

**REPORT OF PROCEEDINGS OF
TYNWALD COURT**

**Douglas, Thursday, 19th October 2000
at 10.30 a.m.**

Present:

The President of Tynwald (Hon N Q Cringle). In the Council: The Lord Bishop (the Rt Rev No'l Debroy Jones), the Attorney-General (Mr W J H Corlett QC), Hon Mrs C M Christian, Messrs E A Crowe, D F K Delaney, E G Lowey, Dr E J Mann and Mr J N Radcliffe, with Mr T A Bawden, Clerk of the Council.

In the Keys: The Speaker (Hon J D Q Cannan) (Michael); 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); Mr A C Duggan (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East); Hon A F Downie (Douglas West); Hon J A Brown (Castletown); Hon D J Gelling (Malew and Santon); Sir Miles Walker CBE LLD (hc) and Mrs P M Crowe and Mr J Rimington (Rushen); with Prof T StJ N Bates, Clerk of Tynwald.

The Lord Bishop took the prayers.

Apologies for Absence

The President: Hon. members, we have this morning apologies from the hon. member of the Council, Mr Waft, who is missing this morning. Can I say that, following two long days, perhaps we could move up a gear and see how far we can progress today with more speed.

Land Registry Fees Order 2000 — Approved

The President: We turn then to item 7 on the order paper, the Land Registration Act. The Minister for the Treasury.

Mr Corkill: Thank you, Mr President. I beg to move:

That the Land Registry Fees Order 2000 [SD No 551/00] be approved.

The Land Registry Fees Order 2000 is subordinate legislation under the powers conferred on Treasury by section 76 of the Land Registration Act 1982 which I present for approval of Tynwald today.

Tynwald is asked to approve the Fees Order to enable it to operate from 1st November 2000. This would coincide with an approval of the Land Registry Rules 2000, which are to be presented by the Minister for Local Government and the Environment. I beg to move the Land Registry Fees Order 2000, Mr President.

Mr Radcliffe: I second, Mr President.

The President: Hon. members, the motion is that printed at 7 on your order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Land Registry Rules 2000 — Approved

The President: Item 8, Land Registration Act again. The Minister for Local Government and the Environment.

Mr Gilbey: Mr President, I beg to move:

That the Land Registry Rules 2000 [SD No 588/00] be approved.

These rules made by the Department of Local Government under the powers conferred on the department by section 77 of the Land Registration Act 1982 supplement that Act and make further provision for the registration of title. The Land Registration Act appointed day order 2000, which was laid before the June sitting of this hon. Court, brought the primary legislation, the Land Registration Act 1982, into effect for the purposes of making orders and then Land Registry Rules from 1st July 2000.

This hon. Court is being asked to approve these rules to enable the Land Registration Act to operate from 1st November. This will coincide with the approval of the Land Registry Fees Order presented by the Minister for the Treasury. It is intended to introduce land registration incrementally from November 2000 commencing with land owned by public bodies so that the system may be thoroughly tested operationally before it is extended to include transactions by members of the public by means of another order, which will be presented to this hon. Court in approximately six months' time, the Compulsory Registration Order. The start of the process of registration of government land and properties will also coincide with the introduction of the General Registry's computerised land registry system known as 'CLAIRE'. The General Registry are confident that the new procedures governing the registration of title to land will simplify the conveyancing process and create certainty of title, supported by a title guarantee underwritten by government. Hon. members have previously been circulated with an explanatory memorandum outlining details of the rules, and I beg to move, Mr President.

The President: The hon. member, Douglas North.

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

The President: Hon. members, the motion is that printed at 8 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Partnership (Fees) (No. 2) Rules 2000 — Approved

The President: Item 9, the Minister for the Treasury.

Mr Corkill: Mr President, I beg to move:

That the Partnership (Fees) (No. 2) Rules 2000 [SD No 473/00] be approved, sir.

Mr Radcliffe: I second, sir.

The President: Hon. members, the motion is that at 9 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Kirk Michael School — Alterations and Extensions — Expenditure Approved

The President: I call on the Minister for Education to move item 10.

Mr Rodan: Mr President, I beg to move:

That Tynwald approves of the Department of Education incurring expenditure not exceeding £1,250,500 on the alterations and extensions to Kirk Michael Primary School.

It is my pleasure to move this item standing in my name which will have the effect of creating alterations and extensions to Kirk Michael Primary School. The main problem at Michael School at present is that the room used as the school hall is far too small to accommodate all the pupils or, indeed, to be used for physical education, thus severely limiting the indoor physical activities available to the children. Its size is such that it is really only suitable for use as a dining facility or a classroom.

This project will provide the school with the hall that it needs and with changing rooms, a community room, two classrooms, library and toilets. The hall will be capable of use for sporting activities as well as school assemblies and productions, and the community room will enable the youth club to relocate from its present unsuitable building and, indeed, dangerous location, in road traffic terms, in the village and the classrooms will enable the school to accommodate the rising number of pupils on roll. Additionally, a traffic management scheme will provide the school with a safe drop-off and pick-up area together with some required additional car parking.

The numbers of pupils on roll at Michael School have been rising steadily in recent years and future projected development in the area will mean that numbers can be expected to rise and therefore the two additional classrooms have been included at this stage in this particular scheme to cater for this.

The financial details, Mr President, are outlined on the explanatory memorandum which has been circulated and I would therefore have much pleasure in moving the item standing in my name.

Dr Mann: I beg to second and reserve my remarks.

The President: The hon. member, Mr Speaker.

The Speaker: Mr President, may I, on behalf of the parents and children of Kirk Michael, express appreciation and thanks to the Department of Education for making this provision for the refurbishment and upgrading of Kirk Michael School. This has been long awaited. It has been on the list for a very long time and I am sure that you have all seen your policy documents, page 77, which gives all the lists of what is happening in the Department of Education, the new school at St John's, Marown Extension, Dhoon School extension, Auldyn School extension and so on. It is a long list and many years ago Kirk Michael was at the bottom of that list, so it has at last got to the top.

As the minister has said, there is one original room that was built in 1894 and which doubles up as a sort of school hall, but its physical education does not conform with the National Curriculum. It is also cleared away for dinner. It is also cleared away as a classroom and it is also used as a cloakroom and, as I say, at long last Kirk Michael School has worked its way up the list.

The new extension will also provide a proper youth club and parents will have confidence now that there is a youth club that is in a safe environment, because the present building is right on the edge of the main road, no curtilage, and is extremely dangerous for young people coming out of the building; it only requires one to slip on the small footpath and it is in the middle of the road.

So, minister, on behalf of the community of Kirk Michael, my thanks to you and the department for at long last bringing Kirk Michael a modern facility which is available into almost all the schools now in the Isle of Man. Thank you.

The President: The hon. member for Peel, Mrs Hannan.

Mrs Hannan: I wonder, when the minister is winding up, could he explain how many other schools have school halls too small for the school population? I believe it is still a commitment of the Department of Local Government to have all school assemblies and there must be other schools that do not have halls large enough to hold the whole of the population. Therefore there are a number of schools in the plan that was approved the other day that I feel need extensions. There are other schools not in that list which also require extensions, and I notice that my own primary school does have a figure in there for construction, but it is almost off the plan. There are other schools which do not appear on the plan, and this was the very point that I was making during the policy debate. There is my own school, which needs further upgrading. There is another number of schools - Dhoon is on here, Ballasalla I cannot see being on, but I know that that also requires a further extension and facilities. There is another number of schools whose children deserve these sorts of facilities, and I would hope that government can actually get together a proper programme, not just a five-year programme but a commitment to education and providing equality of treatment for all our children.

