be open to abuse, if the hon. member's suggestion was put into practice, but I noticed very carefully the hon. member's comments. He is saying that there should perhaps be some time provision, say, having lived together for five years, or some sort of qualifying factor, and of course it is an offence for someone to knowingly submit incorrect information on their income tax form. So maybe the abuse issue can be overcome, but it is something that Treasury certainly would wish to investigate fully because one could potentially imagine creative accounting on income tax forms where in fact people who do not even live together claim each other's allowances, and that situation would obviously be of concern.

What I would point out to the hon. member is that we do have an evolving taxation strategy at the moment and one of the things this tax strategy is going to have to be very cognisant of is the human rights legislation and I would suggest that this very issue is a human rights issue and perhaps should be looked at more in the round rather in isolation. So the hon. member's offer for perhaps Treasury to try and amend this in the Legislative Council I think in the timeframe available is not achievable.

Now, I do hope that the hon. member does not think that is a blocking mechanism. It is not meant to be that at all. But what may well evolve from our taxation strategy could be a situation where we do not have allowances any more but we have a system of tax credits which would be equal in terms of the human rights legislation.

This is a very complicated area and I do not think, although I admit the hon. member Mr Henderson said that this Bill was an ideal vehicle, I suggest that all Bills can become ideal vehicles, if in fact we have an idea that we want to launch. I would ask hon. members to resist that and obviously we are at the third reading stage anyway with this Bill. But what I would like to say to the hon. members for Douglas North is that we will seriously consider these points because the issue when we addressed it was focused on the child and equal

treatment of the child. Now we have got a debate developing where we are moving away from that and I would suggest that the debate could move even broader in terms of how we treat individuals and how their allowances could be transferred to each other, two people living under the same roof, and I think that needs some very careful consideration and it needs to be taken into account in the round as we develop our taxation strategy.

As I said during the course of this Bill, this small Bill is a platform basically for reform. It brings in certain anti-avoidance schemes, or anti-avoidance measures, I should say, which will prevent people taking an opportunity whilst we progress this transition to our new taxation strategy. Those are effectively time-limited provisions and are there basically to stop creative accounting, as it were.

I hope the hon. members for Douglas North, who in fact have been the only two members to speak on this third reading, can take my assurance that we will carefully look at this issue of transferable allowances as part of our taxation strategy as we move forward.

The other issues that have been raised during the debate of this Bill at the different stages have not been raised at this third reading and I will not go over those. I think people's views have been made quite clear on those.

With those assurances, Mr Speaker, I hope hon. members will be able to support the third reading and I beg to move, sir.

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

Fair Trading (Amendment) Bill — Third Reading Approved

The Speaker: Item 20 on our order paper, the Fair Trading (Amendment) Bill for third reading, Mrs Crowe.

Mrs Crowe: Thank you, Mr Speaker. The Fair Trading (Amendment) Bill is a complex Bill which updates existing consumer protection legislation and introduces totally new provisions and in moving this third reading I would just like to remind hon. members the principal objects of the Bills. They were: to make new provisions for the regulation of pyramid selling and other similar trading schemes; to extend the scope of anti-competitive practice provisions found in the Fair Trading Act of 1996 and to cover the activities of cartels; to replace existing and introduce new provisions given under unfair contract terms in consumer contracts; to widen the definition of 'unsolicited visits' for the purposes of the Consumer Protection Act of 1991 and make it a criminal offence not to provide a customer with a notice setting out his right to cancel a contract; to introduce new provisions governing distance selling to consumers by providing rights to cancel contracts and requiring contracts to be performed within 30 days.

The Bill makes new provisions for inertia selling to consumers by giving them additional rights when receiving unsolicited goods.

A major part of the Bill is devoted to the resolution of financial disputes and the setting up of a financial services ombudsman scheme by the Office of Fair Trading, and also within the Bill is an enablement that government agencies be more effective in fighting crime.

The Bill makes an exception to the general rule against disclosure by permitting the release of information in certain circumstances which has been gathered whilst enforcing our legislation.

The Bill also provides for certain functions of inspections of weights and measures to be carried out by authorised officers of the Office of Fair Trading and with the many new and additional duties placed upon the office by this Bill this is vitally important.

Members also approved a new clause to be inserted into the Bill dealing with excessive prices. The new clause moved by the hon. member for Ayre, Mr Quine, and subsequently amended by the Minister for Trade and Industry enables the Council of Ministers to take positive action against excessive prices, that is, following a price investigation and a commission report Council can request the office to seek an undertaking from the person charging the excessive prices or can make an order, which is subject to Tynwald approval, requiring the person not to charge more than the specified or amount determined by the order.

Apart from the amended new clauses, only one other amendment was successful and that came from the hon. member for Onchan, Mr Karran, whose amendment ensures that financial complaints are dealt with by an impartial arbitrator who has no involvement in the supply of financial services which are the subject of that complaint.

Mr Speaker, there were very few questions posed at the clauses stage and none remains unanswered and so rather than detailing any of the clauses further, I would seek the indulgence of the House and your permission, Mr Speaker, to move that the Fair Trading Bill be read for a third time.

Mr Houghton: I beg to second, sir.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I will obviously be voting for this Bill, as I think everybody else will, but I do still think that on the likes of the issue of the financial ombudsman, when we are bringing in legislation that has been accepted through royal commissions in the United Kingdom and the likes, I believe that this House has to remember that when it does do legislation, it does like-for-like legislation and I am concerned about the issue of whether it is just a point of law that an appeal can be done.

Now, I agreed with the hon. mover when we were talking in the clauses stage that we do not want a situation where individuals can be adversely affected from getting a legitimate claim against them. I have no problems about that, but at the end of the day it would have been hopefully her board that would have been fighting any argument over the issue.

I also feel that on schedule 2A of schedule 1 on page 43 there should be something specific regarding the practice regarding full payment prior to satisfactory installation of such things as kitchens, conservatories and double-glazing. In these circumstances a maximum deposit should be 20 per cent of the total supply of the installation costs to be allowed for prior to successful completion of the work, as I do find that we are having problems as far as people being told to pay in full and then having the problems of not getting the services that are required. Now, whether this is over-oaking the egg or whatever some would say, I just think that obviously I do not expect the Chairman of the Office of Fair

Trading to have many views on what I am raising at the present time but I just hope that she takes on board this issue that has been raised with me regarding this piece of legislation.

I am happy that the chairman took on the points as far as making sure that we are not having people investigating other people in the same industry whilst both working as far as that is concerned.

But I will support the Bill. I wait with interest to see what comes of the initiative of the hon. member for Ayre over the issue of monopolies and such. I think that should be something that will be interesting to see and maybe the chairman can come back and tell us what initiatives are going to happen as far as the hon. member for Ayre's proposal and the amendment that came from the minister on the issue of gas in particular and of coal. I think people forget the cost of coal on this Island is phenomenal and I think these issues need to be addressed.

The Speaker: Mr Quine.

Mr Quine: Thank you, Mr Speaker. I rise to be very brief indeed, sir. I just wish to thank the Chairman of the Office of Fair Trading and indeed her officers, who were particularly helpful, for being open-minded and helpful in respect of the amendment which I discussed with them and which I ultimately moved and to thank the minister indeed for further refinement to that amendment on the floor of the House. I believe it does provide the office with a more complete set of powers to deal with that small group of businesses which are not subject to the normal powers of competition, the normal influence of competition, and I think it will be a very useful weapon for the Office of Fair Trading to have available to them. So I thank both the chairman and the minister for being helpful in allowing that amendment to go forward.

The Speaker: Now I call upon Mrs Crowe to reply. Mrs Crowe.

Mrs Crowe: Thank you, Mr Speaker, and I am grateful for the thanks from the hon. member for Ayre and I would say that, whilst we were very appreciative of his discussing the proposals of his amendment, we in no way agreed to that amendment, indeed until we had seen and considered the amendment that was brought forward, but it is always, I think, most helpful to departments when they are involved in legislation to have anyone that wishes to make a proposal for an amendment discuss it with one first. I do think it is a helpful way forward.

With regard to the hon. member for Onchan, Mr Karran, I am afraid we so often get told we should not be following legislation like for like and now I am told I should be following legislation like for like. Well, in this particular case with ombudsman schemes the legislation is almost identical in most ombudsman schemes, and the point that was made about appeals and the office indeed taking an appeal to court - the office is there purely and simply to act as a facilitator for the ombudsman. The ombudsman will make the decision. This decision will be final. This cannot keep going on and on and on. The point of an ombudsman scheme is the point that a consumer does not have to go to court. It is helpful to both the consumer and the supplier when the decision is reached by arbitration and I think that is the way we wish it to work and we do not wish to disadvantage the consumer.

With regard to the schedule that the hon. member for Onchan, Mr Karran, referred to, regarding kitchen fittings, well once again this has been brought in because it was the case that people were actually paying in full for a kitchen prior to its arrival and prior to the fitting. So the consumer was really doubly disadvantaged, so by inserting this in the schedule it means that only a portion of the payment can be taken in advance. At the moment the full payment is being taken in advance which I think most people would consider to be a disadvantage to the consumer. One does of course recognise that a lot of these kitchens are made for a particular purpose but to take the full payment in advance and the payment for fitting we considered to be rather unfair.

I do hope that has answered the points that have been raised, Mr Speaker, and I beg to move the third reading of the Fair Trading (Amendment) Bill.

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

Road Traffic (Amendment) Bill — Second Reading Debate Resumed — Motion Carried

The Speaker: Item 21 on the order paper, the Road Traffic (Amendment) Bill for further consideration of the second reading, and I will advise hon. members that the following members have spoken: Mr Houghton, Mr Downie, Mrs Crowe and Sir Miles Walker. Is there anybody else? Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker. I would like to add my support to this Bill. It has been a long time in coming and I know the minister knows my view. I have been campaigning for a number of years now, particularly for clause 9 in which we can vary the yellow lines round corners, instead of the seven metres, particularly with the nonsense where we have in one-way streets yellow lines going up both sides of the road if there is a small lane coming on, and I am glad that this will enable additional parking spaces in congested areas.

I would also like to bring up clause 5 which is the appointment of parking controllers. This will hopefully lead to better monitoring of the disc zones and I presume that parking controllers will be self-financing.

Just one small other point I would like to raise on clause 18, the registration of trailers and paying for a licence, I presume if they have to pay for a licence, then the trailers will be able to park on the highway. Thank you, Mr Speaker.

The Speaker: Mr Quine.

Mr Quine: Yes, just one point I would ask the minister to respond to. Clause 5 of course enables the Department of Transport to appoint parking controllers and corrects an omission in the provisions relating to fixed penalties. That is fairly straightforward. My concern flows from that. We have a police force. Under the auspices of the police force, the home affairs department, we have controllers. It is my understanding that they are for operational terms, they are controlled through the police force. We have of course - I think I am still right in saying that this is still the case - harbour police, we have police at the airport. Now we are proposing to create a further controller, police officer, if you wish, who is going to come under the control of the Department of Transport. This does not make

sense to me. I believe if we are going to enter into a realm where we are going to have not just the police force but little mini-police forces working for different departments we are going to get ourselves into a bit of a muddle, and I think that there is a matter of principle to be decided here, and I would like to hear from the minister that the Council of Ministers in fact have discussed this principle, and that is the extent to which we should permit other police forces, other controlling bodies such as that proposed here, to be created. Where does it start and where does it stop?

So I am very unhappy with the underlying principle that really, I believe, lies behind clause 5 and I think some explanation is due. I do not think it is sufficient, as I have heard at least one member close to the department say to me, that this has come about because the controllers in the Home Affairs in the police regime are not sufficiently on call or subject to direction from the transport department and therefore because of that deficiency, that dissatisfaction we are going to create another body. I hope that is not the case. I believe we have to think long and hard before we move away from the police force itself and start creating these miniature bodies. I really believe that we should have gone the other way round. I think we should have brought police forces, controllers, whatever you call them, those that are under the harbour board, now under the DoT, the harbour police and the airport police, they should have all come under the Chief Constable because - and this is where it will show - one of these days you will have an emergency situation at the airport or at the harbour and you are not going to have the integrated control that you need to use that resource. (**Mr Houghton:** Hear, hear.) I have seen this over many, many years and I can assure you that most countries police forces stay in the driving seat because they have the command and control mechanism, and also of course being part of a larger body, you have the flexibility in the use of the resource and you have economy in the use of the resource.

Now, the only economy that I can see arising from this is that we are going to be employing controllers at a lower pay rate than we would to employ the police. But if you relate that to the broader aspects of policing of these key areas, such as the harbour and the airport, and even in the area of parking control because we are talking about criminal legislation, then I think we are moving in the wrong direction and I will take a great deal of persuading to lend my support to the creation of a further police force, small though it may be.

So I do look to the minister to try and explain all of this to me and to assure me that the principle which I have spoken has been addressed and how they have concluded that it is in the interests of control and efficiency generally and economy generally to have what appears to me to be a further increase in these small police forces.

The Speaker: Mr Rimington.

Mr Rimington: Thank you Mr Speaker, just a couple of brief points, if I may, please.

First of all I welcome clause 13, allied to schedule 2 and the introduction of enabling powers for cycle paths and bridle ways and I am wondering if the minister, in his summing up, could give an idea of how that might be applied and what practical scope there is our Island situation for the application of that section.

The only other issue, if the minister could outline in his reply, is in terms of the registration marks and trailers, and by this I do not mean large commercial trailers but the sort of trailers which tradesmen use, working trailers behind a vehicle or a van or so forth, and it is often the case in that field of operation, and I do speak from personal experience in this, that such trailers are often borrowed by others to move property and they have to put on a temporary registration mark and, provided the lighting system et cetera is all up to scratch, that temporary registration would most likely be a plank of wood tied to the rear, so that the mark of the vehicle which is towing it is clearly illustrated and it meets all other legal requirements. Would this legislation be an impediment to that rather general practice that takes place? Thank you.

The Speaker: Mr Rodan.

Mr Rodan: Thank you, Mr Speaker. I want to welcome and of course support this legislation, one of the main reasons being that it embraces areas that from a constituency point of view are so often the subject of correspondence between myself and the hon. minister's department, whether it be the roads themselves, the capacity of the roads, the state of the roads, the narrowness of the roads, the traffic on the road, the speed at which they travel, the way the traffic parks on the road and the mud brought onto the roads by traffic et cetera et cetera. So much of my postbag appears to be embraced within this legislation, and the question of speed cameras, for example, the question of parking on narrow roads and near junctions, the introduction of varying speed limits and roadworks undertaken by statutory undertakers, the people that dig up the roads and fill in the holes again.

My specific question really to the minister is clause 24 requires that mud brought onto a highway by vehicles is removed and warning traffic signs are put up. Is this the new creation of an offence? Was there no provision in place previously for dealing with this problem?

In a similar vein, clause 27, which enables the department to direct when roadworks by statutory undertakers may be carried out and to issue a code of practice for such works, is this code of practice, similarly, a new thing? Because if it is new, then it is long overdue and I particularly welcome it, but if he could just clarify what existing measures, these two questions of the mud on the highway and the code of practice for the people that dig up the roads, the extent to which this is new and replacing the existing provision and how it improves on what was there previously.

But I do very much welcome what is contained in here, not least because, as I say, many of my constituents regularly complain to me about various issues related to traffic and highways, having said which, I have never found other than the utmost helpfulness by officers of the hon. member's department in trying to resolve some of these problems.

The Speaker: Mr Cannell.

Mr Cannell: Thank you, Mr Speaker. I think the preceding speaker has put his finger on it really, that these are many of the problems which bedevil us from time to time. If we could just add overhanging bushes and a couple of accumulations of water in the gutters I think it would be complete really, and it is absolutely amazing how you have to go along to people whose major problem of the day is the fact that there is a bit of water in the gutters

and say with a straight face you will try and do something about it when in actual fact of course you could take them round the corner where there is a lake in the road.

But one clause which I very much welcome in this Bill which is before us now is in fact right at the front and the hon. member has been as good as his word because I did have a question down regarding the difficulties of traffic to and from construction sites and this appears to go a long way towards addressing that in that although I in fact was urging an attempt to couple this with the planning department, in other words where a major construction site was proposed, that planning be only granted once it had also incorporated an agreement for all parties concerned to use certain routes, this should actually go a good long way towards that. So that is clause 1 which I very much welcome and particularly of course it could be demonstrated with the big development currently taking place in our constituency at Groudle Glen. You actually have there roads which were never intended to take traffic of such weight and they literally are just breaking up now, but the traffic going along what we used to know as the Old Groudle Road to the Groudle holiday cottages, although it is in fact getting hammered, it is still much better to have the vehicles travelling along that than it is to have them going down through the residential areas which they were, so at least we will be able to put some rick on that.

On clause 2, the road closure for filming, I am less certain about that. I await an assurance from the minister but, welcome though it is and although the hon. minister behind me here would tell me of the great financial input the film industry has to the Isle of Man, which of course I would not for a moment doubt, there does appear to be the opportunity to just slap on, or previously was, slap on instantaneous road closures. In fact we did have at a prominent area of Douglas at one time the entire junction shut to the detriment of through traffic for about three days and when I went to see the actual filming under operation the whole thing was at a complete standstill for hours on end and in actual fact they could have easily had the road open for that purpose. So I hope that the film people in the future will be told, 'Yes, we can offer you this fairly unique facility but let's do it responsibly' and let us not just say, 'Well, we're going to make a piece of a film which will probably, after the cutting room floor, end up as a minute and a half and we've spent three days to get it.' Let us be sensible about it because road closures are going to come under increased pressure in the Isle of Man, and we are coming to a subject close to my heart with the motor sporting events. We can already see that in fact there is a resistance to having road closures at the drop of a hat. So I hope the film road closures will be properly structured and will properly be enabled to give the maximum advantage to those who would use it for other purposes, welcome though the crews are and welcome though our industry in that diversified economy is.

The other clauses - I am not going to go through every one, you will be pleased to hear - in actual fact we are entering new eras here particularly with what I saw described as 'new technology'. It did not seem very new to me to think of speed cameras, in fact they have been with us, I would think, for about 20 years now, but the question is do they fit the needs of the Isle of Man, do we need to go into such technology as that? I deplore it to a certain extent. I regard it as inevitable but in fact I deplore it because we are getting now into the point where you virtually cannot move in any situation without actually being filmed by CCTV.

Now, I know the argument is, 'Okay, well if you're not committing any offences what's the rub?' But it still is an infringement of a liberty which I am sad to see go. Speed cameras probably do not quite fall into that, but the Isle of Man in general of course, without having an overall Island speed limit, is not yet in a position of curtailing some reasonably responsible driving at fairly high speeds in the correct circumstances and I hope equally use of the speed cameras will go a long way towards addressing that.