The President: The hon. member for Council, the Lord Bishop.

The Lord Bishop: Yes, I think, Mr President, on that note I would like just to make a bid with the minister for St. Thomas's, Douglas, which is probably our smallest and oldest school and which I know is in a difficult landlocked situation, but it really never appears on any programme as far as I can see and, while I am very well aware - because I do visit schools probably more than a number of people here - I am very impressed with the developments that have been going on (**Mr Delaney:** Hear, hear.) over the last 10 years. It really is quite astounding and I am in the throes now of going to the developments of sixth form amenities to the senior schools, which are quite excellent. So there is a great deal to be grateful for. I would like the minister to make a note on behalf of St Thomas's.

The President: Now, hon. members, I think the point has been made, the item on the order paper relates to Kirk Michael and I call on the minister to reply.

Mr Rodan: Thank you, Mr President. First of all I would thank very much the comments of Mr Speaker, obviously the member for the area who has reflected the community's wish and desire to see these facilities in place. He correctly points out that a Victorian school building such as at Michael School is not capable of delivering the PE in accordance with national curriculum provisions.

I thank the hon. member for Peel, Mrs Hannan, for her support and would, of course, assure her of the commitment of the department towards addressing the very extensive needs of education. We manage 62 different buildings in education spread over 42 sets of premises, and I am well aware of the need for additional facilities, including school halls. Braddan School, for example, has an inadequate facility there; Dhoon School has no hall at all - it is next in the programme; Laxey School has just recently in the last two years had a hall; Victoria Road - I could go on, and of course the minister will be aware that the capital programme, five-year programme, is not the sole extent of activity, if the hon. member for Peel -

The President: Keep going, hon. member.

Mr Rodan: I will carry on, I am just trying to impart some information that might -

Mr Downie: It is the height of ignorance, Mr President.

Mr Rodan: - give her the full picture if she would care to listen to it, (*Laughter*) because the department, of course, has a revenue maintenance programme as well. It will never be enough, in my opinion, to do all that is required, but I thank her for her support for the department's work in this area.

I certainly note the Bishop's comments as well about St Thomas's School and will be very happy to discuss matters further with him in that regard, and with that, Mr President, I beg to move.

The President: The motion, hon. members is that printed at 10 on your order paper. Will those in favour please say aye; and against, no. The ayes have it. The ayes have it.

Double-Deck Buses — Cost of Lease-Purchase Agreement — Expenditure Approved

The President: We turn then to item 12 and I call on the member for Tourism and Leisure to move, the hon. member of Council, Mr Lowey.

Mr Lowey: Thank you, Mr President, I beg to move:

That Tynwald approves the expenditure of a sum not exceeding £230,000 from the general revenue for the year ending 31st March 2001 to meet first-year costs of a lease-purchase agreement in respect of eight new double-deck buses.

Members of this hon. Court will be aware of recent difficulties experienced by the department in the transportation of bus passengers, including the school service.

Mrs Crowe: It is a bit late now.

Mr Lowey: In the latter case this has been more evident at the start of this autumn school term, possibly due in part to the introduction of free travel for state school children. During the initial weeks of the new school year our bus service proved inadequate in a number of areas. This led to overcrowding and unacceptable numbers of children having to stand or in some cases being left behind, a problem which is accentuated by the high number of single-deck buses in the department's fleet which are deficient in terms of carrying capacity.

The Ramsey school service has been particularly strained, even with the use of double-deck buses, with numbers travelling to Ramsey from both Peel and, particularly, Laxey having increased significantly upon the previous year. Making the situation even worse is the fact that short distance pupils who previously may have walked to school now choose to attempt to travel by bus, particularly in inclement weather, and that is not unreasonable, Mr President.

Our school bus service accounts for approximately 50 per cent of serviceable bus availability and is without doubt the most difficult of operations to deal with because of its high capacity requirements during peak periods. Clearly the issue is one of capacity, which can only be addressed by the replacement of single-deck buses with double-deck buses as soon as possible. This will certainly ease most of the current problems.

The resolution before the hon. Court today allows for the first net year cost of eight new double-deck buses to be met by a five year lease-purchase agreement after taking into

account the sale proceeds of eight Lynx single-deck buses which are of the 1988-99 variety. The supplementary vote is in respect of the initial year's lease payment with a need to ensure that sums are made available in subsequent years through the budget process to cover the remaining payments. Mr President, I beg to move.

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

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

The President: The hon. member for Douglas West, Mr Downie.

Mr Downie: Yes, I rise to support the expenditure for these additional buses, but I do it on the provision that the department has a long and hard look at the existing level of service it requires, whether or not the failure for school buses to appear, the cancellation of a number of buses on routes, particularly in Douglas, actually relates to a shortage of buses or whether it is to do with the way that the bus company is actually managed. We were told some years ago that we were doing away with double-decker buses and that we were going to follow a policy very much based on skipper buses, small buses, get into the shopping areas. That just seems to have been ridden rough shod over now and then we are told that we must have these double-decker buses in order to provide a reasonable level of service.

I can tell hon. members, over the last few weeks we have seen a number of double decker-buses on routes round town, but with only two or three people on them it seems to me that the policy is not being properly thought out. I accept that the member who has got to answer the questions today is not directly responsible for the operation of the buses, but I would respectfully ask him to take back to his department the concern that I am expressing today and that we can have a proper bus network which links to a proper integrated transport policy so that everything works together and we are not just ploughing our own particular furrow and not taking all the other matters into consideration which are very, very important when we are trying to come up with an integrated traffic management strategy for this Island and a proper system of public transport. Thank you.

The President: The hon. member for Douglas North, Mr Houghton.

Mr Houghton: Yes, thank you, Mr President. I also rise to give wholehearted support to this, but I would just like to ask the hon. member for the department two questions. Why was this motion not moved earlier in the year such as June or July so that the buses could have been here in preparation for the new school term?

Mrs Crowe: Absolutely.

Mr Houghton: I appreciate, when they had that severe breakdown in operations two weeks ago, that the schools were supported. I support that, but it did give severe disruption to the regular service. So why were the buses not brought forward? I am quite sure that every hon. member in this Court here would give support to a very good and high quality road transport and transport system with regard to buses, so why are we waiting now for the provision of these vehicles? And secondly, can he advise, as long as the motion, I am sure, will go through this morning, when will these buses arrive on the Island and come into service?

The President: Now, hon. members, I want to be a little bit careful that we do not allow our conversations to drift into a full debate on the bus service. I call on the hon. member for Middle, Mr North.

Mr North: Yes, Mr President, I would just like to put on record a plea - I have already written to the minister - that if the department . . . I fully support the purchase of these buses; it is only a plea for the future. Fuel cell buses are now being tested in several cities, Europe and the UK and the United States. They will be coming off the line, I think it is Daimler Chrysler, in 2002-2003; would the department please consider fuel cell buses as totally emission-free? They cost slightly more than they will do, but I think it is a good investment for the Isle of Man. If you would just keep your eye on that because they are going to become freely available.