The testing of vehicles - I was wondering how far the minister was intending to go with this Bill here. I see it is predominantly for trailers but I wonder if we are moving eventually to full MOT testing of vehicles in the Isle of Man, and this morning as I drove along I saw the eternal problem of the bangers parked around the Island. Some of them are still there, you can tell them - the tyres are flat and the shingle is underneath them on Douglas promenade - and in fact even in other constituencies such as Garff the hon. member would say -

Mr Henderson: And West Douglas.

Mr Cannell: - and West Douglas and around Onchan there are difficulties with abandoned vehicles, which indeed the department, to be fair, have addressed.

But one thing which has added to the great list of constituency enquiries which you get of course is the dreaded problem of parking in the hammerhead junctions where in fact you have created a housing estate, you have put a small hammerhead in, most of them not even sufficient for cars to be turned in a circle, which in fact was supposed to be the idea of having such a type of operations where you could come in, in fact there is a good one in Onchan that is hardly used, but some of them you can actually turn a car in them but most you cannot, it is a three-point turn, and now in fact if you go into any vicinity there you have had it, you are blocked in you cannot do a three-point turn because there are so many vehicles there either parked on the pavements or in the hammerheads and it is very, very bad for residential estates. It is beyond me as to what you do with the vehicles because they have got to go somewhere, but I do think that is another case where the department could represent to planning that although they say you need a certain amount of parking space per vehicle, that parking space is not infringing on people who do not have vehicles or only have one, because you have got now people with three, four, five cars all trying to find somewhere to park them. What they do of course is it is first up best dressed or in fact first back best dressed and you just grab all the places and when the people with their single cars come along they cannot park outside their own houses. Now, I know that is not a right either, but it is a pain and you end up with a complete line of vehicles right down the kerb. In some places in fact it is even blocking off, again no legal obligation to have a view, but places where a view might have been enjoyed by people in former days now, they see vehicles just marginally under the length and weight and height where they could be shifted out as being heavy goods vehicles, they are long, light industrial vans, I suppose you would call them, but they have double-glazing attachments, they have ladders on the roof and they are all parked around the streets and it is pretty unsightly.

So I suppose the Road Traffic (Amendment) Bill is a good long step towards it. It has certainly got plenty of clauses and to implement this and actually police it I see on the back about approved by the Council of Ministers. I do not know whether the Treasury is included in that but I should imagine the cost of policing this, if it is going to happen, because it is no

use having all these regulations if nobody does anything about it, you may as well actually have a taskforce particularly dedicated to it and the sooner we do that the better. It really is a headache for people as to how parking should take place and your life is in your hands. Every junction you emerge from these days you put the front of the car out and you are just waiting for the crunch because you cannot see. So I welcome the fact that we are reverting - in fact in my driving test days I think it was 25 yards from a junction you were not allowed to park. Recently we have seen parking legalised right up to the junctions. We now seem to be pulling back from that and I for one am extremely glad.

So I welcome the Bill and I thank the hon. minister particularly for clause 1 which, if that is to be actually policed, will go a long way to satisfying people who see great wagonloads, 20, 30 tonnes of topsoil and building materials, roof trusses and that going through highly packed residential areas and risking life and limb for children who might be in the area, particularly with the big developments which we are not finished with yet, I do not suppose, and in fact I see that work is about to commence on yet another large construction on the edge of Onchan at the Douglas Bay Hotel and that of course goes along with the Majestic which is happening just around the corner, so all in all the residents in lower Onchan, with Groudle Road, have got quite a bellyful on them and I think they will also perhaps welcome this. I will not claim that I have done it all but I am very content to see it.

The Speaker: Mr Gilbey.

Mr Gilbey: Mr Speaker, I would like to congratulate the hon. minister in bringing in clause 6 which enables the evidence of speed cameras to be adduced in proceedings for certain offences and enables the department to install such cameras.

I, some years back, tried to move an amendment to enable these to be installed and used but then was unfortunately not successful, but I am delighted that they will now form part of the armoury of methods that can be used to try and control the speed in built-up areas in particular because one of the biggest complaints I get from people in the villages that I represent is the fact that constantly, particularly in rush hours, vehicles drive through the villages at well over the designated speed limit, with a danger to anyone there, children and animals in particular, and I believe that anything we can do to stop this is to be warmly welcomed and therefore I would like to ask my hon. colleague the minister when he thinks he might be able to have the necessary documentation ready to enable these to operate and also to bring in the first ones in operation, obviously on a trial basis. I can see them having an enormously beneficial effect in some of our villages because you cannot have police radar patrols there the whole time, but one does know that when radar patrols are there and for a short time afterwards the speed is reduced, but then people forget about it and start speeding again. Hopefully permanent cameras or even dummy cameras would have the effect of slowing down vehicles permanently.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I am a bit concerned about a couple of issues. One is to do with clamps. I would be interested if the mover can give us some more idea of what he wants to see prescribed as far as the charges and the likes that will be in regulation or whatever as far as that is concerned.

I have to say that whilst I will support this Bill, as I say, and I will be happy to give it a second reading, when it talks about it enabling the evidence of speed cameras as far as the proceedings for certain offences is concerned I welcome that and I have got no problem: speed kills and it is something that needs to be sorted out. But I do get a little bit concerned when we deal with the judiciary, that we have a situation where you actually end up being more of a criminal for road traffic offences than for other issues that are just as dangerous and are just as detrimental to society, and I do hope that we do not allow this situation to try and almost cloud the issue.

I am happy for this to be part of the evidence for any courts but I do get annoyed. I do think, as I have said in previous legislation, where you get into a car and you drink and drive, yes, you should be punished. I have argued that random breath-testing would be the way forward as far as that is concerned. But it does annoy me that in this House we can see that scenario where there could be a fatality where the law is used, but when the likes of the law cannot be used or it will not be recognised in this House for knowingly infecting people with life-threatening diseases, that is not seen as a priority as far as the law of the land is concerned, and I believe that there has to be some rationale as far as this is concerned. I do hope we are not going to see a situation where we end up more and more criminalising people who should be kept out of the criminal system when the real issues of violence, of harm, of theft and that go lower down in the priorities. So I just put that marker down.

I have to say that on clause 9 I am happy as far as the sympathising of the applying of parking as far as narrow roads are concerned near junctions, but I would have liked to have seen some more teeth as far as narrow roads are concerned. I think that where they need to be widened, in the issue of public safety there should be something done in legislation. I think it is criminal, in my former constituency where one regularly visits, up along Vicarage Road is a death-trap and there is something going to seriously happen there and there seems to be no way of getting the road widened, and I think that if there is a problem within the present legislation in order to resolve the likes of these issues, I would like the minister to tell me what needs to be done in order that these sorts of issues can be resolved because whilst I have got no problem with the issue of parking in narrow roads, I think that this is another issue that needs to be addressed and it is maybe the worst example that I can think of at the present time.

I would like to ask the minister if he would consider that I do feel the likes of where we have extended parking time zones around the likes of voluntary organisations, the like of churches, who then are absolutely persecuted with long-term parking on their car parks - I look at, for example, the likes of Trinity Church - is there any way you would consider extending the time zones to privately owned parking facilities that are run by voluntary organisations? I do not believe that the government should be providing this service for commercial undertakings but I do feel that where there are so-called private parking facilities and we aggravate the situation by extending our time zones around them, maybe we could have a little bit of flexibility in order to help these voluntary organisations to be able to be helped by the department by having this flexibility to help.

One of the other issues that has been a long-going sore as the member for health, and I have to be fair that the minister has intimated that he has said recently to get involved,

is that I do feel I would like to know whether the minister would accept an amendment that whilst we still have the hospital in Douglas, we should have some sort of parking permit.

I find it a crazy situation that the health services cannot issue a permit for the day for when an individual is going to see a consultant when we have the situation where you can be waiting for a consultant, if there is an emergency you have all the upset, the stress of having to go in for an appointment to see a consultant, you might end up having to have X-rays even CAT scans or whatever, and I cannot see how we cannot get some way around the intransigence over this situation between my department and the minister's department, and I am not putting blame on anybody at the present time, but I do feel that the last thing you need when you are going into hospital and you are in there for two hours or three hours is worrying about coming out to change the car, to move the car, when sometimes it is not very nice news that you are being given, and I do not think that it is out of the wit of the Department of Transport to come up with a scheme, and I do feel that we try our best within the health services to try and resolve this issue, but I do feel that that issue should be resolved, especially in that particular case when we have got a time zone around and the car parking facilities are full and I do feel that the people at maximum could get a free parking place there all day, but most of these people will more likely be elderly, more likely will not be working and more likely will not want to park in Douglas, so I would like the minister to consider that point if he would.

I would be interested to know also from the minister on clause 20, this requirement for third party motor insurance to cover accidents in public places as well as on public roads. Will this have any effect on individuals or with it becoming statute law, will this mean that the insurance companies will automatically have to cover this as part of the car insurance or will this not be the case? Because I would hate to have a situation where individuals genuinely feel that they are insuring their cars and find themselves at odds with the law and end up becoming part of the criminal system through ignorance, whilst I know that is no defence.

I would also be interested on the insurance issue, as an individual that brought a private member's Bill many years ago on it. What are the views, and I believe my colleague Mr Cannell has raised the issue not so long ago again, over the issue of insurance badges for all cars? Do you feel that that really is actually more important, to make sure that a vehicle has insurance cover than road tax? I know road tax is important to me as a member of this hon. House because the revenue goes into government and more likely goes into parts of my responsibility as well as every other member in this House, but I would be interested to know.

On clause 26, the issue in the course of a business to display 'For Sale', a sign on vehicles on the public highway. I would be interested to know what the definition is going to be as far as this is concerned because I honestly feel that we do need that cleared up quite positively so that there is no way that it can be used and abused because I do have some sympathy with the mover but I do feel that the definition in the course of a business is concerning.

Could the minister also inform this hon. House exactly what clause 31 does? I would be interested to know, as I have scratched my head with the situation over the position over Poortown and the amazing policy decisions that are being made where a building can be

obliterated at great public cost after being bought at great public cost with no firm commitment as to what is under those buildings, when the likes of myself have tried for a long time to get a youth hostel. That building would have made a wonderful youth hostel, but that is not an issue, I agree, Vainstyr Loayreyder, and I am out of order on that.

But on the issue of clause 31 I do feel that this house needs to see what the small print is.

I must also say that the harbour police and airport police are not police any more, they are security guards, and there is a great difference, and I have to be honest with you that I do not agree, whilst I bend to the far better knowledge of policing and law and order issues that the hon. member for Ayre is talking about, I feel that it has actually been a retrograde step and I actually believe that we should be trying to encourage local authorities to do the responsibility of policing of parking in my opinion. It should be delegated to local authorities in my opinion and be got completely away from government in total as far as I am concerned, and the fines that they get should help to offset the amount of money that is employed as far as those individuals are concerned.

I also would like to say that I have great sympathy as far as the written test is concerned and I would be interested to know what the minister's views are on the driving test as far as whether they need to have this written test done before they can have a provisional licence, as I do not think it is unreasonable at this present time.

The other issues I would like to ask about is clause 29 on the erection of bus shelters which I believe should be complimented, but I do find it rather amazing, as one of the original members that sat in this hon. House and was told that ministerial government was going to be joined-up government, that in statute law you have got to consult with one department with another department in primary law. It does seem a sad indictment on the architects of ministerial government that we have to have that in primary law when it was supposed to be that we were going to have this Council of Ministers that was going to be one big joined up government (*Interjections*) and I would say that I am a statutory board and I do not sit with you once a week, Mr Downie, unfortunately. (*Interjections*)

I would also ask the views as far as bridle-paths and cycle paths? Will there be any moves as far as this is concerned to try and get local government back involved in these issues? These issues should be back in the local authorities and should be in my opinion issues that should be -

Mr Downie: Vest the cycle paths in the corporation.

Mr Karran: - in their responsibility. They should be at the coalface giving the priorities to these different paths.

I will certainly support the second reading of this Bill but I would suggest that maybe there is a need for the odd amendment as far as the clauses stage is concerned.

The Speaker: Now, hon. members, as it is almost one o'clock and nobody else appears to wish to speak I will ask the mover to respond after lunch at 2.30 p.m. Thank you, hon. members, the House now stands adjourned.

The House adjourned at 1 p.m.

Road Traffic (Amendment) Bill — Second Reading — Debate Concluded — Motion Carried

The Speaker: Hon. members, we will resume our debate on the Road Traffic (Amendment) Bill and I call upon the hon. member for Castletown, the minister, to respond.

Mr Brown: Thank you, Mr Speaker. I thank the hon. members for their contribution to the consideration of the Bill before them and in an endeavour to respond to the points that were raised I will pick on the points that have been covered by members.

The second reading started on the 8th of the third and a number of members spoke at that time.

Mr Houghton raised issues with regard to the theoretical test for persons who wished to learn to drive a vehicle and indicated he is wishing to introduce an amendment to this legislation. I would say that I hope that members will give that very, very careful consideration if it does happen because the system that we are operating in the Isle of Man, I believe, is in the best interests of road safety for those who are wishing to drive as well as those who are not drivers and may be pedestrians, but I will cover that in more detail if and when an amendment is moved.

Mr Downie and the hon. member for Glenfaba, Mr Gilbey, and I think one other, mentioned the point about speed cameras. Again, we are making provision under clause 33 here for speed cameras. Hon. members may recall, as the hon. member for Glenfaba did indicate, that some years ago he endeavoured to move an amendment to introduce speed cameras. The reason we are now progressing this is because I believe it is an inevitable way forward in terms of dealing with road safety and also because technology is moving forward and has done since the time the hon. member moved his amendment at that time, because now they can use digital cameras and can in fact, as I understand it, feed straight back through the telecommunications system to headquarters and you do not have the problems that they encountered initially in the United Kingdom of having to change films and having cameras that were not being utilised properly.

As far as when they would be introduced, that would of course, naturally, depend on this clause being passed by the House, but also there would have to be a period of discussion and consultation with the relevant authorities, in this case the Isle of Man Constabulary, to see when it would be appropriate to introduce such cameras and of course the inevitable everybody wants it everywhere, and as we all know, we would have to determine which are the priority areas to introduce such a system. So I think in all honesty it has a bit of time to go once the Bill becomes law, but what is important is that we make the provision to enable the authorities to deal with areas where clearly speed cameras can make a difference, and over the years it has been proven that the effectiveness of the speed cameras, especially the new ones, has in fact had quite an impact on reducing speed in built-up areas. So I thank the members who raised that issue for their support.

A number of members raised mud on the highway and I would answer that by saying - and I think the hon. member for Onchan, Mr Cannell, was one and Mr Downie, the hon. member for Douglas West, was another - at the moment, whilst it is an offence to deposit anything on a highway, it is actually quite difficult to deal with mud on the highway because

the legislation is not quite specific enough. What we are doing in the proposed Bill is to actually make it specific so there is an actual offence, and also very importantly, I believe, is making it a requirement of those who are putting mud on the highway, whether it be a farmer crossing fields because he is ploughing or whatever it may be on a regular basis, or a builder who is continually coming out of building site or a quarry operator, that they have to put advance warning signs up so that those who are in cars, on bicycles or on motorcycles actually have advance warning that there is a likelihood of mud on the road, and what we have said in the legislation, in an endeavour to be practical, because I think we have to be fair on this - I mean, the practicalities of farming and the practicalities of business have to go on - is that we say 'within a reasonable time'. Now, a definition of 'reasonable time' I suspect at some stage may well come from a court case, but from our point of view we would have to determine that as a policy within the department and I think there are plenty of guidelines already to give as an indication of what would be a reasonable time.

Sir Miles raised another couple of points and so did the hon. member for Rushen, Mrs Crowe, and I thank them both for their support. This Bill has had Treasury concurrence. He did raise the issue about the statement on the Bill where it says, 'It is not expected that the Bill will have any significant effect on public revenue, expenditure or personnel.' The reason we make that statement is because most of these powers are either enhancing what we have already, so we already have the responsibilities, or are providing provisions to enable us to be more effective, for example by enabling us to put regulations on private car parks, where requested to, for example local authorities, which was an issue raised by the hon. member for Onchan, Mr Karran, and, for example, other issues where we already have powers that just need enhancing to make them more effective. So we are quite content, and I think Treasury are, that it is not significant.

The hon. member for Rushen, Sir Miles, also raised about registration plates on vehicles and how we were being spoilsports in terms of maybe controlling number plates in the way we are. Well, all I can say is it is actually a matter for Tynwald, on the promotion of my department, on the design and type and layout of number plates, some of that is of course within conventions and if hon. members want number plates that are different but fall within those conventions, then that is a matter that can be raised with the department and we can look at it. I have to say that at the end of the day, what we are putting in this legislation is to say that if somebody does not comply with the regulations approved by Tynwald they are then committing an offence and there is an offence, which at the moment it is quite difficult for us to deal with. So hopefully we are not being spoilsports, but I take the point the hon. member is raising.

The other one was about the change from kiosks and other things being on the public highway and had consulted the local authorities. The answer to that is, yes, we did make a subsequent change from that. What I would remind the hon. member and the House is that originally, of course, the highways in most areas, especially the towns, were under the control of the local authorities and that was up to about 1982, 1983. The Local Government Act of 1985, I think it is, enables a local authority to apply to the DLGE to actually issue a licence and the Department of Transport is in there as well somewhere. What we are saying is that that is all illogical now. The Department of Transport is the highway authority anyway, therefore they should issue the licence directly. We take out of the picture the

Department of Local Government and the Environment, because it is of no consequence to them. But there is a requirement under this legislation that the department has to consult the local authority in the area where somebody has applied, for example, to put a display on the highway or whatever. So I hope that responds effectively to the point he raised there and I just think it is a tidying-up exercise because of the change in government, the change in responsibilities.

As far as Mr Braidwood is concerned, and I thank him for his support, he mentioned specifically, as did the hon. member for Douglas West, Mr Shimmin, I think, somewhere along the line the issue about yellow lines being reduced at junctions. I would say that we have included a provision that enables the department to make a conscious decision to introduce an order to reduce the area where yellow lines shall apply.

I would say to hon. members there was a question raised before about junctions, and I think again it was the hon. member for Onchan, Mr Cannell, who raised the issue about parking too close to junctions. I would say that under the present primary legislation, highway legislation, without yellow lines, and I emphasise that, without yellow lines, it is illegal to park within so many metres of a junction either side or opposite. The issue we have is enforcement and one of the areas where we have a problem is, because there is what is really a lack of enforcement of this issue, we tend to put down yellow lines. We do not have to, but we tend to do that and the reason we do not have to is because it is primary law. What we are doing here is allowing a provision where you have got, for example, a lane that is one way or a street where it is straightforward, it is narrow, so we do not have to apply I think it is the seven-metre rule and we could reduce it down, and I think that will be of benefit to all of us because it gives flexibility, but the department has to make a conscious decision.