The President: The hon. member for Rushen, Mrs Crowe.

Mrs Crowe: Thank you, Mr President. Could I ask the hon. member of Council, the member for Tourism, why this problem was not anticipated? There was an amazing amount of publicity about the introduction of a proof-of-age card for every child on the Island of school age that was going to include a free bus pass. Why did the department not identify the need for the provision of buses to transport these children? Thank you, Mr President.

The President: The hon. member for Rushen, Sir Miles.

Sir Miles Walker: Thank you, Mr President. I support the resolution. I am not certain I fully support it like other members. I recall fully supporting the resolution for single-deckers -

Mrs Crowe and Mr Quine: Yes.

Sir Miles Walker: - and the acceptance of that policy which seemed, I think, to a number of us to make a deal of sense. We are told by the mover of this resolution this morning that we now have a preponderance of single-deckers and not enough double-deckers and we need to purchase more double-deckers.

I have a concern, I suppose, that the policy that is being put into place by the department is not the policy of the department, it is the policy of an individual and, when the individual changes so the policy changes (**Mr Houghton:** Hear, hear.) and it seems to me that that is not right. It is the department, the department should have the policy, albeit advised by its senior officers - and I understand all of that - but the department needs to convince itself that the policy it is adopting is the right one and will take us into the future, and the thought of 'Oh heck, we need eight more double-decker buses; let us go and buy them' seems to me to be an unacceptable way forward, and I have to say we are jolly lucky to be in the economic situation where we can -

Mrs Crowe: Absolutely.

Sir Miles Walker: - just go out and spend another quarter of a million pounds leasing them.

I think that is my concern. It is not the concern of the purchase of the buses; I will support that. It is the concern about the policy of the department and whether or not the policy they have is sustainable and one which they believe, as politicians and departmental members, is the right policy to take us into the future, because public transport on this Island is an important consideration and it is right, I think, that the department and so recommended it to Tynwald, Tynwald supports the policy, that it is the right policy we are supporting and it seems to me there is not much policy about this acquisition.

The President: The hon. member, Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr President. I do fully support the purchase of these buses because I feel that the previous policy has been upside down, back to front and inside out, in all honesty, with regard to the services and the integrated traffic policy and all the rest of the links we should have had, and I think this will go a long way to help, especially if the double-deckers are going to be aimed at the busy times, which I am sure they will be, and I am sure, I feel confident, that the department will have the single-deckers and skipper buses for the other times in the quieter periods and on the town runs.

But I would voice one or two concerns to the hon. member to redirect resources such as the Port Soderick bus in the daytime that runs round empty every hour, but also, if the hon. member can assure me that these buses are of a quality that will meet the proposals or the emerging ideas from the integrated traffic management working group will link into them, because one of the most important things is, if public transport is going to work it has got to be attractive to the customer and it has got to be at the right time, based on the customer's needs and, if we need more staff to help out, then we may need that too, Mr President. Thank you.

The President: The Chief Minister.

Mr Gelling: Mr President, I obviously support the resolution, but what I would like the hon. member to confirm in his reply is, of course, that this has been exaggerated by what has been said when the removal of the money to the family allowance was taken away, it was warned by the transport division that they would not possibly be able to cope with the peaks on rainy days. Now, how do you have a strategy for a rainy day - and that is exactly what has happened? On a rainy day the pupils go on the bus and on a fine day they do not.

Strategically what I would like to say is, taking the point of Mr Henderson about having other buses, that is the whole reason for now having double-decker buses because they take less room on the road, they have the same running gear, the same engines, they take the same fuel, so even if you see a double-decker with two people on, it is costing no more than a single-decker with two people on, and that is the whole reason for the double-deckers, the peak of the children going to school, but from thereon during the day the requirement for buses is not the same, but if hon. members are then suggesting we have another line of smaller buses, just because they are single-decker, I can assure hon. members in the build of those buses they are on the same chassis.

So this is trying, actually, to get over a problem that was created by the change of attitude towards the family allowance. I speak now from a constituency in the country, where kids have to go a mile and a half or two miles before they can get to a bus. Their parents used to take the kids to school, but now that they are not getting the money in the family allowance they are dropping them up at the bus stop. No bus shelters - that is another one.

Mrs Crowe: Oh, yes.

Mr Gelling: No bus shelters on the way south. All the bus shelters are into Douglas.

Mrs Crowe: Yes. *(Laughter and interjections)*

Mr Gelling: Thank you, Mr President.

The President: The hon. member, Mr Cannell.

Mr Cannell: Thank you, Mr President. I was one of those who was faced with being in position when the alleged new bus network was going to be launched to this Island. I inherited that and I took, and probably deservedly, a lot of flak because it was a failure in its implementation; it was not for lack of effort. I drove it to a date in an attempt to make everyone else who had to implement it jump to a schedule of May 1st 1999, but it did not come off because there was so many difficulties with the crews, who are the ones who have to implement the service. They have a very strong union, they are very well represented and unfortunately agreement could not be made to implement that system, and I accept that it was a failure.

So a new strategy had to be implemented, but at that very time there was a new director of public transport. Mr David Howard, I can say from my brief acquaintance with him, is absolutely top notch. We have gained a very good employee there, but of course, as has been said by the hon. Sir Miles, perhaps an overall structural policy is what is required, but we must give Mr Howard time to do that. Even though I no longer enjoy that position there, I am confident that this gentleman will produce a strategy which will be acceptable to hon. members.

If I could just point to a couple of things which bear upon it, briefly, it is not quite as easy as it all sounds and I know nothing is, but one of the difficulties has been eluded to by the Chief Minister and that is the fact that a scheme of free transport was launched, and although the hon. Mrs Crowe says there was plenty of warning, it is not plenty of warning when you have to buy new buses. You need a long time to get them. You cannot just ring up and say 'Send us half a dozen on the Steam Packet boat, it does not work like that. The manufacturers build them to order; they are not off the shelf. You order them and you give them the specifications. Now, we have had six new double-deckers fairly recently, you can always identify them because they have got a little bar on the front to brush away the trees and things at the sides of the roads on the double-deckers. One of the reasons we are going over to double-deckers - I well remember the discussion in this hon. Court about single-deckers because people preferred single-deckers on the Island's roads because they saw them as presenting less of an obstruction on the narrower roads, but that is scarcely so, and the theory has got to be that you can take a small number of people on a large bus, but you cannot take a large number of people on a single-decker bus and it is extremely difficult to plan for it, particularly so now with all the free travel. Now that I am free of the departmental shackles, I could say that I might invite this hon. Court to consider whether the entire transportation of the schoolchildren should rest with the National Transport Company, because clearly an incredible amount of maintenance and upkeep and purchase and staff costs are incurred by what are known as the school runs. There *might* be a case for that to be considered to be moved into the private sector -

Mr North: Taxis.

Mr Cannell: - where they could actually provide the school -

The President: We are not going, hon. member, into a debate on the school transport.

Mr Cannell: No, indeed we are not, but I was just trying to point to some of the difficulties which the department faces. But please do not run away from the idea that an overall strategy is not forthcoming. Even in the three months that Mr Howard was here, the strides he made

were quite extraordinary and I am confident that come this time next year it will be fully, properly structured and we will all know exactly what is going on with bus transport.

The President: The hon. member for Douglas South, Mr Duggan.

Mr Duggan: Thank you, Mr President. They are all jumping on the bus this morning! Part of the problem, as the member in charge will tell you, is a lot of the buses are very old (**Mr Lowey:** Hear, hear.) and they have had lots of breakdowns, and that is part of the reason why they have had to replace them, because I have been up the PSV yard there and just because it is a government department you do not pass them if they are faulty, and some of them are pouring out smoke; we have all seen them smoking on the roads. Some of the buses are very old.

The President: The hon. member for Rushen, Mr Rimington.

Mr Rimington: Thank you, Mr Speaker. I would like to speak very directly to the motion in front of us and ask the hon. member of the Council, if he is in a position to answer me at this point in time, do we incur extra expenditure on our double-decker buses and to what extent, by having to not get off-the-shelf double-decker buses because of our particular weight restrictions on the roads in the Isle of Man, and, if there is that extra expenditure, what is the cost to the public purse for that and would the department consider promoting the idea of an exemption in relation to them? Thank you.

The President: The hon. member for Garff, Mr Rodan.

Mr Rodan: Thank you, Mr President. A word from the perspective of the Department of Education, if I may. Obviously I think we would have great sympathy with the Department of Tourism and Leisure in that they provide a school bus service, and I am aware that it takes approximately 36 vehicles to run the school services and this accounts for about 50 per cent of the serviceable buses fleet. Of course the problem is, if it is a problem, that the school service conflicts with peak time travel for the general public, and in particular those travelling to work, and this accentuates the problem with school buses in that there are no spare buses or drivers to cover any shortfall or breakdowns. That fact, combined with the growth in demand by school pupils, makes the passing of this resolution absolutely essential.

I could give, for example, the case of Ramsey Grammar School, which requires certainly an additional vehicle and driver because of the fact that numbers travelling to Ramsey from both Peel and Laxey have increased significantly. Now, the problem there is one of numbers of buses combined with managing the service, because the two morning buses from Douglas to Ramsey have not always organised a logical pick-up routine such that to avoid one bus invariably becoming overcrowded with children standing for the whole journey or sharing three to a seat while the other bus has spare capacity, and the problem is that on some mornings that second bus is only a single-decker whereas the numbers required to be carried require a double-decker, and the department is aware and I give credit for the steps it has taken.

The afternoon situation has given a lot of concern in that the bus that leaves Ramsey Grammar School to become the 1555 Ramsey to Douglas service can leave the school with as many as 104 pupils on board. When it gets to Ramsey bus station they are instructed, a number of them, to disembark to allow adult passengers to embark despite the vehicle already being overcrowded, and it has happened that these students have been selected on a random

basis and those pupils have then to wait for the next bus. The problem is that parents awaiting arriving buses have no idea when they will meet their children or indeed if the children have missed the bus altogether.

We also have a situation, in fairness to the department, of their difficulty in anticipating the likely demand, because the afternoon demand is not necessarily the same as the morning demand and the afternoon's pupils can be going to school activities, staying behind for activities and so on and the numbers do not necessarily match the morning numbers.

So really, in conclusion, parents need to know that the children travel safely in vehicles that arrive and depart on time and do not become overcrowded with pupils having to stand for the whole journey or sit three to a seat and it is a concern to many that these standards have not recently been met, but I am quite sure that, if Tynwald Court takes this particular decision today, that will go a long way, together with other management issues possibly to be resolved, to alleviating this situation.

The President: The hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Eaghtyrane. It seems strange that this change of policy - and change of policy is what it is - has been brought about by free transport of schoolchildren and I would have thought that maybe there needs to be a government inquiry as to why this happened, why it was not planned at the time, was it discussed in the Council of Ministers before this sort of decision was taken? It is the Council of Ministers surely that are responsible for policy, and if this has brought about a change of the policy, surely it was discussed. Is it being imposed, possibly, on the Department of Tourism of Leisure or did it come from the Department of Tourism and Leisure? I think there is probably a clash there - schoolchildren being transported free when everybody knew the problems that this would entail. I could understand it if there was a principle of outside a mile or two miles or whatever from school so that children could walk. Now, there is no incentive for children to walk to school. They expect, because there is free transport, all to get on a bus and this is what is happening. We are hearing about overcrowding of school buses and that is not right. We know that there are three to a seat but the Department of Transport is looking at that, whether there should be two to a seat, being responsible and people travelling in buses -

Mr Downie: What about seat belts?

Mrs Hannan: Whether there should be seat belts is another issue altogether. In some buses, yes, there are seat belts now and maybe that is something that we should be aiming at.

Mrs Crowe: Of course we should.

Mrs Hannan: This really concerns me, that this change in policy has brought about this double-decker bus when some of the roads are not capable of taking double-decker buses. I am responsible for roads, I know exactly what the situation of roads is, and the suggestion that we should increase the weight of buses - you increase the weight, you increase the damage to roads.

The President: But we are not having a road debate either here.

Mrs Hannan: I am sorry, but this is what happens. It has been proposed that maybe there should be a weight increase. It affects road surfaces, any increase does and therefore I certainly want more money for roads anyway and I do think that the Treasury, listening to this

debate, should listen to what is being said; without any increase in the weight of buses we need more money spent on roads.

Now, what I would like to ask the member for Tourism and Leisure is, where are you going to get the drivers from to drive your new buses? That is what I would like to know, because at the moment there are not enough personnel within the Department of Tourism and Leisure to open . . . Well, it has now been opened, Ramsey and Peel, but to supervise the opening of the bus facilities at the stations.

Finally I would say that out-of-Douglas areas deserve a good bus service. This is what we should be aiming at, a good bus service. Whether there is a bus service on the hour to Port Soderick or not is immaterial. There are people that live at Port Soderick, they deserve a bus service, and the people on the route deserve a bus service, and I would suggest the people at Dalby also deserve a better bus service than they have had in recent times, and that is going out of Peel bus station. I would hope that some of the issues that have been discussed this morning can be answered by the Department of Tourism and Leisure and by the government.

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

Mr Delaney: Thank you, Mr President. Mr Lowey and myself are members of the Department of Tourism. We do not, obviously, take on the direct responsibility for the buses. We work with our minister who has that task to do so.

I first of all would like to listen to one interesting thing that has been raised. The drivers, which was raised by the last speaker - Mr Lowey and myself have been discussing this even without our minister present in relation to solving what may be a problem. The fact of it is, I cannot - and I put it to my minister - the training of ladies to drive buses in the Isle of Man may very well be part of the solution. So we are looking at that closely.

The weight of the buses was not raised by the department, it was raised by the hon. member for Rushen, Mr Rimington, I think, in trying to look at a solution to a problem, and he has raised an interesting factor. It may very well be that the Minister of Transport may very well look at that idea; I do not know if it is possible, but it came from him not from us. So we are not wanting to damage your roads at all. The situation, as we see it from our side, is that we are responding to a problem which, the Chief Minister has rightly said, was a policy of this Court. We did not just decide that we were going to have all free transport for children and stop the allowance that was given; it was a matter of policy, so we are responding.