Registration of trailers - I would like to clarify this one. We are not talking about a registration number like there would be on a car. What we are talking about is the trailer, so if we require it, because again it is permissive powers, we could say a trailer must have a number and be registered with us and that number would actually be affixed to the trailer in such a way that it would be difficult to remove, and the reason for that is there is not a problem when the trailer has got a number on it, if it was my car, for example, CMN 555 C, and it had that on the back of the trailer. The problem arises if somebody takes that off and then leaves the trailer somewhere and nobody knows who it is and that is why, if the trailer is large enough, or small enough, depending on what is determined, we can actually insist on a number being on that trailer, so if somebody rings up and says, 'There's been a trailer lying outside my house for two months', whereas at the moment we have not got a clue whose it is and therefore it has to be taken away as something being dumped, we would be able to check up, as long as it is registered, and then we can say, 'Right, we know whose it is', and give them a notice to remove it. So that is the basis of that. What it will not do is give a right to park on the highway, which is the point the hon. member for Douglas East, Mr Braidwood, raised. It does not give a right for any trailer to park on the highway. It is not that sort of registration, it is more of an identity number, although we use the term 'registration'.

Trailers can park on the highway now if there is adequate space and as long as it is safe to do so. What they cannot do is just leave them there. In fact you cannot just leave a

car there, licensed or not. I think it is after a period in primary law of two weeks it actually becomes an offence not to have moved your vehicle. So the same applies to any other vehicle or trailer or whatever that is on the highway.

Now, a number of members raised the issue of parking controllers. We gave a lot of thought to this issue, and the hon. member for Ayre, Mr Quine, made it quite clear from his point of view where he was coming from and his principle of there being one police force and that is it, and in principle I can understand that. I think the practicalities of that of course are a different issue. One of course is that the police as a body have specific powers and are under the total control and direction of the Chief Constable and that is fine in areas where clearly we are dealing with criminal offences of a general nature and so on.

The difficulty my department has had, and this has been ever since I have been in the department and, I have to say, before that, has been a difference of priorities between what the police see as their priority and what the Department of Transport sees as its priority in trying to control on-street car parking and that sort of facility. Because we have real problems, and, for example, there were eight traffic wardens at one stage, then it was reduced down to six and some of the posts were taken because of pressures on the Department of Home Affairs to provide for prisoner officers, it meant that it made a mockery of the Department of Transport's policy, which sometimes came from pressure from residents to implement disc zones, because then they were not being policed, and what happened is after a period of time people started to stay all day because one £25 on-the-spot fine in a month was cheap parking and therefore we have had discussions with the police about this issue, we have tried to see if we could deal with it more effectively. We in fact offered to take all the traffic controllers into my department and take them totally away from the police, which I have no problem at all with. The traffic wardens do, but I do not, and what we are now suggesting is very similar to what happens in most big cities in the UK, which is that the highway authority, which in their case is a local authority, has its own traffic wardens to deal with specific issues, and in this case we are talking about dealing with disc zones. So it is quite specific and it is to enable us to pursue the Department of Transport's policy in terms of dealing with on-street parking.

So I hope that answers the points raised about that. It might not be the perfect solution, but we do believe, because of pressures on the constabulary, that in fact it is a better solution than we have at the moment.

Mr Rimington, the hon. member for Rushen, raised about the cycle paths and changes and why. We have been endeavouring to introduce cycle paths now ever since I have been Minister for Transport. There is a slight deficiency in the existing legislation and when I say a deficiency, I think the nicest way to say is there is a disagreement over the clarity of the law, and we have felt it is best to clarify the law and that is what we are endeavouring to do in this piece of legislation.

But one other new issue that we are introducing, which I think is a very important one, is the provision to enable, where it is appropriate, and I emphasise, where it is appropriate and safe to do, the pavement to be shared by cyclists and by pedestrians.

Now, the best example I can give from my own experience is the pavement that runs all the way along Gansey Shore Road there, where you might have one pedestrian in a

blue moon walking along there, but at the moment, under the law, young children especially and their parents have to cycle on what is a busy and fast highway, where we have got this pavement that is quite wide and it could be safe to enable that to be a shared facility. Where there is a shared facility it would be properly signed. It still puts a responsibility on those who are using that facility to act responsibly, so if they create a danger they will be committing an offence and so it can be done like that.

I do not envisage that, for example, in the centre of a town, where you have got a narrow pavement, you would share that facility, because it would be illogical. You have not the space to do that and it would be seen as dangerous anyway. So we are talking where it is safe to do it, and, again, it is interesting, since my department has been trying to push this forward, that in fact now the the UK is starting to do it in many of their towns, where they are actually sharing pavements where it is appropriate so to do, and again, the more people we can get to use their bicycles and use them safely, then the better it is for all of us and that is what we are endeavouring to encourage.

I have answered the bit about trailers for the hon. member.

I move on to the hon. member for Garff, Mr Rodan, and thank him for his support and I did answer the bit about mud on the highways and the signage just before. Yes, it is a new offence and it is specific. As far as that we able to direct statutory undertakers in relation to work and codes of practice, yes this is a new provision. My department sees it as a vital new provision. We would like to have gone further. I think it is fair to say on occasions my department has been abused, in the nicest sort of way, by statutory undertakers basically telling us they do not care what we want, they are going to dig this road up whatever the consequences, and we then end up with the backlash from the motorists who say, 'Why on earth have you dug that road up while you're digging that road up, causing congestion on two main highways?' At the moment we have no powers to direct and we believe we should. At the end of the day the highway belongs to my department on behalf of the Isle of Man and we should have some way of influencing when that highway can be opened and closed, and of course we will have to act reasonably and ensure that the statutory undertaker can carry out its responsibilities as well.

The hon. member for Onchan, Mr Cannell - I have responded, I think, to most of the points he raised. Traffic from construction sites I have already covered.

As far as overhanging bushes are concerned, as far as I understand it, there are already provisions in the highway legislation. I have to say that it is fair to say we have not been as effective in the department as we should be on that issue, but certainly if there is a specific problem, it should be reported to the department and they have powers to take action by serving a notice on those who are causing a problem and if they do not remove the nuisance, in other words the bushes are forcing people onto the highway, my department can go in, cut the bushes back and send the bill to the person who has offended. So that is already covered.

Road closures for filming, and if I could answer that one because this is quite an important provision - what we are endeavouring to do there is actually overcome the very problem that was well described by the hon. member for Onchan, Mr Cannell, where he said he had been along to see filming taking place and for a long time nothing was

happening, but the road was closed. That is because at the moment we have basically got all or nothing. What this provision does is it enables us to close roads specifically for films, but every so often within an hour they have to reopen the road to allow traffic through and if they are not filming they have to allow traffic through. So it ends up giving us a balance of control and it gives my department the powers to insist that the filming company complies with the law, whereas at the moment we are very lacking on the powers that we need and this hopefully will help us very much deal with that.

I have to say in fairness to the film industry, the film industry is a relatively young industry for the Island and its effects have only been known in the last about three or four years and it is because of our experience that we have incorporated this provision in the legislation.

Interestingly the hon. member related to testing of vehicles. I would say that we already have powers under existing highway legislation to introduce MOT into the Isle of Man if we so wish, but our view at the moment is that we do not believe it is necessary and certainly we are not convinced that the MOT testing regime that operates in the United Kingdom is in fact that effective. There are tests, but again we are at this stage not wishing to do that. I answered the bit about the junctions for the hon. member.

The hon. member for Onchan, Mr Karran, raised a few concerns. He said about clamping and what are we going to do? Well, all we are going to do is to actually by law insist that anybody who undertakes clamping has to display in a prominent place a sign to advise the public who are using a private car park, which could be, for example, Tesco's or Shoprite or it could be the church or whatever it is, they must display an adequate sign in a prominent place to say, 'Wheel clamping takes place and that if you're clamped, this is what it will cost you to have your car unclamped.'

There are some very interesting case laws on this issue in Scotland and in the UK. We believe that what we have done, because we have to respect private land, is actually come up with a system so that at least those who park on that private land where clamping takes place are adequately advised that is likely to happen if they do not move off the land, and I think we have to see how that develops and whether or not it is effective enough. But I certainly believe there is a danger of us interfering too much in relation to private ownership, so there is a clear balance there.

The hon. member also raised the issue about we make more of criminals re road traffic offences than anything and he did somewhat criticise the courts on this about the offences they handed down. Well, all we can say on that is this House passes the legislation, we determine the maximum offences available to the courts and the courts then interpret what they do within the confines of that legislation and sometimes we agree with them and sometimes we do not. We often hear hon. members in this house saying that the law is not strong enough. Well again, the job of the House is to try and get some sort of balance on that, and I think there is a general view that people feel more aggrieved that people get hammered because of a motoring offence than people who have, say vandalised or whatever, and I have to say that really is a matter for the courts. We as legislators can only legislate and give powers that they can work within.

As far as the highway widening and road safety et cetera, and the hon. member talked about Vicarage Road, all I can say is that we already have compulsory purchase powers. This House has updated those compulsory purchase powers for departments. I am certainly not afraid to use those powers if necessary.

We have successfully progressed two major schemes because ultimately we said, 'If we can't get agreement, we will go and seek compulsory purchase powers', and the owner has then agreed to come to the agreement we wished to have.

I would also say that prior to my time at the department one of the difficulties we had was the policy of the department was to get land by dedication. The problem with going for land by dedication is you cannot get to compulsory purchase. The policy of my department is we buy land and we pay the price for the land and if we cannot get agreement, then we are in the process that we are able to go and proceed to compulsory purchase if it is necessary. To date we have not had to do that, but I can say that we are not afraid of using it.

As far as Vicarage Road is concerned, we are advancing that very progressively at the moment. There have been discussions with all the landowners. There are still some concerns, but we have moved quite far in a very short time and I thank the owners of the land for their understanding of what we are endeavouring to do. It involves, I think, something in the region of about eight different owners and hopefully we will see a scheme come to fruition in the not-too-distant future on what is a busy road and, for example, our road checks have told us that 4,000 vehicles are using that road every day, 4,000 vehicles using the Vicarage road every day, and that is a pretty narrow road in places. So there is definitely a need to improve that road and we see that.

The hon. member also raised about churches and the problem of parking on their land and so on. Under clause 8 of this Bill there is a provision that the department can make regulations and can actually provide for parking that is on private land where there is a request to us to make these orders and then it is effective as if it was a public highway. So that does bring in the provision I think the hon. member for Onchan was looking for.

As far as the problem at the hospital, I would just say I am surprised the hon. member has raised it in the way he did. He is of course aware that in recent time, and that is within the last month, my department has been in correspondence with his health service division and we have been endeavouring to get a way forward where the two parties can work together by taking certain actions together to actually relieve the problems of the congestion and people who are visiting the hospital. We are not looking to provide on-street parking for staff and we are looking for the hospital, where it can, to more objectively, in conjunction with us, police its car parking and hopefully with a bit of co-operation to work together we should have a solution for what is about the next three years to ease the problem, not to totally deal with it, but to ease the problem, and the health service are looking to issue permits which will allow for a person who is going for treatment in the hospital to be exempt from the period on the on-street parking, and together, as I say, we have had discussions about that and hopefully we will get a positive response back from the Health Service which I understand we are waiting for at the moment.

As far as clause 20 is concerned which the hon. member raised, third party insurance, if the law of the Isle of Man says you have to have third party insurance on private land in case you run somebody over on private land, then the insurance companies will have to adjust their insurance policies to meet what is a statutory requirement on the Isle of Man. I believe it is absolutely correct to have this provision. Accidents can happen on private land. Private land can be a car park that is not publicly owned and on private land you could have a serious accident where somebody is killed and at the moment there is no insurance on the car driver if that was to happen. Therefore we believe this is something we should progress to.

Insurance badges and the point of ensuring the cars are insured - we have been looking at that. We have actually written to, I do not know who it is, the Association of Insurers, to see if they will introduce a system and at the moment I think we are awaiting a response, which has been for some time, but we believe that an insurance disk on a car is more important than a licence disc in theory because then at least you know that car is insured. I think what is going to happen is we will see a development of this with the insurance companies over a period of time, moving forward on it. But we are certainly keen to see if we can do something like that.

The sale of vehicles on the highway - We are quite specific, in the course of the business'. In other words it does not matter what signs there are on the car or the van or the motorcycle, if they are on the highway, the public highway and it says 'For Sale', then that will be an offence if this legislation is passed. It is not for the public of the Isle of Man to provide forecourt areas on the public highway to private businesses. They should have the right provisions for their own business, wherever that be. If they are in an inappropriate place and they want to go into that business, then of course they should move elsewhere. But that is what the law is endeavouring to do.

As far as clause 31 is concerned, what we are in fact doing there is re-enacting powers we previously had which were in highway legislation that was removed so the department has clear access to deal with issues it has to deal with. Because we are a highway authority, because we deal with construction of highways and things like that, then we are saying, 'We must have the ability to deal with this issue', and that is what is going in there.

The theory test I have already covered.

If I can go on to clause 29, the hon. member tended to, dare I say, dig a little bit at joined-up government and all this sort of comment. I would just say that it is not unusual by statute for departments to have to, by statute, consult another department, because at the end of the day we have different responsibilities and because we have transferred bus shelter responsibilities to the the Department of Tourism and Leisure, quite rightly, the point is -

Mr Houghton: Hear, hear. An excellent job, excellent.

Mr Brown: - the Department of Tourism and Leisure in about 99 per cent of cases will actually want to use the public highway to erect a shelter. Therefore it is absolutely clear that there must be consultation there and whereas the hon. Minister for Tourism and

Leisure and myself are very good friends and we are only too happy to talk together, you might have two who are not that friendly and will not talk to each other, so that is basically it.

I beg to move the second reading of the Road Traffic Amendment Bill 2001.

The Speaker: Hon. members, the motion is the Road Traffic (Amendment Bill) is now read a second time. All those in favour please say aye, against no. The ayes have it. The ayes have it.

Procedural

The Speaker: Now, item 22, the Housing (Special Provisions) Bill. The mover, Mr Karran, has asked that this Bill be deferred for another two weeks and therefore, hon. members, I again apologise for not giving earlier notice but I was only informed just before the beginning of this sitting.

Highways (Amendment) Bill — Second Reading — Motion Lost

The Speaker: Item 23, the Highways (Amendment) Bill, for second reading, Mr Singer.

Mr Singer: Thank you, Mr Speaker. This Bill would impose liability on the Department of Transport for injury caused to pedestrians in certain cases by its failure to repair an adopted highway. Hon. members will recall that when I sought leave to introduce the Bill I stated my intention to talk to the minister, the hon. member for Castletown, with a view to incorporating his suggestions and also, at his suggestion, if possible adding the contents of this Bill to the proposed Road Traffic (Amendment) Bill 2001 which we have just finished discussing at the second reading. I did meet with the hon. minister and after discussion the Bill now covers a highway which is paved or metalled rather than restricting it to only within 30-mile-an hour areas.

I also had discussions with the director of highways and his officers to clearly define the purpose of the Bill. The purpose of the Bill is not to beat the department over the head, but the object is to increase safety and give the department time to repair areas identified as dangerous before they, as a department, become liable. I was therefore disappointed to receive a letter from the hon. minister that he did not wish us to progress jointly.

If I may refer at this stage to the comments made by the hon. member for Onchan, Mr Karran, at the leave to introduce, he referred to a particular legislation in New Zealand. I thank him for that suggestion and I did obtain a copy. However, that information dealt more with insurance cover rather than liability for the repair of known defects.

I would briefly like to outline the main points of the Bill.

On being notified of a highway defect the department would have three months to inspect the site, judge the necessity to repair under agreed criteria and, if necessary, do that repair. After three months, if an accident occurred at that site and the department had been notified, the department would be liable for malfeasance even if it had not been repaired but it exceeded those criteria.

Highways not adopted or paved or metalled do not come within the scope of this Bill. No liability would be on the department until six months after the Bill became law.

The Bill refers to pedestrians only and the department has to keep full records of complaints received, those records to be made available to the public.

Hon. members will remember that I spoke last time about an area in Parliament Street, Ramsey where a person had fallen, sustained serious injury at the site that I had reported several months before. The department rejected a claim, as it had not repaired the area despite that notification several months before. Since then I have notified the department of three accidents in Chapel Lane, Ramsey where one lady sustained serious injury, a fracture to her leg, and was off work for five months, a young girl tripped and sustained facial injuries and another lady fell and suffered abrasions and shock. Needless to say, the department rejected any claim from the lady who broke her leg, the girl fell last July and the lady with a broken leg fell last June. The area has not yet been repaired.

Hon. members will therefore understand the victims' comments that the current 1986 Highways Act actually protects the department and seems to encourage maintenance not to be undertaken. Under the present law the department would only be liable after they had undertaken maintenance. Surely this cannot be right.

On 23 January this year I wrote to the department about a constituent of mine who fell in Parliament Street near the police station. He fell, smashed his watch, suffered severe cuts, bruising and shock requiring continuing hospital treatment. That gentleman is 87 years old. All I could do was to write and ask the department to consider an ex gratia payment to replace his watch. I have not yet received a reply to my letter.

I do not know if the department was aware of any defect at the site of this accident. I do not know if repair is warranted by the defect exceeding the accepted criteria for repair. What I do know is that the department need not inspect or take remedial action measures, as under the 1986 Highways Act this is misfeasance and they are not liable if another accident occurs at this site if they take no action.

The Department of Transport has a duty of care, the policy of the Department of Transport is to reduce accidents, so the only reason they could wish to see no change at all is on the grounds of cost.

I must say that the department came up with a figure of £2 million annually. They required a large number of new inspectors, several new two-man gangs, which is clear empire-building. Only when I had had further discussion did it come to light that, for whatever reason, they were assuming all the work had to be done immediately, and this is totally opposite to this Bill's intention. The Bill offers protection to the department. The department is responsible for the good state of the highway repair and in the best practice would repair a known area of danger as soon as is practicable to prevent further injury. The Bill allows three months, which I believe is adequate. I know the department would like to define their own time limits, but I think this is unacceptable. Within the Bill there are mitigating circumstances for a court to consider if action is not taken within those three months.

The department does have a rapid response team and the question has been asked, what if the response team, for example, fill in a pothole, the repair does not last and someone falls again within three months? I have carefully thought through this scenario and have concluded that the repair is undertaken by trained operatives and therefore they

would be expected to do an acceptable standard of work and the department must then be responsible.

The Bill may need the department to adjust their organisation in certain areas, but I believe that my proposals balance protecting the pedestrian by reducing accident risk, whilst not placing an unacceptable burden on the department, who would not wish to conduct its responsibilities at a level below that accepted as best practice.

I, therefore, move the second reading of the Highways (Amendment) Bill 2001.

Mr Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. I rise to gladly second the hon. member for Ramsey in the pursuance of a successful second reading of this Bill.