The answer to why the buses were not running the day after we had the policy has well been answered by our colleague from Onchan, the previous member responsible: you have to order them, but aren't we in the lucky position, as Sir Miles Walker has pointed out, that we have got the money to be able to do it? A few years ago, I know as a past chairman, when I had to borrow the hosiery of some of the ladies to keep their fan belts going, virtually, on the buses, how things have changed! (*Laughter*) Now we can talk in this sort of money but then we could not. We are very fortunate, we can do it now, but what we are concerned about, obviously, is making sure that we can deliver with our minister, who unfortunately cannot be here today - he is away on very important government business - what is required by all the members, to all their constituents and particularly to the schoolchildren who are now taking advantage of the free buses, and that is a bus service that gets them to the schools -

Dr Mann: Safely.

Mr Delaney: - where necessary at the right time, and we are sorry we cannot give you the instant satisfaction that has been asked for, because running buses depends on men, at the moment, driving those buses, and those men have a right in law to have union representation; they have a right to carry out their work responsibly and also in a manner which allows them to drive those buses safely. We do not want to get to the situation where anything like that untoward happens.

The new director of the transport system - I want to put on record I will give him 100 per cent support, because he has taken over one of the most difficult jobs in government. There is no easy solution to what he is taking over, no easy solution whatsoever. He cannot dictate instantly what has to happen; he has to negotiate, and since he came into office up to now he has spent his time well, and in a most difficult situation, I can assure you, and he gets my 100 per cent support and I am sure my colleagues'. When he will not get the support is when the buses do not run on time delivering the people who are supposed to be travelling with our policy to the destinations they require. Then he will lose my support, but do not blame him now that he is taking over the job and he is trying to get it into a formation that suits the politicians of the Island -

The President: Come back to the motion please, Mr Delaney.

Mr Delaney: - and more importantly the public of the Island.

Mr President, a number of questions have been raised by ministers. This surprises me, particularly the fact they know our minister is not here. I thought most of this could have been discussed in the Council of Ministers before it ever got here. We are not easy, soft targets to be shot at. Mr Lowey and myself would like to answer all the questions. We prefer our minister to answer because he is the member responsible for the transport section.

I hope the members support this because it is delivering a service to each of your constituents from members of the House of Keys. Thank you, Mr President.

The President: The hon. member of the Council, Mr Crowe.

Mr Crowe: Thank you, Mr President. I have no difficulty in supporting this, but it concerns me a bit when Mr Rodan talks about overcrowding, and I think the member for Transport maybe could check the insurance policy, because I would hate to see it invalidated by overcrowding.

The President: The hon. member for Treasury, Mr Corkill.

Mr Corkill: Just briefly, Mr President, comment has been made by the member of the Council, Mr Delaney, that the Council of Ministers perhaps should have discussed this a bit better but when the department comes forth the night before without Treasury concurrence with a motion it is very difficult to actually speed thing up in order to hit this timetable of the October Tynwald, but in fact we have managed to do that. So I hope hon. members of the department will be appreciative of the fact that a lot of struggle went on in order to hit the timetable, which was difficult, and I think we can all support what is an emergency measure for these eight new buses to try and get things back on the road, but I hope the message is clear from comment around the Court that there is a management issue here.

Mrs Crowe: Absolutely.

Mr Corkill: There is the management of dealing with the drivers' situation, dealing with the timetable situations, and now that hopefully the Court is going to give the department the tools to do the job I think the Court is saying that they expect the job to be done and hopefully that is taken in the right spirit.

But I rise to my feet, really, to raise the point about the free transport element. There was a change at the last budget. That element was removed from the child allowance but it should not be forgotten that the child allowance figure was substantially increased, greatly increased, far more than the 15p; that was an irrelevance to the overall figure of child allowance. So for members to selectively say it was stopped is not quite the full picture, because there were other budgetary considerations which were far more beneficial to those families, and so I wish to put that into context.

The other thing is that Treasury, as always, expects data and information and that has been the effect of free transport because the way the system of management is at the moment there is not the detail there to actually prove the point that is being made in the Court this morning that large numbers of children are now travelling that were not travelling before. I guess there will be some but we do not know the figures at this stage, and so we have rushed this motion in an emergency fashion and this is the result. Hopefully we are going to support it and hopefully we will get all this information in place for next time we discuss this subject, Mr President.

The President: The hon. member of the Council, Mr Lowey, to reply.

Mr Lowey: Thank you, Mr President. Well, that was almost like a mini policy debate! (Laughter) First of all, can I say that I welcome the interest shown by the Court, I really do, in the buses, and I think the point that the Treasury minister has said has shown the department, upon immediately recognising the problem - the management has seen the solution and, in chasing up buses and knowing that it is almost a six months' waiting period from placing the order to getting it we saw an opportunity when we contacted the builders to discover that because of a cancelled order there were buses available.

So the point I want to say is, I do not apologise for this being on the agenda; I do want to congratulate the Treasury and government. Sometimes we accuse government of dragging its feet and being slow to respond. If we have a problem this is government's answer to it and there is an answer: it is capacity. There are more schoolchildren. More children are travelling and it is all right saying, 'You should anticipate these things.' Anticipation is one thing over the top, and then of course you have a combination. If it was only that simple! It is not that simple, as the hon. member for Onchan says, who had the privilege or the pleasure, or the pain, whatever it is, of being in charge of the division.

Mr Cannell: I still would be if I had been allowed. *(Mr Delaney interjecting)*

Mr Lowey: We have one of the oldest fleets of buses in the United Kingdom. The average age of the bus fleet in the United Kingdom is between eight and nine years and dropping, and ours is about 15 years. So, you see, we do have a problem and 15-year-old geriatrics, like me, tend to need more care and attention and we have some first-class engineers that are keeping them on the road, but occasionally they will break down. A

combination of drivers being off sick and they are short of capacity and old buses - what do you expect?

Now, as far as I am concerned the message ought to go out loud and clear: transporting children to school is a safety matter, and I do take on board that is why the department is determined, but, by the way, the department did have a policy of renewal. We have speeded it up. We have got six new buses already come into play, as the hon. member for Onchan said; another 10 are due next June. This is speeding that up, and the policy now is to speed that up over a three-year period to renew to deal with capacity.

I welcome the general support for the national bus service, but I do again want to emphasise we have got a new man on board, and Mr Howard deserves your confidence and support. He is a professional to his fingertips and, yes, there will be changes, and that will upset some people including us, but the reality is he is identifying. . . and that is why I was a little saddened by Sir Miles to say, 'Where's the policy?' Well, I can tell him there is a policy and it is being programmed and it is to meet the immediate needs as well as. Now, you do not go from one to the other and I appreciate Sir Miles and other members of the Court appreciate that problem.

As far as I am concerned, the resolution is a financial one. I know the Court is going to support it. I have taken notes of everything that deals with the localities, from the Chief Minister down, and as far as I am concerned those will be relayed to the minister when he comes back. I am quite sure - the robust defence - I am proud of the bus service that we provide, I am proud of the people who work in it, and I do believe that the people who use the service can expect. . . You have already been told the department has got a policy for the first time and been initiated of renewal of the bus shelters; we are renewing the buses. Mrs Hannan says, 'Where are the people coming from to drive these buses?' I know that they have a programme now of recruitment and retraining, but the department is in exactly the same position as anybody else: where do we get them from? Do we bring them in from away? Do we train our own up? I hope we train our own up, but I have seen the initial plans for that and, as far as I am concerned, I think the division is addressing those very problems.

So I can assure the Court that all your views will be passed on not only to the director but also to the minister when he comes back and I welcome the Court's general interest in transport matters, and I beg to move the resolution standing in my name.

The President: The motion, hon. members, is that printed at 12 on your order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Villa Marina Colonnade — Refurbishment — Expenditure Approved

The President: Item 13, the refurbishment of Villa Marina Colonnade. Again the member for Tourism and Leisure to move.

Mr Lowey: Thank you, Mr President. I beg to move:

That Tynwald -

- (i) *authorises the Department of Tourism and Leisure to undertake the refurbishment of the Villa Marine Colonnade for a sum not exceeding £1,100,000;*

- (ii) authorises the Treasury to spend out of the capital transactions account during the financial year ending 31st March 2001 a sum not exceeding £750,000 to meet the cost of (i) above during such financial year;*
- (iii) approves of and sanctions borrowing not exceeding £1,100,000 being made by government, such borrowing to be repaid in a period of 30 years.*

Firstly, on behalf of the minister I would like to apologise to the Court for him missing this important sitting as everyone is aware, the year 2000 being a difficult year for the TT Races and it is important that he was present at the FIM Congress to represent our interests.

The department has written to hon. members setting out the background to the Villa Marina Colonnade refurbishment project. I do not propose today to go through all of the detail in that paper, but I would, of course, be happy to answer any questions in relation to it. The decision of the branches to pass the Villa Marina Act and thereby bring the whole of the Villa Marina estate into government ownership was a momentous one. It was based on the understanding that the argument had gone on long enough and that the Villa Marina is a national treasure that should be preserved and not allowed to fall into further disrepair. Ownership of the Villa Marina transferred to the Department of Tourism and Leisure on 14th March and we are working hard to progress the refurbishment. We are on target to bring the main refurbishment scheme for approval in July next year.

Whilst it was inevitable that the main scheme would take time, we recognised that there was an opportunity to do something over the coming winter about the colonnade and thereby get rid of those yellow props.

The scheme before the hon. Court today represents the first step in dealing with the real problem of the Villa, the demolition and rebuilding of the central section of the colonnade at a cost of £1.1 million. The work will be carried out from November to May 2001, thus enabling the rebuilt colonnade to be used at TT for next year and the closing ceremony for the NatWest island Games, which of course takes place in July.

The project is not, of course, included within government's capital programme. It is right and proper that we plan our capital expenditure well in advance. However, there are equally times when we need to be flexible, just like in the last motion before this Court, and the minister has asked me to thank the Chief Minister and his colleagues on the Council of Ministers, particularly the Treasury, for showing the flexibility to enable this project to be progressed. I would also like to thank everyone who has made it possible to progress this project so quickly again. It would normally take at least nine months to a year, and this has been done by the department's officers in five months. This is an important project, not simply because we are committing £1.1 million to rebuild the colonnade but because government and Tynwald are making a statement that refurbishment of the Villa Marina has begun and we are honouring the commitment we made when we decided to acquire the Villa Marina.

Mr President, I beg to move the resolution standing in my name.

The President: The hon. member of the Council.

Mr Delaney: I beg to second and reserve my remarks.

The President: The hon. member for Douglas East, Mr Braidwood, speaking to the financial resolution.

Mr Braidwood: Thank you, Mr President. I rise to support the resolution in front of us today. It will send out a message to the general public that something is at long last happening to the Villa Marina. (**Mr Houghton:** Hear, hear.) I will not be sorry to see those yellow across go and, as the hon. member of the Council said, the member for the Department of Tourism and Leisure, with pushing the colonnade back it will bring in additional bus stop parking for the disabled and will be for health and safety reasons and, as far as I am concerned, Mr President, I fully support it.

The President: The hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr President. Obviously I welcome the initiative that is being taken and it will be a welcome relief to see the removal of the across-props. It does concern me, though, that the local authority actually refurbished the colonnade some years ago during my time as town councillor and used a rather excessive sum of ratepayers' money at that time, and now of course we are having to spend a lot of taxpayers' money on doing the same work over again, it would appear.

I just want to seek some clarification, really, because in the resolution before us we are talking about undertaking the refurbishment of the Villa Marina Colonnade. That would give the impression that the money is going to be spent on doing all of the colonnade, but when we look in the policy document it talks about 'undertake the demolition and rebuilding of the central portion of the colonnade, which is structurally unsound.' Now, I understand that and it is perfectly reasonable, because of course people have not been able to go onto the top of the colonnade for some considerable time.

But then later on in the department's policy they talk about the specific programmes and policies, formulate proposals for the refurbishment of the arcade including the colonnade shops and the southerly section of the colonnade. So really what I am asking is, this money that we are being asked to vote for today - is this just for the central part of the colonnade only or does it include for the whole of the lot to be done even though it looks as though it is going to be done at a staged level of refurbishment and redevelopment?

And finally, I would just like to check, because I have not had an opportunity to look at the plans that the department has had, that the new build of this colonnade will be in keeping with the traditional architectural feel of the original and the traditional colonnade, which is very important and integral to the arcade being art deco. I am sure the department is aware of that and I would hope that they will keep the theme running through, but I am just checking for clarification there. Thank you.

The President: The hon. member Mr Henderson.

Mr Henderson: Thank you, Mr President. All I can say with this resolution is, 'Thank goodness for that!' (**A Member:** Hear, hear.) I fully support this and it has been a long time coming, really, in many respects. The town of Douglas is the capital of the Isle of Man and a gateway in many respects to our many visitors and businesses, and for too long now the seafront of Douglas has looked anything but what it should do for the Island's capital and business centre, and for too long and for too many years we have had the eyesore at the very point of focus on the Douglas promenade of these blasted yellow pillars that have stood testament there for bad management. I am seriously pleased that this motion is here today and the whole lot is going to be done out, and the road improvements as well, and I think it

should also be noted - I know the hon. member of the Council has made the point - that this is a testament that government and the department certainly are meeting their commitment to the people of Douglas and to the people of the Island that there is going to be a smashing facility here, absolutely tremendous, linked in with the Gaiety Theatre and it is not a case of the people of Douglas will not be able to go in or anybody else will not be able to go in; it will be open for all and I fully support it, Mr President.

A Member: Hear, hear.

The President: The hon. member Mr Downie.

Mr Downie: Thank you. Leading on from the previous speaker, I would just like to fully endorse the proposals that are before us today and congratulate the department. At last we are seeing something happening down at the Villa Marina. Despite all the consternation and the doom and gloom from the corporation, I think that the people of Douglas will be very pleased with the progress that has been made and, as the previous speaker said, it will be nice to see the acro-props which have held up this colonnade for the last few years being recycled in some way. Thank you.

The President: The hon. member Mr Duggan.

Mr Duggan: Thank you, Mr President. Could I just ask the member in charge, regarding the open view aspect which the corporation put in, those big windows, is that going to be retained? And also, are those windows going to be utilised again because they are fairly new?

The President: The hon. member Mr Karran.