I too have come into contact with many people who have fallen on pavements in poor repair and have seen for myself some horrendous injuries. Although many injuries are sustained by elderly people who have poor eyesight and are unsteady on their feet, I have also witnessed one occasion whereby a child had tripped and fallen, causing a very serious head injury.

I have to say that on each occasion whereby I was notified of an incident the department was very quick to repair the pavement and bring it up to an acceptable standard.

I am also very pleased that works are continuing on the improvement of pavements, specifically in the Willaston housing estate, by the department where previously the standard of all pavements was poor and in many cases very dangerous. So I would congratulate the department for remedying this matter as soon as they are able to do so, but in so doing I would also congratulate the hon. mover who, when he was in the department, took urgent steps to remedy this serious situation in Willaston, and of course he was extremely keen at that time to address such issues which he saw at the time as very serious.

I see no possible reason why this issue cannot be set in primary legislation, as the department will then be made to take notice of complaints and rather than the scenario of management setting the repair programme against other priorities, the repair of poor areas will be maintained as a top priority issue. This in turn will reduce the chance of accidents, which is the key purpose of the Bill. If the department are to be found at fault after they have been properly informed of a dangerous area, then of course they will have to pay up. This will ideally concentrate minds, I am certain. Thank you.

Mr Speaker: Mr Cannell.

Mr Cannell: Thank you, Mr Speaker. I regard the aims of this Bill as being utopian. I have thought for years about the responsibilities of maintaining the footpaths and there is no doubt whatever that years ago they were better maintained than they are now. Clearly it is a question of practicality. If we charge the highways department with every reportable instance having to be addressed, we will be in for a veritable minefield and I cannot see, even with the £2 million pounds which has been mentioned to cover the workforce, it actually working, not the workforce, the measure to remedy what is being sought, and I have every sympathy with it. We have all had, in fact even personally had, accidents on

pavements which are badly maintained, but where do you draw the line? There must be hundreds of miles of pavements - or parapets, as they were popularly known in my day - in the Isle of Man and many of them are of very, very different types of surface and if in the village districts you hear of an old lady who has gone a packet on a flagstone which is proud of the others, you can do nothing other than sympathise, and my understanding of it was up to now that if a person had an accident and tried to seek litigation through it, nothing was forthcoming, the only possible chance you had was where a repair had been carried out and that repair was subsequently found to be faulty, then in fact there was a case which could be taken to court.

But the thought of setting forth, starting from the top of the Island at the Point of Ayre and ending at the Calf Sound and west and east, every footpath with every small defect in it having to be attended to by the fact that someone might report I think is totally unworkable, desirable though it might be.

Many of the pavements are still composed or comprised of flagstones and they settle and they vary with the weather and many of the newer ones are done with what I still call Blaw Knox which is all very well, but the Blaw Knox itself is a long way from perfect for footpaths because it is slippery and as soon as you get any degree of moss or the many degrees of dog droppings on them or in fact in the ice and snow, you have a worse situation probably than the old-fashioned pavements which used to be a layer of tarmac with stones put on which eventually settle the same way as a roadway would.

But you have got all these problems of all the differing types of surfaces. You have got concrete flatstones, you have got the old-style tarmac, you have got the Blaw Knox, you have got all manner of different types of surface, all of which create their own problems, and I am a long way from sympathetic for those who say it cannot be done because I think more could and should be done, particularly in the more populated areas, but not five minutes ago the hon. member pointed to a length of pavement which he said was populated by one person every now and then, Preston Guild or something I think probably is the right expression, and they are going to permit cycling on them in certain areas. Well, that will create its own problem straightaway because anybody doing 30 miles an hour or 20 miles an hour on a cycle is almost certain to hit a lot more problems than pedestrians and are they going to be able to sue as well? Because if they are, then stand by: I think I will transfer from being an hon. member to being a potential litigant lawyer tackling all the claims because there will be a veritable fortune and there will be appeals to the hon. House to the Treasury minister to release more funds to pay for the actions.

It is desirable, it is very good that someone should be thinking of it. If it does nothing else it should wake up perhaps the department to the main problems of pedestrianised because what we are looking for here is in fact the most popular areas to be attended to. You really do not have a price to expect full hundred per cent maintenance of a footpath, for instance, on the outer edge of King Edward Road stretching all the way round to Groudle, desirable though it might be. Far more difficult is when you are walking along these pavements, as I did as recently as last night, and all the trees and bushes are overhanging, which can easily take your eye out if you are not watching what you are doing, particularly in the dark as it was when I was heading home last night from a constituency call. No, it was not the pub. *(Interjections and laughter)*

Seriously though, it is to contemplate the Island's footpaths, because we already have a number of class 4 roads in the Isle of Man which in fact are not maintained. Places like the track down the side of St Luke's Church from the Brandywell Road is technically a road though that is not being maintained, I am glad to say, because it provides us in the more available times other than the present difficulties the Department of Agriculture is facing with a good challenge for riding rough off-road motorcycles down it, but it nevertheless is categorised as a road. So are you going to say then, 'Right, we're catching up the highways by starting on the pavements but we also need to attend to all these roads'? Because I know 10 other places where it would cost millions to actually reinstate those and my information is in fact that the department is going to try and shed itself of some of those responsibilities and probably rightly so too, because if anybody starts to put a claim in to say that they were not walking on a very fine surface down St Luke's track, then we really will be up against it, and that is what you are getting now. You are getting people suing, taking part in the likes of hang-gliding, having a spill or even losing their life, and their relatives are actually suing saying no-one told them it was potentially dangerous. Motorcross in America - no-one told someone it was a dangerous pursuit and because they were not told they are amounting a million-dollar lawsuit for it, and all these costs are being passed on.

So when you come to pavements in the Isle of Man, I am sure if you went outside here now, there are bound to be ones which eventually settle and are proud and anybody can go a full crack on them. Maybe this is the type of place, outside here, Douglas, the towns, the more popular areas and you come now to even pedestrianised shopping centres where there are difficulties with the sets moving about. Anybody who has a broken wrist, which is normally the thing with the elderly, isn't it, or their hip, could be in for thousands and they will undoubtedly say, 'Well, yes, my MHK, my town councillor, my local authority man told the department about that and they are going to have three months to attend to it.' They will need some workforce to do that. They would need a helicopter at least to just jump in with a gang permanently on call. I do not think you could tackle it.

So laudable though it all is and desirable though it all is, and not having seen the distinction between a jumbo jet landing in front of me - I prefer a helicopter, Mr Moffatt, Mr Henderson (*Laughter*) - I do not think it is workable, I do not think it is entertainable and most of all I do not think it would actually add one bit to what the member seeks to achieve, although I must admit it would be very nice if he could bring it off and we would have super-smooth highways all the way.

Mr Speaker: Mr Henderson.

Mr Henderson: Thank you, Mr Speaker. I rise to support the hon. member for Ramsey's endeavours. I think it is an excellent idea and funnily enough, as my hon. colleague behind me said, surprise surprise, I am complete at divergence with my hon. colleague opposite me, Mr Cannell, in respect of this because I feel that the department do have to take on an element of responsibility. It is all very well for us to chuck in the fear tactics - 'Oh, it'll be litigation madness and it will be suing madness and compo madness and this madness and the other kind of madness', but the point is what we do have is a situation where there are flagstones and potholes and bits and pieces that have been left for inordinate lengths of time, have been reported and reported and reported and reported

and reported and nothing has happened. So where does that leave one? And certainly as a responsible member of this House it is incumbent upon hon. members to try and address the situation in whatever way they see fit and if that means bringing a private member's Bill, well I see nothing wrong with that and if it causes the relevant department, whether it is the DoT, DHSS or whatever to be even slightly more accountable, then I think that is fair enough.

There are provisos in it. Of course it has to be reported and they have a time limit to sort the thing out and I think that is fair enough and that does not open the floodgates and what it does is cause the department to be more accountable than it is at present.

I cannot see how we can carry on for much longer with this and certain other issues whereby we say, as the hon. member for Onchan says, 'Oh well, there's a flag proud, somebody goes for six and caves their head in - well, it happens, that's it.' We are in the twenty-first century, people are becoming more accountable and certainly government departments and other agencies that are working for the public have to have a certain sense and duty towards accountability and therefore if it does not come from the hon. member for Ramsey now, there will be other issues that will arise here as we go down the timescale over the next few years, I would suspect, and we will be seeing more and more of the word 'accountability' and 'responsible' having to be exercised and departments are going to have to recognise this on a larger scale than they do at the minute, and I think the hon. member for Ramsey has started an excellent project here and it is an excellent idea and it certainly deserves a second reading and the support of this House, and if the hon. minister for the department sees fit he might like to amend the timescale perhaps or something like that on it, but on the whole I think it is well deserving of the endeavours that have been put here this afternoon and I fully support it.

Mr Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I was impressed with the mover's input to his speech and I have to say that I have got a lot of sympathy with the frustration that he understands to be with the Department of Transport, and as a former member of the Department of Highways, Ports and Properties I have a lot of sympathy.

I was going to totally vote against this second reading and I still am not sure whether to give it a second reading because of the issue of whether there should be some sort of time period that if it is not sorted out, then if an injury can be proved at that fault and that highway and that site location, then there might be an argument for giving this Bill a second reading. But I do feel that it is no good members of this House acting like Santa's gnomes as far as this piece of legislation, that we can just do this and do that and do the other. I think that they have got to remember that there is only a certain amount of government cake and I have to be fair, that, as more likely the only member of this House that does not have a TV in his house, I have seen adverts in other people's houses for the 'Where there's a blame, there's a claim' situation as far as litigation is concerned and I do not believe that we should be encouraging a litigious society (**A Member:** Hear, hear.) and we have to realise this, that when we see this situation of where we could end up of going down that road, revenue for the likes of the previous speaker's diabetic new clinic or the likes of the hyperbaric nurses and all these other things that need extra grants may have to be faded away because of the amount of money that will end up in the pockets of Athol Street, and I

know personalities should not come into it, but I think none of us in this House would see that it would be a priority to end up with a situation where money was ending up in the pockets of Athol Street as far as this is concerned.

I have to be honest, I have mellowed a bit, but I still feel that it would be wrong to support this piece of legislation as it is with three months.

I would also like to see a clearer definition as far as this is concerned because I feel that the problem is that we will be encouraging more legal action and I believe it is a major problem as it is with society. I know my colleague mentioned the footpaths around where I live are not important, and they might not be important, but the owners of the property next door to me at Groudle Glen had severe problems over the Groudle Glen Railway some years ago because of the worries of the liabilities that were going to be put on them by allowing access over their property.

I have to say that I am not convinced that this is the right way of going about this. The issue is right. It is a scandal that if roads are not repaired within a reasonable amount of time, something should be done as far as that is concerned. I have no problem with that. I have said the DoT should consider doing the same as we did with the Water Board where you had some management audit and admittedly it does cause blushes, but I do not think that the way forward is to support this Bill because I think that it is all well and good wanting to be Father Christmas and wanting to give all this to everybody, but you can only spend your money once and my concern is the fact that we would end up with an awful lot of legal costs that would affect government and the issue has to be looked at seriously. We saw the other week in Keys when I was talking about the rental issue of office accommodation, a million and a half, which equates to £20 million pounds worth plus of taxable income to have to be raised just for that one issue, and if this issue ends up being £1 million or £2 million in litigation, which it well could be if a young person broke their neck or whatever, then you could end up with a £1 million liability on the state, and I have always argued that following the United States is not the way to do this where the person who breaks their neck and wins their court case lives in clover and the person who breaks their neck and does not win his court case is left in absolute destitution.

I would rather have a state system that makes sure that no-one falls under an acceptable quality of life in our society, not 'I'm all right and I sued and I was successful and you didn't sue and you weren't successful', and I think overall my concern is the likes of the issue could be that if you spend millions out on litigation, it is not the compensation that is generally the problem, it is the legal costs that are involved, and you could have a situation where there could be a constraint put on the likes of the health service for the individual who does break their hip. Well, not so much in the case of an emergency I would have to say. Maybe I am being too alarmist on that because obviously if it was an emergency it would be done.

But I do not think this is the way forward, but I do think the hon. member has served this House well (**Mr Cannell:** Hear, Hear.) by raising the issue, which is a legitimate complaint, that we need the repairs on the roads far quicker than we have seen in the past, and fancy humps and bumps and all these sorts of other things, which are wonderful new ideas, the old ideas of maintaining roads and maintaining footpaths are far more beneficial to our people, so I do not think I will be supporting this Bill.

The Speaker: The member for Castletown.

Mr Brown: Thank you, Mr Speaker. I think it is fair to say, and I certainly acknowledge, that this issue causes concern for every member of this House and I am exactly the same as others, where we hear of people who have accidents on our highways, whether or not they are pedestrians or whether they are on a push-bike, in a vehicle or whatever, where it causes injury either to themselves or to the vehicle, so I do not think there is any difference of opinion on the concern that is being expressed. However, I would say that as a department certainly in recent years we have given a greater priority to undertaking repairs on pavements and I think that that priority is showing through as we have endeavoured to improve the situation.

I also would acknowledge that the hon. member for Ramsey, Mr Singer, has in fact genuinely endeavoured to find a way of dealing with this matter and when I invited him to come and have a talk about this issue we started from a very different basis of legislation. As members will recall, at leave to introduce he was talking about a Bill that only provided this safeguard within I think it was a 30-mile-an-hour speed limit area, a town or village and the provision which is in this Bill partly, which I will come to in a minute, and we discussed that issue and my concern was that in fact we were in danger of producing a piece of legislation that whilst we were all concerned about the issues, was going to cause potentially more problems and potentially was discriminatory and unfair.

Now, the hon. member has mentioned a couple of issues relating specifically to his constituency, and I do not have a problem with that, we all can relate to incidents that happen, and he also has mentioned that he wrote to the department on 23rd January and has not yet received a reply. Firstly, I would say that I am extremely concerned if a member of this House has written that long ago and not received a reply. I am surprised if he has not had an acknowledgement.

Mr Henderson: We had a postcard.

Mr Brown: Right, so they had an acknowledgement, but I am still surprised there has been no follow-up and I will certainly check that out because that is not acceptable to me.

Now, then, Mr Speaker, what we have is a situation where as a department we have, and I think it is worth quoting from the existing legislation because I think members need to be absolutely clear on what they are being asked to support and the importance of the legislation before them, and I also believe already from the comments that have been made by all of those who have spoken that they are seeing something different than this legislation allows for and I will cover that when I come back to their points.

In the Highway Act of 1986, section 3, it states, 'The Department shall be under a duty to maintain every highway which is a highway maintainable at the public expense.' So we already have a statutory duty to maintain the highway. Now, I would accept that we may not be as perfect as we would all like to be. We put substantial resources as a government, with the support of this House in another place, into maintaining our highways, constructing new roads, constructing new footpaths, providing new safety features like the one the hon. member for Onchan, Mr Karran, mentioned about, the treatment works into estates, which I have to say there have been mixed feelings about, but it is not for us to ignore concerns that are expressed about speeding traffic going into highly populated

residential areas. So we, as a department, are pulled from one side to do maintenance, on the other side to improve safety and so on, and that is fine, that is our responsibility, we have to prioritise and that is what we endeavour to do.

But the point is, what do we have in the Bill that is before us? Now, I want members to be absolutely clear on the basis of the piece of legislation before us. It does not provide any protection at all for an individual or individuals who fall in an area where the roadway, pavement is deficient. It does not provide any liability on the department until and unless the department has not maintained that highway that has been reported, and that is the important word, that has been reported to the department three months previously. So let us just give an example of a scenario we can have because I do believe we need to be clear on understanding what we are doing. So let us say on 1st May Mr Jones falls on the highway, on a pavement, due to a pothole and he breaks his ankle. He can not claim anything from the department. The matter is then reported to the department on 1st May. The department then puts it through the system and this is the worst scenario - and for whatever reason it fails to repair it. On 1st July Mrs Smith falls on the same pothole which the department has not repaired and she breaks her arm. She could claim nothing of the department as the law stands and this proposed Bill will change it. She can claim nothing and for whatever reason the department still does not repair it. On 31st July Mrs Green is walking along the road, she falls on the same pothole and badly cuts her legs. She can claim absolutely nothing from the department, even though they still have not repaired it. On 1st August Mr Smith is walking along that highway he falls, he badly cuts himself, and if we take this legislation as it is and pass it, he can then claim, so all the others cannot claim but he can and to me, whilst the hon. member is endeavouring to try and deal with a difficult issue, what I believe he is doing is creating a worse scenario for us and for the public who will not understand in such a circumstance, which could happen, why three people get nothing and one person automatically is able to claim because they fell one day after the three months because the department had not repaired it.

Now, I am sorry, no matter what we feel about this issue we have to be practical and we have to be fair. This Bill is not fair. If it was and if we could have got to a stage where the hon. member and myself had said, 'Yes, that provision will do it', I would have supported it, I would have included it quite happily in the Bill that I have just taken through its second reading, which was what I was endeavouring to do, and I acknowledge the hon. member has moved and made changes after our meeting and I accept that, but the fundamental flaw is still there, the one that was there from day one and the one that is still there in the legislation, and that fundamental flaw is that unless you fall three months and a day after a pothole has been reported, you can claim nothing.

Now then, there are also a lot of other practical difficulties, which the hon. members have covered, some of them have covered, and also the real problem of identifying it was exactly that spot that the person fell on, that was reported. Now, okay, not insurmountable, records can be taken, the hon. member has covered that. But I think the important issue is for members to put themselves in a position where a constituent came to them and said, 'I fell', and the member then checked it out and said, 'That was reported two months ago and they still haven't done it but you can't claim', as against somebody who could a month later and I just need members to think about that because they have to think about this. Hon. members have to decide whether they think that is a fair system. I do not believe it is.

I wish we could find a fairer system and I know the hon. member for Ramsey has said quite clearly he does not wish to see us go to the UK system where there is total liability, where in the UK the highway authorities are spending far more of their budget on claims and paying out on claims than they are on maintaining their highways, and all I can say to hon. members is there is a balance in there somewhere and I have to say I am certainly not content that what we have is perfect. I have a concern about people who genuinely get injured and are not necessarily successful unless they go to court with a civil action, and I have, certainly in the past, advised constituents to take a civil action and certainly in one case they were successful, so I think it is very difficult to get this right.