Mr Karran: Eaghtyrane, I know that it is a bit late in the day, but one of the problems that I see on the prom is the number of youths running around the prom at night and I would just ask, when there are any further plans as far as this colonnade is concerned, and maybe some of the shops might be coming up for lease or whatever, could we see whether there could be some communication between the mover's department and the Department of Education to see whether we can maybe facilitate some sort of facility for these outreach youth workers, as the prom. . . it is all right -

The President: Hon. member, come back to the financial resolution, please.

Mr Karran: Eaghtyrane, what I would like to see is if there is a way of making sure that the finances can be allowed to facilitate this facility on the prom. I think that it would be far better, as it is no use having fine buildings around there when you have got kids running round wrecking everything.

The President: Hon. member of Council to reply.

Mr Lowey: Thank you, Mr President. Can I thank again the Court for the positive response to this resolution. It is out of synch and it is, but I do think government sometimes needs to move, and I do have to say the government - I criticise all the time as you know but, having said that, give praise where praise is due, and we have been encouraged, the officers have been encouraged and I am sure the officers will be encouraged when they read the transcript of this resolution in this Court today.

Can I just say to Mr Braidwood and Mr Downie, it is a tangible step forward and we will be moving - we have a local firm, Parkinsons, that have been given the contract, subject to this financial resolution of course, and I am sure they will do a first-class job in the timescale.

Can I also say to Mrs Cannell, let me try to reassure her, it is from the shops down to the Villa Marina that is going to be done; the colonnade and the remainder will be done in the next phase and, as you know, the colonnade is already constructed that you can walk on that top. The shops are of a different construction with a very flimsy fibreglass roof. Can I say, the refurbishment is a complete renewal. It is perhaps a misnomer, but it will be in the style. . . I do not think you will notice very much difference except it will be newer and up to modern standards and all the rest and set back a bit. So I think you can rest assured it will not jar any nerves of the hon. Member for East Douglas; I would not dare! But I would also say to Mr Duggan, wherever we can reuse the old metalwork, that is already in hand and those windows will be part of the feature so there is all that shelter.

So, looking forward, I am grateful for this Court's support and I can assure you you will not be disappointed with the finished end result of the whole complex. (**Mr Henderson:** Hear, hear.) It will be a prize that the people of Douglas and the people of the Isle of Man will feel comfortable with and be proud of (**Mr Houghton:** Hear, hear.) and I think this Court should be congratulated on the support and action it has taken in the light of local opposition. But that is behind us; we have got to work with people, and I want again in public to say to the Douglas Corporation, just because we are refurbishing and rebuilding and doing, it is your Villa Marina just as much and I would hope that the Council would use it in that light as a civic amenity. It is there for them to use as well as the people of Douglas to use and the Isle of Man. Thank you, hon. members, I beg to move.

The President: The motion, hon. members, is printed at 13 on your order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Revenue Accounts 1999-2000 — Excess Expenditure Approved

The President: We turn then to item 14 and I call on the Minister for Transport, hon. member for Castletown, Mr Brown.

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

That Tynwald authorises the Treasury in respect of the year ended 31st March 2000 to apply from general revenue the sum of £310,663 in payment of excess expenditure and shortfall of receipts in respect of the Department of Transport.

The motion before hon. members is in respect of general revenue, payments in excess of expenditure and a shortfall in receipts to the sum of £310,663. A memorandum has been circulated to members to explain the reasons for the overexpenditure which are a number of items, and I beg to move the motion standing in my name.

The President: Hon. member for Peel.

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

The President: Hon. member for Onchan, Mr Karran.

Mr Karran: Before giving concurrence, could the hon. minister tell us: out of this £136,000 does this include overtime? Can we have some sort of breakdown as far as that is concerned? Is it £136,000 purely on equipment or is it partly to do with overtime.

The second point that I would like to ask about is, what is an SBO plant? Is this dealing within the plant or is this something that is what we have been expressing concern about about these animals being destroyed on the farms themselves?

And the third thing is, with seeing this on the agenda, on the meat plant obviously I know there is still litigation and the sub judice law will be. . . I will be hit over the head over, but can we have some idea when the actual scandal of the meat plant is going to be resolved? Can he give some time period? Is this the last bill we are going to have on legal fees and professional fees for the meat plant if the hon. minister can tell this hon. Court the time period or is this just another £70,000-odd down in a hole in order for the meat plant? I think we need to know. And does this include the mountaineering costs for the cattle to be able to climb into the building in the first place (*Laughter*) if it is possible? I would be interested to know. So that is what I would like to know before approving this today. I think we need to know, as the bastions of the taxpayer, where this new meat plant is going. Is this the end of £72,000 or is there going to be a lot more?

The President: Hon. member for Douglas West, Mr Downie.

Mr Downie: Just to be helpful to the previous member and not to take away anything from the Minister of Transport, I think I referred yesterday to the problematic wastes which now hopefully the energy from waste plant, the new incinerator, will be allowed to cope with. The bovine specified material that he referred to needs to be processed at the Litt's plant. Now, during the normal week Monday to Friday the Litt's plant is going full belt dealing with the greaves and offal and the other waste which are produced at the Island's meat plant, and it is only at the weekends, when time is available in the processing period at Litt's, to allow for the cull animals to be properly processed before their remains are deposited on the landfill site. Now, I think it was made quite clear yesterday that when incineration is under way there will not be a requirement for the Litt's plant; there will still be a requirement for a knackery to deal with animal waste, but this is a saving.

Now, I fully support this revenue item before us today because the department has been caught and, despite popular belief, we are still culling a considerable number of animals and their cohorts from the food chain and, as the hon. member will be aware, we do not allow anything in our food chain over 30 months of age and at the moment this is the only way to get rid of our casting and culled cows, so I hope he can support this motion that is before us today and I hope he accepts that I have tried to give him a little bit more information that perhaps is not readily available through the Department of Transport.

The President: Minister to reply.

Mr Brown: Yes, thank you, Mr President. I just thank the Minister for Agriculture for his clarification of some of the issues.

In response to the member for Onchan, Mr Karran, yes, the old plant is the old meat plant which is used for dealing with the animals in relation to BSE, and therefore one of the difficulties we have there is of course the fluctuation in the amount of animals that need to be

dealt with, and of course some of the costs associated with sending the waste products off the Isle of Man, so that is why that one is in there and that is what that cost is related to.

As far as the item (d), which was with regard to the year 2000 bug, if we call it that term really, which was everybody was talking about, basically these are costs that we had no control over in terms that there was involvement of overtime, there was involvement of professionals, there was equipment and all sorts. What of course mattered, as it did with other departments, was to ensure that this was up and running, as best we could anyway, to ensure that the systems operated from the year 2000. So there are many varied costs in there and, yes, as far as I am aware it does include some overtime to deal with the problem, and of course there was the switchover and everything that was associated with that.

As far as the meat plant is concerned - and I am really only cautious because we are at litigation on this and I certainly would not wish to jeopardise in any way whatsoever the taxpayers' position in this in terms of dealing with the issue - all I can say to the hon. member is that a considerable amount of work has gone into dealing with this very complex and important issue. We are seeing light at the end of the tunnel, I cannot say that this is the last time you will see a request for funds for legal fees. The basis that we have been progressing the case on the meat plant has been that we do not make financial provision in our estimates because we do not know what the costs will be, but that we come back, and this is with the agreement of Treasury, to Tynwald Court at the end of each year so we know what the costs have been, and those costs are then identified for future reference in any claim we may have if we are successful. So I would just make that point. I hope that answers it. It is not that I do not want to answer the hon. member, but there are clearly important legal issues here and I would not wish to jeopardise our situation at all. Thank you, Mr President, I beg to move.