The hon. member for Ramsey mentioned about the cost of this and so on, that we would be opposed to it because of the cost. I have to say that I am not opposed to it because of the cost. I do not know what the cost is. I know the hon. members had correspondence from officers who indicated to him what they thought it might be, but I have to say I do not think that was a detailed exercise, I think it was more off the top of the head 'We think it could cost. . .' The reality is we do not know what it will cost. It is not about cost, and certainly as far as this piece of legislation is concerned my biggest concern is that the Bill is unfair, it introduces anomalies. There is already a responsibility on the department to maintain the highways. Whether or not it maintains it at an acceptable level is a matter for myself, members to express concerns. We heard the hon. member for North Douglas, Mr Houghton, say, 'I reported it and it was repaired and a good job done.' We have a system where complaints are prioritised. I honestly do not know why the examples given by the hon. member for Ramsey, Mr Singer, have not been dealt with effectively. All I would say is that if members do not get a reasonable response in a reasonable time, then they know, and I have said this before, they only have to pick up the phone and tell me.

The hon. member for Rushen, Mrs Crowe, did the same the other week and I asked for a report as to first was it right and, secondly, why, if it was right, we had not attended to it because I am in the same position as everybody else: I have constituents. The point that I am a minister, unlike what was indicated in the paper does not mean that I ignore my constituents. My constituents are important to me, and I have to say whether or not as my constituent a person is injured on a highway because of the condition of the highway, it concerns me because we should try as best as we can to maintain the highways, the pavements to a reasonable standard and try to deal with it properly.

The hon. member for Onchan, Mr Cannell, said we are trying to reach utopia, and to some degree he is right. What we have to do is try and ensure that we can be as effective as possible. There is no point in enacting legislation that is not practical. I am certainly sure that the people do not want us to enact legislation that is unfair, and that is the only fault I have with the legislation, it brings in a system that is blatantly unfair, and I do not believe that we should pass that sort of legislation.

Therefore I would urge hon. members not to support the Bill, only on the grounds I have outlined, because it is unfair, not because the hon. member has not had a genuine attempt to try and deal with it. What it is is a compromise, it is a compromise between no liability and full liability, but it then creates an anomaly, the three-month rule, and I accept the hon. member is trying to be reasonable to the department because what he has said is, 'I'll give you three months because I've been there, I know the pressures on the

department.' But how do we explain to a person who has fallen within that three-month gap that they have no way of getting compensation but Mrs Jones, the day after, does? I think that will be an impossible position to put ourselves into and whoever is in this House afterwards and maybe they would have to change the law, I do not know.

The hon. member has on the front of his Bill the explanatory memorandum and under part 3 it says, and I quote, 'The obligations imposed by the Bill represent current best practice.' Well, if it is our current best practice, why introduce an anomaly to say that if we actually do not work within that current best practice somebody, one out of four or one out of six or one out of two even, a person after the three months can actually claim and automatically get a pay-out? I do not really think that is what we want, I do not believe that is what the public would want, and I honestly do not know the full answer between the no liability and total liability except to say that genuinely the department will endeavour to maintain the highways to the best of our ability and we do prioritise works and, yes, we do sometimes forget, make mistakes, they get lost in the system, complaints that we get, and all I can say is we can all be vigilant on that and certainly if things are being left, all you have to do is contact myself or my colleagues and say, 'This has not been attended to', and we will certainly find out why. Mr Speaker, I hope members will not support this Bill.

The Speaker: Mr Quine.

Mr Quine: Thank you, Mr Speaker. I take as my starting point a simple question, 'Is what is embodied in this Bill unreasonable?', and the conclusion I reach is that it is not unreasonable. It is not unreasonable because certainly what is in this Bill does not even go as far as what is the position on the other island, without three months or one day or anything else: if you fall and you are injured, you can sue. And it is not unreasonable measured against the position on the Island here in relation to a person that falls on private premises: you can sue.

So that is the first question I ask and that is how I would answer that. I do not believe what is embodied in this Bill is unreasonable. It represents no more and no less than exists in the United Kingdom, for better or worse but it is there, and secondly, it is no different in relation to private premises where if you fall on a private premise, you can sue. So I would ask myself, why must government be an exception to this rule?

A Member: We can sue.

Mr Quine: Now, the other day I sat in, as indeed did many other people, a public hearing of the select committee on the Sulby flooding.

Mr Rimington: I was there too.

Mr Quine: You were there, that is right, the chairman was there. He may not have been awake, but he was there (*Laughter*) and, Mr Speaker, the Attorney-General gave evidence, very interesting evidence. Members of the committee pointed out to him the provision contained in the Land Act of 1934 which provides a statutory bar to actions for damages - and the Attorney-General was asked to comment on that, and I think the chairman will confirm what I am saying. He made it quite clear that such a provision would not be acceptable in legislation today. The reason of course is, I think as members will have already assumed, human rights.

Now, that is a very recent opinion given at a select committee by no less a person than the Attorney-General, so not only, I would suggest, is it not unreasonable for us to support the Bill which is before us but I believe we have very little option but to support the Bill that is before us. After all, there was a great deal of enthusiasm, with the possible exception of myself, for the Human Rights Bill when it went through here and that is what you are endorsing. I know it has not passed into law but it is only a whisker's width away. So that is my second point that I would put before this hon. House.

The third point is this question of costs and as my hon. friend from Onchan, Mr Karran, has said, he would be reluctant to see more money put into the pockets of the advocates, and I have a certain sympathy for that point of view, but the fact is that if you look at the position vis-à-vis actions against government it either goes in if we do not have a provision such as this, we do not really have a great deal of difference because if we do have this provision, then it may be that advocates would benefit from some additional court work, but on the other hand, of course, if we had this provision sitting alongside of it, it is the insurers who would be having to address the question of the claims.

Mr Karran: But we pay the premiums.

Mr Quine: Yes, absolutely, we will be paying the premiums and those premiums will be obtained on a competitive basis, but the idea that has been put abroad here, that we will be paying £2 million in order to cover these costs, I think is absolute rubbish. We would have to address costs in the same way that we address costs for anything else. If we have an obligation to carry out certain functions, certain duties, we have that obligation, then it is for us to find the funding and in finding that funding we have to determine the priorities, and we had a meeting this lunch-time and if I had my way, that is a priority that I would not be subscribing to. There are other options for us to pay for these things if we determine our priorities.

It is certainly not a case to say, 'This could cost us some money, we do not know how much.' It will cost us something by way of enhanced insurance premiums and because of that, although it is not unreasonable, although there is a good precedent for this being done elsewhere and although we are signatories to a convention which says that we should not allow this situation to exist, because it is going to cost us some additional moneys we are not going to be party to it. I think that is an untenable position.

Again, the view has been put abroad that we would be in the hands of the lawyers and the hands of the courts and it is through the court costs more so than the actual awards of damages that these costs would increase and escalate. That does not follow. We have addressed through statute other matters in away that deals with them outside of the courts. We can take victims of crime, just to give you one example, where we have a tribunal that works to set tariffs in awarding damages. If the will was here to make the approach that is proposed by the hon. member for Ramsey work, we could find a way to make it work, we could find a mechanism that leaves in the hands of the public representatives the controls that we need to make sure it is not abused, if the will was there.

Now, the hon. member for Castletown has put great play on the fact that what is proposed in this Bill is the worst scenario, it represents something that is more objectionable to what we have. Well, what we have is you cannot even get on the starting

block, never mind getting on the starting block after three months, you cannot get on the starting block as the matter now stands, and the suggestion that it would be unfair because one person falls inside the three-month period, he does not have access, somebody else is outside the three-month period and he has access, this raises the same issue of benchmarks that is laid layer upon layer in so much of our legislation and that is benchmarks by definition involve cut-offs. The social security legislation, I think, demonstrates the fact that you cannot get away from benchmarks, and all we are talking about here is a benchmark. But how it can be held by the member for Castletown that this would put us in a worse scenario, because you may not come within the three months, you may come after the three months or vice versa, how that is a worse scenario than not even getting there to be able to make a claim, that escapes me completely.

But let us just remind ourselves where we are. We are in the middle of a second reading. If there are concerns about the unfairness of this three-month period, if there are concerns about the mechanism that we are going to use to determine claims, if in truth these are the issues which are impelling people to take a view against this legislation, then I suggest that that is all very premature because we are at the second reading stage. What we should be doing is supporting the second reading and then addressing any of these specific concerns by way of amendment. That is what we should be doing.

The general tenor of the contributions here is that they agree with what we are trying to achieve but some members do not agree with some of the mechanics by which we are trying to achieve it. Fair enough, I have no problem with that, but if that is the case, then we should be supporting the second reading and getting our amendments down to make, as some members would see it, a more workable system. It is not a case to hide behind this little smokescreen which has been raised by those who are opposing it and saying, 'Oh no, we mustn't touch this because it's got these terrible weaknesses.' If there are weaknesses, it is up to us to address the weaknesses through amendment and it is quite clear when you look at what these weaknesses that have been held out amount to they can quite easily be addressed by way of amendment. So do not hide behind that. The issue is very clear: do you want to help people that find themselves in this situation and are injured or do you not want to? If you want to help them, you are going to support the second reading and if you do not want to help them, then you are not going to support the second reading and that is the message and that is what the public outside will understand.

The Speaker: Mrs Hannan.

Mrs Hannan: Thank you, Mr Speaker. There are just a couple of points. I do not see it like the member for Ayre sees it. I am sorry about that. He seems to see that this legislation must go through to protect the public and I do not see it as that. I see that if this legislation is approved, what it does is it says that for three months no action can be taken by anyone who falls in an area. Now, if the pavement is so bad, if it is so damaged that it should be repaired, surely anyone falling on that pavement or falling over a broken kerbstone or whatever must be able to make some sort of claim, I would have thought.

Mr Quine: There is a statutory bar.

Mrs Hannan: No, you can. What this legislation is saying, if it should be passed, is that up to three months you cannot claim because the department must be allowed time to

repair. What I am saying is that if it is so bad and someone falls over it and it has been blatantly left, then someone can claim compensation and that is how the law is at the moment. The legislation that the member for Ayre was quoting where you cannot sue is under the Land Drainage Act, which is a much older Act, where it states there is no liability on government, and in a way you can understand that because a flood can happen for many reasons. An act of god, that is how that has been seen. So I do not think we should get one mixed up with the other.

I would like and the Department of Transport would like, and I am sure for each of our areas we would like, the money to be made available to have our pavements and streets absolutely pristine and the people out there being able to inspect and make sure they stay that way. However, you could go in today and you could repair a footpath and tomorrow a large vehicle comes along and drives over the pavement.

Mrs Crowe: Yes.

Mrs Hannan: That is then government's, the taxpayer's fault because someone has acted in an irresponsible way. Now, we try to deal with that, we try to keep cars and vehicles and various things off the pavements, but it does not stop these vehicles going on the pavements to load or unload.

What I am saying is that with a pothole, a break-up of the pavement or whatever, it should be inspected but if it is not and somebody falls on it, then they can claim compensation, and many people do contact the department and it is considered some people get compensation, some do not. It is a very difficult area to give consideration to. It can be that someone just trips. We have all tripped from time to time. If this legislation goes through, it could be in an area where someone has fallen previously.

We had a case in Peel where there was a small kerbstone, it was not really a kerbstone, but a number of people fell and that was not because it was bad, it was just because in actual fact it had been repaired and what was needed on the edge, so that people could see it, that there was this different level because of this kerbstone that was put round, some white paint to line it. I am not sure whether these people actually got compensation or not, but that was not a fault that you could say, in this instance it had been repaired, but the people that had fallen had not been aware of this, for whatever reason.

There are many many issues where people fall. I myself have fallen and it was my fault. I could not say that it was something that had been reported or something that had not been reported in my instance. It could not have been something that was reported.

But I think the concern that I have is that someone who fell and it was in a dangerous situation and very serious, whether it had been reported or not but had not been repaired, I would not like to say that somebody cannot claim compensation within this three-month period. I would have thought anyone who falls, breaks their arm, whatever, shock, serious injury, breaks their leg, whatever, can make a claim to the department because it might be something that is extremely serious, it might be a pavement, as I am not sure who it was that said that the pavement settled. There are a number of these issues that I think would have to be assessed and what I am concerned about is that in a way this legislation removes the culpability from government, but it actually says that as long as you fall after

three months you can claim compensation, and I do not think that this is the way we should be doing it.

If there is money out there I think we should be giving it to the Department of Transport and telling them to get on and get the job done. I know that is what the mover wants. I know he wants the pavements and areas such as that to be repaired as soon as possible.

But while this legislation imposes a liability on the Department of Transport for injury caused to pedestrians in certain cases by its failure to repair an adopted highway, there are a lot more responsibilities within society for the damage that is done in these areas and not least that places are not policed properly. We did try in the department to have a campaign with regard to parking on pavements, but people still do it and I am sure people in this hon. House still park on pavements if they deem that they cannot park anywhere else and they are wanting to dash in somewhere to get sorted out and they do not want to hold traffic up.

So I think we do have quite a bit of responsibility on ourselves but also for the policing of these areas and what I am saying is that if there is money available out there, then I think that the money should be made available to the Department of Transport, whoever is in the Department of Transport in the future. My concern with this legislation is that it says the Department of Transport is safe and protected for those three months, whenever that is. It could have been something where the damage was caused six months before but because it was reported on a magical date the department then had these three months' protection to get it done, and I think what we should be doing is trying to get the responsibility clearly with the Department of Transport to get this work carried out but also recognising that there are other responsibilities within community for damage to whatever.

The Speaker: Mr Rimington.

Mr Rimington: Thank you, Mr Speaker. When I looked at the order paper for today I was determined to be able to be positive all the way through and vote for everything and indeed I think that still stands, but what I wanted to do in this particular Bill was actually hear what the hon. Minister for Transport had to say in his concerns about the Bill, and the other members, before really making my mind up, and on reading the Bill I was reasonably content with this and I have not actually been convinced in an opposite direction as yet and the arguments about unfairness, yes, I can see those arguments, but then, like the hon. member for Ayre, there must be some method to remedy that question of unfairness, even if it means bringing an amendment in to say 'zero months' or whatever, and perhaps it is the desire of the mover of the Bill who has tried to, in that respect, lean over backwards to the department and say, 'Well, we're going to give you every opportunity', inadvertently creating the arguments which are then being used against him.

The hon. member for Onchan, Mr Cannell, was talking about is this going to mean every pavement and every scrap of road between the Point of Ayre and the Calf of Man being affected? Well, that quite clearly is not because in subsection (5) it does go on at quite great length, 'In proceedings brought by virtue of subsection (1) the court - (a) in determining whether there was a defect in the state or condition of the highway, shall take into account in particular (i) the character of the highway, (ii) the standard of maintenance appropriate for a highway of that character, and (iii) the state of repair in which a

reasonable person would have expected to find the highway', i.e. there is an area of discretion, which would obviously have to be determined by law, that the hon. member's particular rough piece of road he is referring to, which is used like a track of some description, would obviously not come within that, and indeed there is a particular bit of pavement which has recently come up in my area which I walk quite regularly and I thought to myself, no, I probably would not say anything to the department about it because I do not consider it probably a priority because it is not one used by that many people, certainly not used in the dark, and the people who are walking on that pavement are usually pretty good at walking anyhow. So in law somebody would make a reasonable judgement that that little defect was actually okay and could stand a while before being sensibly modified.

So I believe that this should have a second reading and that we could then move on and there is at least a couple of weeks and I am sure the hon. mover, or I presume, would be prepared to extend that longer if there was a genuine desire to tidy up and remove some of the defects which other people see and bring forward something which was overall beneficial to the public of the Isle of Man because the general point is that there does have to be some liability on government in the broad for defects when we are talking about really sort of central areas, shopping areas, places where people do walk a lot, especially older people. Yes, if I trip over I am unlikely to make a claim because I am reasonably fit and healthy and do a lot of walking, but certainly there are a lot more elderly and infirm people around who do not have that option and who can quite easily trip over something and we do need to ensure that the appropriate parts of our pavements et cetera are kept up to a good condition. Thank you, Mr Speaker.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. First of all I would like to congratulate the mover of the Bill for doing his homework and bringing it forward to us today. It is some time of course since this hon. House actually gave him permission for to pursue a private member's Bill.

The only question I would put to him is whilst researching the issue prior to the drafting of this particular Bill did he happen to come across what the accepted criteria are in the United Kingdom, for instance, where the local authority has to determine whether a highway warrants immediate repair or not? What are the accepted criteria in judging that type of situation and indeed has he looked elsewhere other than the United Kingdom for accepted criteria adopted by other governments and how does he judge that when looking at the Isle of Man's criteria?

I was grateful for the minister for the Department of Tourism's input into the debate but I was a little disappointed because I was listening very hard and waiting to hear what our criteria are in judging these situations when a pedestrian in particular does sustain injury or has a fall and makes a complaint or a report, an official complaint, to the department. What happens? How is that judged? How does it proceed and what is the general outcome? The member did assist him, Mrs Hannan, who is also on the department, by saying that people can claim compensation, sometimes they are successful with their claim and sometimes they are not.

What I am aware of are several complaints over the last seven, eight, nine, possibly 10 years going in from people that I have come across who have had an accident as a consequence of either a badly repaired or neglected pavement or an area where perhaps the Department of Transport have left equipment and have not lit it up appropriately at night and that sort of thing and it has caused people to fall. What I can say is that under those circumstances, as far as I am aware, following an official written complaint to the department the matter is referred to the government's insurance people who then go on a paper-chase with the individual concerned for anything from a year to 18 months, by which time that person has to be jolly determined in order to persist or, as in most cases, gives up because hopefully by that time their injury, even if it is a breakage, has repaired after a year to 18 months. They have given up and they have walked away, obviously very dissatisfied thinking, 'Well, we work, we pay taxes, we pay for improved public services, the pavements are a responsibility of a government department - why aren't they maintaining that public service, that public utility, for our use and for our safety? We expect nothing less but to be able to walk about in reasonable safety.' And so this is where the unrest within the public area can get quite angry at times.

I would like to have asked the minister - of course he is not in a position to respond because this is not his Bill that he is moving but he may take it up possibly with me later - but I would like to ask him at some point when he is able to respond why he did not seek to address this matter himself in his own legislation because all the way throughout his contribution today he admits that it is a problem and how the department and particularly the minister and members would like to see an improved situation in terms of the provision of pedestrian pavements, roadways, et cetera, et cetera.

He also said that the department endeavours to maintain to a reasonable standard, but there was no indication of how that standard is measured and what it is measured by. Whose standard is it? Is it a general standard adopted across the United Kingdom, the British Isles or where? Who has established that standard and how is it judged?

I clearly think and believe what the Department of Transport really needs is a rapid response team approach to this sort of situation in terms of repairs, particularly where folk take the time and trouble to either ring or write in to the department to report such an occurrence. Obviously if the complaint is received, monitored and responded to by way of notification that it has been received, it is then judged by priorities, but I would have thought if somebody has undergone an accident as a consequence of something wrong with the pavement that is the expected responsibility of the department, that should have a rapid response approach and that there should be a rapid response team.

Now, this was mooted back in 1992-93 when the Douglas Corporation had a highway agreement with the Department of Transport for the maintaining of pavements which was subsequently done away with, that agreement with the local authority, and the department took on the responsibility itself and it was said at that time that that was what was required, that was what we would aim to achieve. Of course the head of the department at that time was another hon. minister, still in this hon. place, and those were the comments that were made at the time.

I would have thought that if we endeavour to maintain pedestrian ways and have a rapid response approach to when we have areas of fault, we may well witness more folk

using them to walk on. We complain about the excessive use of the motor vehicle. We are going to try and provide more pedestrian ways but whilst areas like this are still being challenged by folk, then there is going to be a reluctance for people to walk. If it is safer, they will be encouraged to walk and know that they will be safe.

Finally, I would like to say, and I know the department said that it tried to do a campaign, I think any government department should try, try and try again and keep trying. You have to keep educating the public in terms of 'Pavements are for people'. It is a slogan that is used by the blind federation society and other partially sighted organisations, 'Pavements are for people', and we as a government need and must keep hammering that to the public all of the time. If vehicles are parked on pavements and haulage lorries, delivery vehicles are parked on pavements, which do crack them up, do damage them, then action should be taken by either the traffic wardens under the Department of Transport when they get going or police officers employed by the Department of Home Affairs to prosecute and there should be a real clampdown, just like there was a clampdown and drugs swoop; we should have similar swoops throughout the year in terms of this sort of offence.

Finally, in respect of the actual Bill and the way it is worded, Mr Quine from Ayre was quite right: if there are areas that are not quite right, then we could amend them. But I do not read this legislation the same way in which the members for the department have read the legislation because there is a provision here where the department will be responsible if there is a failure to respond following the report of a faulty pavement, a hole in the pavement, a crack because somebody has had an accident. It is failure to respond to that situation that they are liable for. The difference here is that there is a statutory obligation upon the department with this Bill for to do something about it and equally if they do not feel they ought to do anything about it, they can turn round under this Bill and say, 'Well, we don't think it was justified', and of course that may get challenged in court but it would then be up to the department to put their case.

As regards clause 2, because we are only dealing with two clauses in this Bill, again it deals with the short title and it also deals with the sixth months which the hon. minister for the Department of Transport kept saying how unfair it was. I think the present situation is grossly unfair. This brings a degree of fairness into it and in respect of clause 2, subsection (2) it says, 'No action may be brought by virtue of this Act in respect of an injury suffered before the expiration of six months beginning with this passing of this Act.' Now, what that is is if the Act comes in, the appointed day order, following approval in another place, if the effects of the Act came in on 1st July, then what it is saying is that between 1st July and six months after there is a lead-in time for the department. I do not think there is any unfairness in that because before the effect of the Act what is there in place? You have this hotchpotch system where somebody, if they are brave enough to put pen to paper, has got to chase the department and the department just refers it to the insurance people and that can go on, as I described earlier, for anything from a year to 18 months and they come up with zilch at the end of the day, and on top of that the repair to which the accident was attributed has not been done and so the accident is waiting there for someone else to fall into it.

The public elect us to look after the public purse. The public purse is used to facilitate and improve public services. This is one where the public expect us to support, they expect us to support an improvement in this area, and I would urge hon. members to please support the legislation at this stage and let us consider a couple of amendments, if it is thought appropriate, to bring it into line with the wording which might be more palatable to others in this hon. place. Thank you.

The Speaker: I call upon the mover to reply. Mr Singer.

Mr Singer: Thank you, Mr Speaker. First of all can I thank every member who has contributed to the debate. The debate, I think, has been even longer than the leave to introduce which appeared at that time to be a second reading.

Can I thank Mr Houghton for his seconding the motion and thank him for what is his total support and I appreciate very much what he said.

Mr Cannell referred to my 'utopian aims'. Well, I certainly think it is necessary to strive for the best and that is what I feel that I am doing with this Bill. I certainly do not believe there is justification for doing nothing.

Mr Cannell talked about where the repair is faulty, it is different from ignoring a danger, but here we have the malfeasance where the repair is faulty and the department is responsible, as against ignoring the danger and that is misfeasance. But it is somewhat of a lottery, isn't it, if somebody falls, whether in fact where that person has fallen has been repaired or has not been repaired, and it is rather a lottery for that person.

Mr Cannell also talked about it is difficult with all the different pavement surfaces they use nowadays. Well, of course we employ both men with in the department and private contractors with experience to repair all types of highway, so I did not quite understand what point he was making there, and we are not talking here about small defects, we are talking about major defects, and we are not talking, as has been pointed out to Mr Cannell, about every road from north to south. The areas which are exempted are quite clear within the Bill. So I point out to him that we are not talking about every 'track and path' which were his words.

He also went off at somewhat of a tangent talking about USA lawsuits, UK lawsuits. These are totally irrelevant to this Bill because, as has been pointed out, the department has three months, six months initially, but three months, whereas in the UK they have no time at all: the person can sue immediately, tell their brother to come along and fall and claim again and call the rest of the family and friends. I have deliberately, with the wording of this Bill, avoided that sort of scenario.

I thank Mr Henderson for his support. The department does have to take on the responsibility because that is their purpose, the safety of the public using the highway, and if we prevent somebody suffering an injury it prevents a trauma, it prevents a loss of income and it also saves considerable costs to the National Health Service.

The hon. member for Onchan, Mr Karran, says he has a lot of sympathy. He is not here at the moment, so I do not know if he still has a lot of sympathy, but he did talk about the three months and is there an alternative? Well, no other alternative has come from the

department either before this debate or now and I do not believe that we cannot leave it open-ended and that is why I have gone for three months.

The hon. member for Onchan also talked about the fairness of a young person - oh, he is back. I am just discussing your points, Mr Karran. You talked about a person falling over a highway and possibly breaking their neck. Now, he said is it unfair that they can claim or they cannot claim? The position is the same now. If it has not been repaired beforehand the person cannot claim under the 1986 Act, if the person breaks their neck falling over after the department has repaired it, then they can claim, so it is not the case of the accident, it is when and if the area was repaired.

Now, Mr Brown says that he accepts that the issue causes concern. Well he, with due respect to the hon. minister, is in the position to do something. He does recall our discussion partially as far as enlarging areas to be included and he also mentioned that I had only talked about my constituency areas. Well, that is because I had been made aware of the problems within my own constituency, but I am sure that this happens elsewhere, but I have not been made aware of them, maybe the department has.

He agrees that there is no liability immediately before the first accident under this Bill. Well, that was the whole object of the Bill, to get the problem repaired, not to provide an office or department that is going to just give out money hand over fist.

Mr Henderson commented about this Bill would concentrate the mind in getting the repairs undertaken. But the present law is totally flawed. It certainly is not. The identification of the definitive danger point is not difficult, which was one of the matters that were commented on, because we have highways inspectors who can go out and have a look at the area and record the area when it has been reported, and certainly the hon. minister has not come up with anything new today despite his concerns, and in fact lawyers tell their clients, and they have told me, not to bother going to court, and that is an impossible position. Certainly current best practice would be to repair the danger point certainly in less than three months.

I thank Mr Quine for his support and the examples he showed in that the Bill is not unreasonable. I believe it represents an improvement as far as the present situation is concerned.

Utopia, which has been mentioned, that would certainly be paying out to everyone or having perfect road surfaces, but of course we are not going to get to that and we do have to consider the human rights, and I thank the hon. member for raising the matter of human rights because I know it is a situation close to the hon. minister's heart. The worst scenario of this Bill certainly is not. The worst scenario is the present situation.

Mrs Hannan talked about misfeasance and, I think, malfeasance, although she did not particularly mention the words, but of course misfeasance is if the department do not repair and they are not responsible, and as I said before, it is a lottery and clearly unfair. The lawyers do tell people, Mrs Hannan, that they cannot sue under misfeasance.

Mr Rimington - I thank him for his considered views. As a former member of the department my intention was to reduce costs to the department but to advance the progress of repairing the highway. I would certainly consider amendments if some people

felt that the timing in here was not correct, that there might be a better time to insert into the Bill, but it certainly appears unlikely under the present system that we will get that far.

I thank Mrs Cannell for her support. She did ask about criteria. I am happy to have the criteria determined by the department, that is, the criteria meaning the conditions of the service, the depth of the cracks et cetera to decide when and where the department is responsible. Certainly we can look at the UK criteria and base it on those because they have the experience, but, however, I must point out to the hon. member a comment in a letter to me from the DoT which says, 'I am not yet in a position to advise you of the criteria used by local authorities in the UK to determine whether highways warrant immediate repair: this is still being investigated.' I would point out to the hon. member that that letter was sent on 11th October 2000, five months ago, and I still have not got a reply to that letter.

Claims are rejected by the insurers under misfeasance and the department may well make small ex gratia payments without liability to somebody who maybe has broken their glasses or torn their coat et cetera, but the insurance companies reject any claims, and there is a rapid response team - there certainly was a rapid response team at the time I was there - and that is in being -

Mr Brown: There still is.

Mr Singer: I thank Mr Brown who tells me that it is in being. I am pleased to hear that. And for a non-major repair or a small repair it should cover many of these complaints to the department. That is why I believe that some rearrangement within the department would account for and help to reduce these dangers without any great cost to the department.

Mr Speaker, on February 26th I received a letter from a constituent which I believe is extremely relevant to the reasons behind this Bill: 'Yesterday, the 21st, about 11 a.m. I tripped over a bad piece of pavement outside Felton's smaller shop in Parliament Street. I understand' - I will not mention the name - '... fell in exactly the same place some months ago and while my injuries are nowhere as bad as hers, I have a very bruised top joint to my right hand, middle finger, slightly sprained left wrist, a grazed knee and little finger, banged my nose, scratched my new glasses and two very stiff upper arms. I probably came off very lucky with no broken bones, but as I am now over 80 it is something I can do without.' This lady cannot claim compensation. This lady fell in exactly the same place as I twice reported to the department, commencing April 11 months ago. I inspected that area yesterday and it has not been done. I would have thought the department would have made some attempt, considering the publicity, to repair that area. To me this is unacceptable and it does prove the need for some responsibility to be placed on the Department of Transport which they do not appear voluntarily ready to accept.

We have heard about the costs which I believe firstly are highly exaggerated and can be mostly mitigated, as I have said, by the adjustment in working practices and priorities, and I did read with interest the article referred to by the hon. minister in the local paper, when the hon. member for Rushen, Mrs Crowe, says she only managed to have urgent maintenance on pavements in her constituency by calling on the direct intervention of the hon. Minister for Transport. I would ask hon. members is this the kind of service we

consider satisfactory when the minister has to be called in for these types of repairs? I would say not.

This Bill would place obligations on the department which represent current best practice and anything less takes away the rights of the individual to walk and be safe in an area that is looked after by the department within its responsibility and duty of care.

It appears from the argument from some quarters that there is a clear view that things should not be changed. That seems to be certainly the attitude that has come up from some people today. They seem to be saying, 'What if people do fall and injure themselves?' Balancing the cost to the department as against those relatively few pedestrians and their injuries they seem to be saying, 'Well, we're going to continue with the present system and we'll just have to accept those injuries.' That is what it appears to be and that is what it appears to be to the general public. I would say quite specifically to hon. members the intention is to balance the situation so that there is no massive responsibility heaved onto the Department of Transport without them having a reasonable time to make things right.

I amended my original proposals, as the minister has agreed, after talking to him, but the minister did accept the principle of the Bill. To demonstrate this to you let me quote from the notes of that particular meeting that I had with the minister which were taken by an officer of his department: 'The minister and Mr Singer agreed in principle that an amendment to the Highways Act 1986 for the purpose stated would be beneficial to the public interest without going over the top in the way which such legislation has done in England. It was agreed that the measure should therefore be considered for applying only to a surface carriageway or footway.' And then, 'It was agreed that the purpose of the proposed amendment to the Act would be to seek to avoid accidents to pedestrians arising from unexpected defective condition of the highway and to ensure that a carriageway or footway surface which was assessed as being in a defective condition would be repaired as soon as possible and to that end the department would have an obligation to do so within a reasonable time. In particular the highest priority of response by the department would be expected where the department became aware that a pedestrian had sustained injury which might have been occasioned by the condition of the road surface.' So I understood from these notes, and I have not heard otherwise, that the minister was supporting the principle and if he is supporting the principle, then I believe that he and his colleagues should be voting today on the second reading for the principle, and as has been said by the hon. member for Ayre, if then he wishes to propose amendments, that is fine and I think they should be considered by this hon. House.

If I may finish by giving you a quote, 'Once alerted to danger you must do something about it.' This was stated at the last Tynwald during the Silverdale debate on the need to act against traffic dangers and spoken by the hon. Chief Minister and this encapsulates the ethos of this proposed Bill: 'Once alerted to danger you must do something about it.' (**Mr Houghton:** Hear, hear.)

I believe that the hon. minister has now convinced the Council of Ministers to vote against this Bill and what he is now saying to the public is, 'We do not accept the principle that responsibility for public safety should be according to accepted best practice, leave

things as they are and then we don't accept our responsibility for public safety.' I believe by voting this down at this stage that is what is being said.

I seek hon. members' support for the sake of increased public safety when they are walking in areas where they are entitled to encounter safe highway surfaces. I believe this Bill is fairly balanced. I understand that within the department action will have to be taken for safety's sake and I believe that people throughout the Island expect nothing less. I therefore move, Mr Speaker.

The Speaker: Hon. members, the motion is that the Highways (Amendment) Bill 2001 be read a second time. All those in favour please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

For: Messrs Rodan, Rimington, Houghton, Henderson, Braidwood, Mrs Cannell, Messrs Singer, Karran and the Speaker - 9

Against: Messrs Gilbey, Rodan, North, Sir Miles Walker, Mrs Crowe, Brown, Cretney, Downie, Mrs Hannan, Messrs Bell, Corkill, Cannell and Gelling - 13

The Speaker: Hon. members, the Bill fails, 9 votes in favour, 13 votes against.

Licensing (Amendment) Bill — Second Reading Approved

The Speaker: Hon. members, we now move on to item 24 which is the Licensing (Amendment) Bill for second reading and I call upon the hon. member for Ramsey, Mr Bell.

Mr Bell: Thank you, Mr Speaker. For some time my department has recognised that considerable benefit would be derived from updating the liquor licensing laws and in this connection conducted a public consultation exercise to ascertain what changes were required.

As a result of this consultation my department resolved that a Bill should be drafted to provide for additional regulation of licensed premises and to provide greater powers for the police to enforce the law where offences are committed by persons under the influence of alcohol. In this connection the Bill provides no less than 24 additional powers, regulations or offences.

My department also recognised that measures were needed to balance the new comprehensive regulatory framework by providing an environment that will encourage the industry to meet the needs of its consumers. The Bill therefore also removes restrictions on opening hours by abolishing fixed permitted licensing hours.

The main provisions of the Bill are as follows. Registered club members are to be afforded the same level of protection from fire as that which is provided in other licensed premises by extending the fire regulations to registered clubs.

My department is to be given the power to make regulations on notification requirements for opening hours of on-licensed premises. This will enable my department, after consultation with the police, to exercise flexibility as to the premises' circumstances and timing of notification requirements on an individual basis, thus minimising bureaucracy for orderly, well-run premises while enhancing the powers of the police for those premises which are not so well run.

The Bill also provides a solution to address the police's current difficulties in enforcing the exclusion of children under 16 from bars because of the lack of a clear legal definition of 'a bar'. This has been accomplished by making provision to permit the designation of specific areas in on-licensed premises or indeed whole premises where children are not permitted. This will allow the courts to clearly specify where children are not allowed and aid the police in enforcing the law.

The current outdated law that prevents hotel guests from paying for liquor on their hotel bill unless it has been consumed with a meal will be abolished and payment by credit card will also be permitted in an on-licensed premises. The situation whereby persons who commit serious offences cannot be banned from purchasing liquor is addressed by adding serious offences to those which a ban can be given. In addition public order offences and criminal damage are also to be offences under which a ban can be given.

A power is also introduced to permit the courts to ban a person from entering an on-licensed premises. This will reduce problems caused by persons who are banned from purchasing liquor but who can currently still enter on-licensed premises.

In order to close another loophole by which banned persons can obtain liquor for consumption in a public place it will also be an offence to purchase liquor for a banned person for consumption by them in a public place. In order that the banning of individuals is effective it is essential that licensees and their staff know who is banned. The courts therefore will be able to authorise the police to take photographs of banned persons and distribute them to the licensees.

The current voluntary register of security staff has proved beneficial but it is not currently possible to exclude certain categories of offences such as sex offenders from being registered. My department is therefore to be given powers to make regulations for the provision of a register of security staff.

In addition courts will also be permitted to require any on-licensed premises, not just nightclubs, to have security door staff. This will ensure that those premises that the court considers should have security staff will be required to have them.

An additional power is provided in the case of a riot for the police to close a licensed premises for up to six hours with a maximum period of 12 hours in any three days. In addition a justice of the peace will be able to close a premise for up to 60 hours, although in this case the licensee will be able to make representations that the order should not be granted.

In order to provide a means of stopping licensed premises from operating while any problems experienced are sorted out the Chief Constable will be permitted to apply to the licensing court for a reduction of hours when liquor may be sold in any licensed premises for a period of up to four weeks.

The licence period for a registered club is to be increased to three years in line with other liquor licences.

Concern has also been expressed that garages without liquor licences have been giving away cans of lager as a promotional offer. The Bill prohibits this practice in the course of a business.

In order to address the main concerns of residents living near on-licensed premises, which has an effect on their quality of life on noise emanating from these premises, the licensing court is to be provided with additional power to refer any on-licence application to DoLGE to obtain a list of noise reduction recommendations that it may include as conditions on the on-licensed. In addition, no on-licence premises may permit music to be played or dancing to take place without seeking and receiving authorisation of the court, subject to such conditions as the court may specify.

To reduce the incidence of disorderly behaviour in the licensed premises the maximum sentence for this offence is to be increased to six months' imprisonment.

To ensure where licensed premises are open for longer hours that the premises comply with the court requirement that a designated official is on the premises during opening hours, the power is provided for the licensee to apply to the licensing court for a person to be approved to stand in for them or the designated official.

In order that problems which result from the operation of any licensed premises can be addressed during the licence period the Chief Constable is to be permitted to seek the revocation of a liquor licence if there is a change in the fitness and character of the licensee.

The Bill reduces the number of offences that would lead to a disqualification from holding a liquor licence to one offence triable on information. This will provide equal treatment to persons applying for a licence with those currently holding one.

Finally, the Bill provides for abolition of fixed permitted hours. In this connection my department has spent the last two years introducing various temporary extensions to permitted licensing hours to measure the effect. I am pleased to say each extension has proved highly popular and extremely successful, with the public having enjoyed the extra hours in a trouble-free environment. The extension of Sunday hours has also been popular and has caused no additional trouble. This evidence has added weight to the case for deregulation.

In addition the Isle of Man Constabulary have expressed a view that policing problems would be considerably reduced, particularly at closing times, by a gradual closing of licensed premises rather than the wholesale closing at one time for public houses and one time for clubs.

The industry is fully behind the relaxation of licensing hours and all but MENA, the organisation representing the nightclubs, are supportive of the abolition of permitted licensing hours with an acceptance that the comprehensive regulatory framework provided by the Bill is also required to provide a balance to the new freedoms.

My department is firmly of the belief that the deregulation of permitted licensing hours, along with the extensive additional regulative measures introduced in this Bill, will help to reduce alcohol-related crime while providing greater consumer choice in the future. Therefore, Mr Speaker, I move that the Licensing Bill be read the second time.

The Speaker: Mr Cannell.

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

Mr Cannell: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. I rise to support the spirit of this Bill as long as the checks and balances are in place which of course have been assured at this time by the minister. However, I have concerns over two matters in this amendment Bill, both of which I propose to bring forward certain amendments thereon at the clauses stage.

My first concern is that of music and entertainment arrangements which would take place after midnight hours. Currently when public houses close at midnight during the weekends the music and in some cases dancing will cease at that time. However, in the case of many public houses which are located deep within our communities it could follow that if the public house decided to remain open until 2 or 3 a.m. there could be loud music and dancing much later into the night, which would be totally unacceptable to residents living nearby.

The second part of this concern is that of nightclub businesses who are properly geared up to dealing with late-night entertainment issues by providing appropriate arrangements for public entertaining together with proper fire precautions security staffing et cetera. My proposal, therefore, would be to bring forward an amendment, possibly to clause 1 of the Bill, which would allow the clubs to impose appropriate time limits on individual public houses, taking into consideration those licensed premises situated in the heart of our communities.

I would have liked to have been more specific as to the differentiation with public houses to that of late-night entertainment facilities. However, I am advised that this particular Bill is not the appropriate vehicle to differentiate between pubs and nightclubs.

My second proposed amendment will deal with the issue of alcohol consumption in public places. Hon. members will be aware of the current legislation which permits the Minister for Home Affairs to have designated areas regarded as alcohol-free zones approved by Tynwald. What I propose in my amendment will be to abolish this particular arrangement and replace it with legislation which would allow a constable to deal with those abusers of alcohol in any place throughout the Island. This power would be at the discretion of course of the police and it would be a discretionary issue. It would be aimed at those persons who choose to abuse alcohol in the same way as the designated areas are controlled in the current legislation.

I would be grateful if the hon. mover of the Bill would indicate his support or otherwise for my proposals, bearing in mind I have discussed this matter with him and of course I am willing to liaise closely with his department if required during the movement of this Bill through the House. Thank you.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I think on the agenda paper this is the one Bill which I have to say I really think that we have lost the plot on if we allow this to go through and it is embarrassing to be seen as some sort of Luddite but I have to say that I was glad that we

managed to stop them opening the pubs from Monday to Thursday to 12 o'clock at night in previous legislation.

The idea of a free-for-all is lunacy. I believe that this House is mad. We know at the present time that we have a couple of nightclubs where they have the extended hours. We know where they are. Here we are going to give it a free-for-all for whoever wants it. Well, I certainly do not want it in my constituency. I understand that there have been safeguards put down, but at the end of the day if you are drunk you are drunk and you are not going to go home quietly without making any sort of disturbance to the surrounding properties in the area and I believe that this House would be absolutely foolish to allow ourselves to abolish the fixed permitted hours in respect of licensed premises and clubs.

I cannot understand the logic of the Chief Minister One of the biggest social problems we have got is with alcohol at the present time -

Mrs Crowe: Misuse of.

Mr Karran: - and the fact of the matter is the minister tells us that the police agree with this. Well, I am afraid they might agree with it in central office but I think you should go and talk to some people on the beat, but of course they are not able to speak as openly and as freely as myself, and as far as the nightclubs are concerned and people in the licensing trade are concerned I have actually been told that they think it is a nonsense. It is a recipe for more provocation, more depletion of the police force and it is a retrograde step, and I have to say that if that was not bad enough, the idea of relaxing restrictions on buying liquor on credit is lunacy in my opinion. It is criminal in my opinion to be able to use your credit card at 20-odd per cent interest to be able to buy alcohol to put yourself into even more of a hole than you are already in is in my opinion irresponsible of this House, and the fact is that the idea of allowing licensed premises, pubs to be able to do this I believe is totally and utterly wrong and I do think that you are creating more social problems.

We provide legislation not for the majority but for the minority in my opinion. We have a responsibility. I think at the present time it is criminal the way that the minority that have a drink problem have to go up two or three aisles of drinks in the shops, in the supermarkets at the present time. I think that is criminal.

I think this is lunacy and I believe that this House will be wrong and I cannot understand how members are going to allow how the Council of Ministers have supported such a piece of legislation. We have criticisms from the police force about resources and we have a situation where I will almost certainly have a late-night licence, if not one, if not two in my constituency if this legislation goes through. So there are two extra that have got to be resourced by the police if there is a fight, if there is a disturbance, and I am led to believe that sometimes there are not that many on in the Douglas/Onchan area at night to begin with.

I have to say that this House it will be a retrograde step and I think that my track record, when the abuse starts to come back, with my licensees has proven that it was right to move the amendments in the past as far as not allowing the pubs to be open to 12 o'clock. The number of licensees who have said to me, 'Thank God you did it because the fact is we don't want it.' All we have done is push people into going out an hour later in order to drink. That is all we did as far as that on a Friday and Saturday night. There was a

bonanza from the horse's mouth of the brewery for the first couple of weeks, they said, but after that it went back to a situation where they just went out an hour later so it meant that the people who were working behind the bars were coming in an hour later. Instead of coming home at 12 o'clock after closing at 11 and cleaning up they were coming home at 1 o'clock instead of 12 o'clock and to what benefit?

I hope that this House will throw it out and I think that the hon. member for North Douglas wants to be careful as far as this is concerned. He claims to have the ear of the police force and I am told that they look upon this as a retrograde step and I am told that also in the licensing trade there are many in the licensing trade that look upon this as a retrograde step, and I think for any of us wanting to have a situation where we are going to have our pubs being able to use credit cards to be able to be used for the buying of liquor over the counter is not the way forward. We should not be doing that. We make legislation for the minority, not the majority, and we should be trying to help people. This is a drug like everything else. We all enjoy it, we all know how to abuse it, but the fact of the matter is I believe that this will be a terrible shame, and I do feel that the idea of the new initiatives on noise, as well meaning as they are, I honestly do not feel will actually benefit the Island.

I hope that members will reconsider and throw this Bill out because I believe it is not the right way forward and that is not just from the MHK for Onchan, that is from a number of people who have said to me quietly, discreetly, 'This is nonsense.'

The Speaker: Mr Singer.

Mr Singer: Thank you, Mr Speaker. One of the things that surprised me was that I had very little correspondence or conversations with people at all about this Bill. I thought that perhaps it would be a Bill that created a lot of furore and comment but in fact as far as I am concerned personally that has not been the case, and I do support the Bill because it does bring in some very sensible and important controls which I believe will be to the advantage of the licensing trade in uplifting its public image.

The one question to my mind is in clause 1, however, which abolishes the fixed permitted hours because I think there is a difference in the type of trade that is carried out in the centre of Douglas rather than in the towns and villages. These towns and villages, the pubs are in concentrated residential areas, certainly the same in areas of Douglas as well, and the hours of opening could have an effect on the people living nearby, particularly in the late evening and after midnight, and the residents, I am sure we would all agree, are entitled to a quiet life, if they so wish, for themselves and their children and therefore the wish for licensed premises in these areas to remain open until very late has to be very carefully considered by the licensing authorities and controlled by them. I would say that one drunk at 3 a.m. will have a more annoying effect than 10 at 10 p.m. on local residents.

The question is will people drink more alcohol or not? I suspect anyway that the majority of out-of-town public houses - by out of town I mean out of central Douglas - will not want to open all hours because it just will not be viable unless people dramatically change their drinking habits to much later in the day and evening and I do not think that that is going to be the case, certainly not immediately.

Also we will have to consider the possible pressure put on bar staff to work later if the brewery or the manager decides so and therefore there could well be a lack of transport

home for them because we know that there are difficulties getting taxis anyway. I think we do have to consider or the licensing authorities, when they are granting these licences, have to consider the position of the staff.

Many public houses have musical entertainment, as has been stated, and I think that a limit on noise after 11.30 or 12 should be imposed and adequate soundproofing of premises also to protect the people living nearby, but I was pleased to hear in the hon. minister's introduction that these will be matters for the licensing court who will refer the concerns to DoLGE to apply any conditions they feel necessary to avoid any excessive noise nuisance, so I think that is an excellent step.

So to sum up basically, I believe that this licensing Bill is a tidying-up exercise and it will improve control and therefore, as I have previously stated, it will uplift the public image of the licensing trade.

The Speaker: Mr Quine.

Mr Quine: Thank you, Mr Speaker. I am quite happy to support the Bill and I must say that we had of course several pieces of legislation over the last, I think, five years dealing with particular aspects of licensing law and I have to admit that in relation to some of them I took a position opposing them, but with hindsight I do not think they have created the problems which I anticipated and I must be honest and say that.

Instinctively I still have a problem in relation to facilitating to any larger extent access to alcohol when you consider the problems it causes socially and causes of course in relation to crime, but there is no evidence to say that the changes that we had made have caused a dramatic deterioration in the situation and so I have come to accept that the changes we have made in the round have been acceptable and I view perhaps this piece of legislation in a similar way.

There are just two or three points that I would just focus attention on and then I have to concede again they are not matters of great import but this is my opportunity to put a marker down in relation to these matters.

The first one is of course we are doing away with fixed permitted hours in respect of licensed premises and clubs and I did raise with the minister, when we were dealing with the exchange of correspondence and views, a matter of detail really, but that is that if we are going to have licensed premises which are going to function to a range of different hours, then I think there should be a requirement for those hours to be visible on the premise. Local people will know what the hours are. (*Interjection*) Ah well, I think we are all right then, if that is the case, but I just feel that there is that need, I think, to display what the hours are for particular premises to guide people. If it is in there I am quite happy. Thank you for that.

The other point I would raise is the one about the ability of the licensing court to curtail hours where there is, or could be, a problem of noise in relation to where domestic premises are situated next to the pub. It is not, I think, one that we need to go overboard about by saying we will curtail the hours in this particular situation. It is a question of making sure that there is available to the licensing court the ability to restrict the hours in certain situations so that we do not have people living in domestic premises adjacent to

public houses, where they have young families or old people, and they are going to be adversely affected, and I do not think there will be many instances of this but the legislation should provide for the licensing court to be able to apply some restraint in respect of hours, at least on perhaps one or two nights of the week when it might be a particular problem.

Again the point raised by the hon. member for Onchan, Mr Karran - I do not know what the answer is to this but I am uncomfortable with the idea that people can buy alcohol on credit and that is what credit cards obviously amount to, but on the other hand you say, Well, in this day and age where we have public houses that are in many instances dealing with food - and I must confess that that is probably where I am drawn into them: more often than not it is in relation to consuming meals - is it unreasonable that a person should be denied the facility to pay for a meal with some accompanying drink by credit card? And on balance, although I am unhappy about that, and have I seen the three exceptions there or the three qualifications there, it is something which I think we, in this day and age, probably have to go along with, but it does not sit comfortably with me, the idea that people can acquire alcohol, albeit along with meals, through a credit card system.

I think those are the only points that I wish to make. I think apart from that I can live with this Bill in the same way as I have cultured myself to live with the previous ones that we have passed through this House. So thank you, sir.

The Speaker: Mr Cannell.

Mr Cannell: Thank you, Mr Speaker. On the face of it and before joining the hon. home affairs department, many of the items perhaps 20 years ago would have horrified everybody, perhaps considerably less than that. There undoubtedly has been a great liberalisation of the approach to licensing, but that is not exclusive here, it has just finally reached here after it started in Europe 20, 25 years ago. But I remember some of the arguments and just a brief synopsis were those when there was liberalisation commenced in the Isle of Man, even at a humble stage, but licensing restrictions were never in vogue in the old days. Licensing restrictions were placed upon people in a wartime effort to try to make sure that there were not too many people in the pubs but rather at the machine benches making parts for the planes and the ships to fight the war. That is all licensing restrictions were and the idea of having this wholesale binge conclusion to licensing hours, of course, is farcical and as I have mentioned before and again before joining the home affairs department, what you had was the ludicrous position of being refused a drink at ten to eleven in a well-run public house and being able to get into your vehicle, taxi, whatever and go to Douglas and get all the drink you wanted till all hours, allegedly in the name of paying a sum for entertainment in a nightclub, but you did not actually need to have anything to do with that, you could go into some premises and just carry on at a bar. So that was an anomaly.

I remember also a great outrage when, at the Nursery Hotel in the hon. constituency of Onchan, it was proposed that the bowling green was not getting used sufficiently and the hon. and gallant licensee, Mr Reg Chafer, formerly of the Viking in Castletown, said, 'I'll tell you what, we'll have a beer garden.' That did it. This hon. House, Tynwald, the Isle of Man, were horrified. They had never heard anything like it. But eventually with the drive of, I think Mr Clifford Irving, tourism minister at the time, sanction was given for this incredible project and, lo and behold, it was one of the biggest tourist successes at the time, although as a

young boy trying to actually get off to sleep at a young age, adjacent to it was difficult. But it was actually a great success. That was the start of a liberalisation.

Then we had the thorny question of Sunday opening. We had visitors coming here when my father was driving the charas, as they say, and they would go out to the Glen Helen on a Sunday night on a mystery tour and they would eventually end up at the Glen Helen and they would go to the door and they would find the public house closed - quite extraordinary. They were used to going out for a drink on a Sunday night at home, so they come on holiday and they go to the Glen Helen and it is shut and they go in the ballroom without a drink between them and listen to Mr Minay singing for a couple of hours and they come back to Douglas and they say what a wonderful night it was, good singer though he was.

So eventually we had Sunday opening come to the Isle of Man, again another row from the holier-than-thous: it was going to bring the Isle of Man, reduce it to tatters. Jack Nivison said, 'If we have Sunday opening in the Isle of Man you will be bringing the day-trippers down the pier on a handcart.' That is what he said. I should think it could be found in Hansard. I have never forgotten him saying it.

Mr Cretney: And they did.

Mr Cannell: They were bringing them down the pier on handcarts long before there was Sunday opening because the majority of the day-trippers never made it any further than Yates Wine Lodge. They got the children to run along the street and get a bar of rock, and the boats were hooting at the pier trying to get them out of Yates Wine Lodge to get them back on the trip back to Fleetwood.

So we had Sunday opening, in 1960. I remember it. It was the start of TT practice 1960. But it was not permitted to locals, oh no. This was a great thing for tourism. The tourists could drink on a Sunday night and the locals could in the summer, but come the day the brown paper went up at the end of Grand Prix week, back down came the shutters on licensing. The liberals were not going to have it, 10 o'clock opening in the winter, darts teams chased out at five past ten on a Monday night. But eventually, what happened? We had Sunday opening in the winter and what problem did that cause? None whatever. Then we had 11 o'clock. Horror of horrors: 'The pubs are going to be open until 11 o'clock on a Saturday night. Good grief, what is this going to do?' Nothing, nothing at all. It was accepted.

There is no doubt about it, people only have a certain amount of money to spend and they look at the closing times and they go out an hour later, if it is eleven, than they did if it was ten. They used to go out at eight, now they go out at nine. It is always the last hour in any pub for the regulars. But that is not what we are talking about here. We are talking about expanding control of the licence trade. We are introducing a European attitude to the Isle of Man as we attempt to become a European travel destination and much money is being expended to that end and in fact what you have got here in this Bill is not someone saying there will be no controls whatever, the police will have nothing to do with licensing, it will just be a free market, anybody comes, 3-year-olds in the pubs. It is the same old arguments we have heard for 25, 30 years. It does not happen. If you read the Bill closely, it actually imposes considerably more controls.

Now, I know in our own constituency we have a great problem with a business venture which has completely changed its entire operation, Molly's Kitchen. The people who ran the licence for Molly's Kitchen swapped with those who ran the Liverpool Arms and they have taken a great scruff of the neck operation at Molly's Kitchen and expanded it. But of course the people in the nearby vicinity are going mad because there is a lot of noise, but it does give now the courts and the licensing authorities the plan to clamp down, and as recently as last Saturday night I went up to survey because some of the houses are back to back with this place and I stood there at quarter to twelve in the dark in the Kirkway, which are the nearest houses to it, and you could hardly hear it and the reason is that by legislation and by intervention and some assistance from my fellow MHKs in Onchan they have triple glazed the lounge there to try to keep the noise down and it is working, and that happened because they were told they had to do it or they were in difficulty and they recognise they have got a thriving business there. It is nice to see a place thriving rather than being a mausoleum. Okay, you might not think that if your house is literally next door to it, but one or two have got to suffer, I am afraid, though I would not like to be one of the two, I must say.

But what you have got here is the opportunity, even if those two people go along to the court or get us to do it, they go along and they say to the licensing court, 'This is not satisfactory, come up and hear it for yourself and if you agree with us, make the opportunity to turn down the licence until more work is done or in fact chuck it out altogether', not necessarily individually at Molly's Kitchen, all these other places that have got public houses in the middle of towns. But in actual fact what you have got with a public house in the middle of a town or a village is a community establishment which does a blinking good service for most people, and, okay, all pubs, when they throw out, have noise. That is not what you are going to do here. Instead of this quarter past eleven sling-out with everybody slamming doors and shouting and roaring and singing it is going to be spread out.

Mr Karran: It might be at 3 o'clock in the morning.

Mr Cannell: Yes, it might be a bit later, but it will be at least spread out, but the police are empowered to act considerably more tough than they have done in the past.

So have no worries about this, do not listen to the arguments about 'We do not want this type of development.' All right, it is not easy on the Douglas promenade with the nightclubs. There is a culture, I am afraid, but that is not for this debate, on why people have so much money to spend and choose to spend it on boozing their way or drugging their way, or a combination of both, to what is in the name of entertainment. That is not what alcohol is about. Alcohol can be enjoyed and is enjoyed by the very great majority.

We are running a holiday destination here. With the present climate of the foot-and-mouth disease we are going to be addressing a very serious problem for our holiday industry, I do not doubt, this summer which will come about in a debate in another place next week and we need every help we can get if we are to maintain credibility and the only way we can do that is by offering at least the equal of the facilities elsewhere.

The Speaker: Mr Cretney.

Mr Cretney: Mr Speaker, I think it is very interesting and perhaps important that we listen to a little bit of a history lesson over Manx tourism in particular over the last many years and I obviously well acknowledge what has been said.

I think the most important part here is that businesses will have the opportunity to decide for themselves the most appropriate hours and it will be for the court, the licensing bench, to impose any restrictions on that, and it is interesting that nothing changes, because this weekend, only this weekend at Summerland there were hundreds and hundreds of people here for the Isle of Man Darts Festival and at the end of the Isle of Man Darts Festival in his wisdom the person in charge of the licensing bench had decided that they could not have a drink at 10 o'clock on Sunday morning. I would not want to have a drink at 10 o'clock on Sunday morning, these people did, and the chairman of the licensing bench decided that was not appropriate and so at the end of the tournament the MC said, 'Well, the next time we'll be meeting up will be Jersey in October when you can drink all day.' Just think of that, and then the next restriction the person has put on is that for the Whit festival or hockey he believes that the Piazza level cannot be open at 2 o'clock, it has got to be open at 1 o'clock, when they can go anywhere else -

Mr Brown: Shame.

Mr Cretney: - and as soon as business can decide for themselves when the most appropriate time is, the better.

Mr Cannell: Hear, hear.

The Speaker: Mrs Hannan.

Mrs Hannan: I find this piece of legislation extremely difficult because some members will remember that I took the Licensing Bill 1995 through this House and it was government policy. I do not think there were any amendments introduced or very few amendments. I think one was to the opening hours to reduce the time from 12 o'clock till 11 o'clock.

However, this legislation repeals part of that legislation and it repeals part of section 22 and 22 has never been enacted and it is a part that I asked a question about some time ago with regard to the Chief Minister's drug and alcohol strategy and I think this legislation runs a horse and cart through any drug and alcohol strategy that any government could have.

In 1995 legislation was introduced so that a person under 21 could not be employed in an off-licence premises at a time when the premises are open for the sale or supply of liquor. The holder of the licence would be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000, and why was that legislation not enacted? Because of the supermarkets, for no other reason, to protect supermarkets. What we should be doing is protecting our people and I think it is the comment that the member for Onchan made about people having problems with alcohol, which is a socially accepted drug but it can be abused by people and people do have great difficulty. They are out shopping, they have to pass by the alcohol sat on the shelf. When this legislation was brought in certain supermarkets had alcohol areas which were separate and therefore this

legislation was reasonable legislation. After that, alcohol was just accepted as part of an everyday supermarket, so the whole of the supermarket is now a licensed premises.

The member for Douglas South suggests that the licensing bench is not playing the game or whatever. The licensing bench have not been allowed the opportunity to comment or enact this piece of legislation because government has never enacted it to protect young people in off-licences so that somebody under 21 is not serving in an off-licence, never been enacted.

It goes on, 'In relation to off-licensed premises where alcohol is not sold or supplied except in a part of the premises which is separated from the remainder of the premises and in which goods other than liquor is not supplied, subsection (2) applies only to that part of the premises.' So there can be a separation off, the supermarket is protected, the young people are protected and they are not involved in selling alcohol.

It is all very well. People will say, yes, you buy alcohol and if there is a young person on the till they will bring somebody else over who will deal with the sale of the alcohol. That is not the point. The point is that young people should not be put in that position whereby they sell alcohol. It was quite clearly government policy at that time that this legislation was being enacted. This legislation repeals that legislation and it just puts a cart and horses through this legislation and I think it is quite unacceptable to remove that legislation.

I shall be voting against and I would hope all members will vote against this legislation whether it is to free everything up so that we have more alcohol. Alcohol is being abused all the time. Right, free it up, but with added restrictions. But this one simple thing which would have helped and protected young people was never ever enacted and we are all responsible for that, all, and we are even more responsible for it if we vote for the second reading of this legislation.

I realise that members will probably not have seen that because all it is is in the repeal of enactments which is in schedule 2. It is a little area in here, section 22, it says (2) and (3). It is quite innocuous, but it repeals legislation that this government has never seen fit to enact to protect our young people and I shall be voting against this legislation.

The Speaker: If nobody else wishes to speak I call upon Mr Bell to respond.

Mr Bell: Thank you, Mr Speaker. It is heartening in one respect and perhaps a sign of the times, as I think my hon. friend from Onchan, Mr Cannell, has referred to, that this debate has in fact generated so little comment. Normally in the past, certainly in my experience in the last 16 or 17 years, the mere mention of licensing sends most members into apoplexy and we have quite a virulent debate ensuing as a result of it. I am heartened by all the comments that we have heard today, at the level of maturity and understanding in most cases which now exist as to the change which has taken place in social attitudes over the last 10 or 20 years and a recognition by most people, I think, that we need to reflect that in our legislative process.

I would just like to reiterate two points perhaps to begin with. The purpose of this Bill is not to come along with the aim of throwing the doors wide open and letting everyone drink 24 hours a day and drink themselves silly. A considerable amount of thought has gone into the preparation of this Bill to finely balance the recognition on our part on the one

hand that social attitudes have changed, that European attitudes towards the use of alcohol now are becoming more and more prevalent in our thinking on the Island and in fact it is also a recognition that the United Kingdom are in the process of changing this law themselves and within the next 12 months we will see deregulation in the United Kingdom as well, so this is really a reflection on the attitudes which are changing round about us.

In recognition, though, that these changes are now expected by our people we have tried to craft a range of extra regulation on the operation of licensed premises and indeed on those who abuse alcohol when they have access to it. We have done our best. We have consulted widely, we have consulted with all members, we have consulted with a great range of bodies in the public forum and as a result of that we have tried to do our best to put a Bill together which by and large reflects the views of all those interested parties and I like to think that because of the huge amount of work that has gone into this Bill we have in fact struck the right balance. Now, there will always be elements, I am sure, that some members will have disagreements with, we can never please all the people all the time, but we have done an honest job here to try and strike a fair balance which everybody will be satisfied with.

I would also like to point out again, contrary to certainly the rather hysterical response from the hon. member for Onchan, Mr Karran, that we are not introducing 24 hour a day drinking. You are not going to see bars open 24 hours a day, you are not going to see clubs open 24 hours a day. The reality will be that in fact there will be very limited change, I would suspect, and certainly the feedback we have had from the licence trade generally is that they are expecting just that. There will be one or two amendments to closing time. In the main there will be very little noticeable difference and in fact in many cases there will quite likely be a reduction of hours rather than an extension of hours, but now the onus will be fairly and squarely on the shoulders of the licensee. They will be able to decide from the experience that they have obviously gained from when their most popular opening hours are, they will be able to decide when they open and when they close and it is in fact a continuation, it is not new ground, it is a continuation of the policy of this hon. Court over the last four or five years towards deregulation. We have deregulated the shops hours. We were threatened at that time with dire consequences. We have not seen any change at all. We have recently deregulated licensed betting shops and I am sure we will see no change there and this is a continuation of that.

So I would urge hon. members at this point to please put out of your mind that we are going to have 24-hour drinking the Island, that there will be drunks on the streets 24 hours a day: that will not be the case, quite the opposite, I believe.

If I can just quickly go through the comments which have been raised, the hon. member for Douglas North, Mr Houghton, has had a number of conversations with me on areas he is concerned with and particularly in relation to the potential nuisance which might be caused by music going on beyond midnight in certain residential areas in particular. Now, I have had an assurance from the legal draftsman that the legislation as it stands at the moment in relation to the application that is required for a licence for music and dancing, that the concern that the hon. member has will be covered by that, but I am quite happy to talk to him over the next few days to see if that area does need tightening up any further.

The only thing I would stress to the hon. member is that there is a need obviously, and we have done our best to try and accommodate it within this Bill, not to encourage or enable licensed premises in residential areas to cause a late-night nuisance through music and dancing going on excessively. That is quite different from not allowing competition to the nightclubs on the Island. The nightclubs ought to be able to survive on their own in competition with other premises providing entertainment on the Island and if we were to unnecessarily restrict the ability of late-night entertainment in that respect, then I think we will actually be doing the Island a disservice by restricting the level of choice and of competition on the Island.

The public house and the club live very, very comfortably side by side throughout Europe and certainly throughout the United Kingdom where often their opening times do overlap and I can see no reason at all why a similar situation cannot prevail here, but I do take the point that the hon. member has made and I will be discussing it with him in the next few days if there is any need for change.

He also has made reference to a clause which was in the original Bill which went out for consultation which relates to extending what are currently limited designated areas to the whole of the Island. It was our intention to include that in the Bill, but as a result of the final consultation with the Council of Ministers it was agreed that that element be removed, but obviously it is for the hon. member to decide what he wishes to do with that point.

If I can move on to the hon. member for Onchan, Mr Karran believes that a free-for-all is lunacy, and I think that was the term of his language really all the way through his contribution. I would simply ask the hon. member to step back from the emotive approach that he has adopted to this and just to try and understand what we have attempted to achieve in this Bill. As I have said, it is not a free-for-all, it is not 24-hour drinking. The main concerns which have generated this have been twofold really, first obviously to provide the consumer with a greater choice an equivalent choice, to what they will be able to have in the United Kingdom shortly and certainly one which they have enjoyed in Europe for several decades now, but also it is to take the pressure off the police at the pinchpoint times, the last minute swill which we have enjoyed on the Island, if 'enjoyed' is the word, for decades where all the pubs in effect empty out at the same time and certainly on Friday, Saturday the clubs empty out at the same time within an hour of the pubs. This leads to a wave of people being turned out onto the streets. We do not have the public transport to take them away quickly enough and therefore problems have ensued.

The main thrust of staggering or of removing regulated hours is to create a more staggered closing time for the pubs and indeed for the clubs to enable both the police to deal with any disturbances which may take place and also to enable the taxis and hopefully ultimately the public transport services to take people home more quickly. That is the thrust of it. It is not to stimulate some sort of bacchanalian orgy on Douglas promenade, sadly. I do not think even I will get away with that one yet.

But I would urge the hon. member to recognise what we are doing is reflecting what has taken place in Europe now and has been accepted as a norm for the last 20 or 30 years and indeed what is going to happen in the United Kingdom within the next 12, 18 months. The hon. member also refers to the relaxation of buying alcohol on credit. The intent there is that currently you can buy alcohol on credit card. You can do that in a

supermarket, you can do that in an off-licence, you can do it in a restaurant now or even a pub where it sells food alongside it. So this is really simply continuing that. You can have, for example, a Christmas party, a staff party, in a pub. This would enable, for example, the bill to be settled there instead of it all having to be in cash as at present.

A Member: Or a cheque.

Mr Bell: Or even a cheque, a number of instances like that. It is simply a reflection of the modern approach to settling these sorts of debts and to standardise our approach to it because it is nonsense if we allow two or three areas, as I have identified, where credit cards can be accepted and then we are saying, 'Okay, if you just have drink on its own, though, you have got to pay cash.' It just does not make sense. We need to recognise the way society is going now. We are moving more and more away from a cash society and this is just one more side of it.

If I can move then on to my colleague Mr Singer, he has commented that there has been very little public response. I can confirm that too: we have had virtually no response unsolicited at my department as a result of the consultation process. We have publicised this widely throughout the media and we have had virtually no response outside of those people we have actually contacted directly and again I think that is a reflection of the changes which have taken place in Manx society, that it is not the massive problem it was in the past.

He mentions the differences between central Douglas and the rest of the Island. Well, I recognise that and I think the opening times and the operation of licensed premises will reflect those differences anyway.

We have in clause 6 enabled the licensing bench to refer a licence application to DoLGE where it believes noise restrictions ought to be imposed as a condition of a licence. This is a new provision and it is one, I think, which will give a lot of safeguards to people who are worried that there may be problems where we have a public house in a residential area. We have looked at this quite consciously to find a mechanism which will be effective. The conditions imposed by DoLGE will in fact be conditions of the licence, so they will have to introduce them whether they like them or not, otherwise they will lose their licence.

The other point that my colleague has mentioned is about pressure on staff to work late. There may well be instances where that happens, but I would suggest in this situation, particularly in the very, very tight labour market that we have, it will be the staff that will be dictating when the hours apply for the licensed premises, not the other way round.

I thank my hon. friend for Ayre, Mr Quine, for his support. (**Mr Cretney:** Hear, hear.) If we ever needed an example of how society's attitudes have changed over the years we only need to look at the hon. member for Ayre. (*Interjections*) Absolutely. If he carries on like this I suspect he might be standing for re-election. (*Laughter*)

Mrs Crowe: Never!

Mr Bell: He has, though, obviously expressed his concern about facilitating increased access to alcohol. It is not something we would wish to do on an unregulated basis and we do share his views on that, but I hope he recognises, and in fact I think he does from

what he has said, that we have tried to strike the right balance here between extra freedoms and tighter regulation.

He again refers to the change of credit facilities and I hope I have explained that.

My colleague from the department, Mr Cannell, the member for Onchan, has given us, I think, a very interesting history as to how we got here from the licensing point of view. It is very interesting and it is worth reflecting on and it is also worth reflecting on, especially in the light of the comments from my hon. friend from South Douglas, Mr Cretney, that it is not very many years ago that the Isle of Man Tourist Board used to advertise prominently in the tourist brochure, 'Come abroad to the Isle of Man: we have all-day drinking.' This was when the Isle of Man was ahead of the United Kingdom in terms of its liberal attitude. It was bigger measures, drinking all day. It was something the Island used to actively promote. I do not know what has happened in the meantime to cause attitudes such as we have seen with Mr Karran's, but we should reflect on the history of it. The changes we have had have been gradual over the years, in particular the changes we have brought in in the last three or four years have shown that these matters are well received by tourists, they cause no problems locally, and I think -

Mr Downie: Time, gentlemen, please. *(Laughter and interjections)*

The Speaker: Hon. members, please allow the mover to continue.

Mr Bell: I have nearly finished, Mr Speaker. The hon. member for Douglas South, Mr Cretney, the Minister for Tourism, again has expressed his support for it but also explained some of the silly anomalies that we have to grapple with at a time when we are trying to compete in a very, very, competitive market for tourist business. This, I hope, will give him and his department more scope in promoting events and indeed in selling the Island in the future as a more attractive destination.

Finally, Mrs Hannan has questioned the Bill's compatibility with the drug and alcohol strategy. All I can say is the Bill was referred to the Drug and Alcohol Strategy Committee and they expressed their support for it, as they think it is a more satisfactory approach, a more civilised approach to dealing with alcohol rather than previous repressive measures which have been used.

I accept that the hon. member was the mover of the Licensing Bill in 1995 and that some of these measures were not put forward at the time. We move on, hon. members. This is the view which we have established now. Every Bill is capable of amendment. We are bringing forward a regime which we believe will help to solve a considerable number of the alcohol-related abuse problems on the Island as well as reflecting on the consumer's needs in the new Manx society which is evolving on the back of the finance industry.

So I would just like to thank all hon. members for their support. If they have any other queries in the meantime I would be more than happy if they would come and speak to me privately. I will do my best to put their minds at ease. So I beg to move the second reading, Mr Speaker.

A Member: Hear, hear.

The Speaker: Hon. members, the motion is that the Licensing (Amendment) Bill 2001 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, Houghton, Henderson, Cretney, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Singer, Bell, Corkill, Cannell, Gelling and the Speaker - 21

Against: Mrs Hannan and Mr Karran - 2

The Speaker: Hon. members, the Bill is read a second time, 21 votes in favour and 2 votes against.

Procedural

The Speaker: Now, hon. members, I seek your guidance. Items 25 and 26 remain on the order paper, but the mover of items 25 and 26 is willing to have them held over until our sitting on 27th March provided they are taken immediately after questions. Is that the approval of the House?

Members: Agreed.

The Speaker: Right, thank you. Now, therefore the House will not sit tomorrow afternoon.

I have one other matter to seek your guidance on. When we are sitting on Wednesday afternoons the order paper for the following week does not come out until late on Thursday afternoon for obvious reasons. Isle of Man Newspapers who normally get a copy of the order paper on Wednesday are able to publish your questions in the *Manx Independent* published Thursday night/Friday. They are asking is it possible for just the questions part of the order paper to be published earlier? The questions are tabled by 5 o'clock on the Monday. There would then just be a Keys question paper separate just for the period when we are sitting on Wednesday afternoons.

Mr Houghton: Agreed.

Mr Bell: They are not even interested in coming round this afternoon.

Mr Gelling: Mr Speaker, if I could just comment, surely we have only got one more sitting on a Wednesday afternoon and we have exactly the same difficulty in the Council of Ministers. We no longer get the question paper or the agenda or the order paper for Council consideration, but we looked at the point that it was only till Easter and there is little time to go. I think moving it all just because the newspapers cannot get the information is a bit much, sir.

The Speaker: Hon. members, I have no opinion on this matter. I was just expressing a request. Anybody else got a view? If not, there will be no change.

Mrs Crowe: Mr Speaker, just as a matter of clarification I think the order paper is actually printed but it is not released to the media because of course the members do not have it. Now, in my particular case, and I am sure there are many other members, I leave home before the post arrives, I do not get my post, so I would be in the same position as

the newspapers. So the order paper is printed, they are just asking for it to be released at the same time as the members get it.

The Speaker: Hon. member, that is actually not correct because when we finish late on a Wednesday night I do not authorise the order paper for printing until Thursday morning because it cannot be done, because they do not know how far we have got through the order paper and therefore it is impossible to have it before their print time is closed at Thursday midday and on top of that it is impossible for members to have it beforehand. However, it appears to me that we will leave things - Sorry, the hon. member for Onchan, Mr Cannell.

Mr Cretney: Oh!

Mr Downie: Come on.

Mr Cannell: It is just a question of relating to the public. The questions are no mystery, they are all filed by ourselves and if they are printed anywhere and if they are available, then they are public property. We are asking questions of elected representatives. We are operating on behalf of the public, so the better we let the public know what we are doing the better and if for about three weeks we have to just vary things and say to the newspapers, 'You are in the same position as us', so what, let us get the publicity out of it. Heaven knows, it is an election year and people are looking for publicity by other means, let us do this where we can do it properly and legitimately.

The Speaker: Mrs Hannan. I am not going to have a full debate on this, hon. members. *(Interjections)* Mrs Hannan.

Mrs Hannan: I feel very concerned that it seems that the press are only interested in questions. **(Several Members:** Hear, hear.) We have spent the majority of today going through extremely important legislation. There is never any comment or very little comment on any legislation that is passed or any legislation that is being discussed in this House. The only thing that seems to matter is questions and I think it gives a false perception of what we do in the House of Keys and therefore I think we should just continue as the Chief Minister has said: we have got one more week.

Mr Gilbey: Hear, hear.

The Speaker: Hon. members, I will exercise my prerogative. The order paper will be published as normal when it is done on the Thursday after a Wednesday sitting.

The House will now stand adjourned until Tuesday next at 10.30 a.m. in the Tynwald chamber. Thank you hon. members.

The House adjourned at 5.47 p.m.