The President: Hon. members, the motion is printed at 14 on your order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Witnesses' Allowances Order 2000 — Approved

The President: Turning then the page to item 15, I call on the Attorney-General.

The Attorney-General: Thank you, Mr President. I beg to move:

That the Witnesses' Allowances Order 2000 [SD No 500/00] be approved.

This order is made by their Honours the Deemsters pursuant to the Constables' Fees and Witnesses' Allowances Act 1947 and increases the fees payable to witnesses so as to bring them into line with the equivalent fees payable in the United Kingdom. Fees which do not have an equivalent have been increased in line with inflation since the last order was made. The fees are reviewed every two years. I beg to move the motion, Mr President.

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

The President: The motion, hon. members, is that printed at 15 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

European Communities (Burma/Myanmar Sanctions) (Application) Order — Approved

The President: Item 16, the Chief Minister to move.

Mr Gelling: Mr President, I beg to move:

That the European Communities (Burma/Myanmar Sanctions) (application) Order [SD No 625/00] be approved.

The European Community has adopted a regulation which prohibits the sale, supply and export to Burma of equipment which might be used for internal repression or terrorism. The regulation also freezes the funds of certain persons related to import functions in that country. These measures have been adopted in order to bring pressure to bear on the authorities in Burma to discontinue their policy of severe systematic violation of human rights, and in particular continuing the intensified repression of civil and political rights.

In order that the Isle of Man play its part in the action being taken to try to end human rights violations in Burma I would request that this hon. Court support the motion standing in my name at item 16, sir.

The President: Sir Miles?

Sir Miles Walker: I am pleased to second, Mr President.

The President: Hon. member for Peel, Mrs Hannan.

Mrs Hannan: I fully support this but, in supporting it, could I also ask the government if they would send a message of solidarity to Aung San Suu Kyi, who is the democratic leader of this country, with a message of full support for her and her government?

Mr Gilbey: Hear, hear.

The President: Chief Minister to reply.

Mr Gelling: I hear what the hon. member from Peel is saying and I certainly will consider it, sir.

The President: The motion before you, then, hon. members, is that printed at 16 on your order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Social Security Act 1998 (Application) (Amendment) Order 2000 — Approved

The President: Item 17, Minister for Health and Social Security to move.

Mrs Christian: Thank you, Mr President. I beg to move:

That the Social Security Act 1998 (Application) (Amendment) Order 2000 [SD No 601/00] be approved.

This order makes a number of amendments to the order that applied the Social Security Act 1998 to the Island. Hon. members will recall that the Social Security Act 1998, which put into place a new adjudication and appeals procedure, was approved at the March 2000 sitting of this Court. The amendments in this order makes some minor corrections. I beg to move.

Mr Rimington: I beg to second and reserve my remarks.

The President: The motion, hon. members, is printed at 17 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Welfare Reform and Pensions Act 1999 (Application) Order 2000 — Approved

The President: Item 18, Minister for Health and Social Security.

Mrs Christian: Mr President, I beg to move:

That the Welfare Reform and Pensions Act 1999 (Application) Order 2000 [SD No 600/00] be approved.

This order applies to the Island those provisions of the Welfare Reform and Pensions Act which relate specifically to benefits and contributions. The remaining parts of the Act, which concern occupational and personal pensions, are either to be applied at a later date or fall outside the scope of my department, being matters for the Insurance and Pensions Authority to consider. Hon. members have been provided with a memorandum which gives more detail of the provisions of the Act which the department is proposing to apply to the Island.

In short, the main elements being applied are; reforms to the maternity allowance to bring lower-paid women within its scope; a new scheme of bereavement benefits to replace the current widows' benefits; implementation of joint claims for jobseekers allowance; reforms to incapacity and severe disablement allowance; reforms to attendance allowance and disability living allowance, and changes to national insurance contributions.

Members were advised of the department's proposals regarding the application of the Act to the Island at a presentation in January of this year. I beg to move.

Mr Rimington: I beg to second and reserve my remarks.

The President: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr President. I realise the hon. minister has said that there have been presentations and information booklets gone out but, as usual, I still have to make the complaint that I am still unclear in a lot of this, and especially - I keep highlighting it and nothing could illustrate this better at the minute - than what we have laid before us now, the Welfare and Reform Pensions Act which contains four different sections and a whole rake of reforms, adjustments and issues that I feel really should be placed as individual items so that we can tease things out and just see what we have.

I am especially concerned in the information booklet on page 2, for the minister's reference; at the bottom of the page there seems to be reform to the SERPS pension and an indication of some sort of possible 50 per cent reduction in this particular payment. Now, I would ask, are we having this or aren't we? Or what are the options that are laid out here and what are the effects going to be for the people on the Isle of Man who may well be affected by this?

But I would ask the minister not to give me a technical explanation that does not really allude one way or the other and say, 'Make of that what you will'; I would like to see or hear the minister say that this is going to be positive, it is actually going to cause a reduction or it is going to be neutral in that kind of simple terminology which gives an actual feeling of what is going to happen. I would, in fact, make a special plea to the minister; if she could do that I would be most grateful.

On page 11 of the information booklet - I am talking about disability allowances and the abolition of severe disablement allowance and the implementation of new medical assessments - to me that seems to be new, more stringent testing, and I am quite concerned at that and what effects that will have. I would be grateful to the minister again under this particular section, if there are going to be any losers - and I would like terminology such as that to be used because, again, I do not want a technical explanation and at the end of it 'Make of

that what you will'. I would like to know plus, negative, neutral, or is it just in fact changing some words, which I would be very grateful to understand more clearly because at the end of the day, when I have to answer my constituents when they find out that they have a benefit change and I am trying to explain what went on, their first line of debate or argument at a constituency MHK is, 'But the people in social security told me that Tynwald passed it; you did this.' Now, I would like to know in detail exactly what is going on here so that I am able to offer full explanations and indeed vote in which way I feel I should vote, so I would be grateful for the minister just to give a very brief outline - positive, negative or neutral. Thank you, Mr President.

The President: Hon. member for Rushen, Mrs Crowe.

Mrs Crowe: Thank you, Mr President. I wonder if the minister could confirm for me that it is not a simple question of negative, positive and neutral, it is a great deal more difficult in evaluating pensions and benefits to be able to determine in such a simplistic manner. Thank you.

The President: Minister to reply.

Mrs Christian: Thank you, Mr President. I will try and respond to the hon. member for North Douglas in a manner which will make clear to him the implications of these particular regulations. He has referred to the document which I circulated to hon. members specifically in relation to the proposals with regard to SERPS and widows' pensions. Now, this has been discussed frequently in this Court before. What the regulations before us today do in section 52 is to allow for the making of regulations to do a number of things, and these are set out in the explanatory memorandum. They are enabling powers. The position as to what eventually will happen is not yet determined. These matters are reciprocal matters. The United Kingdom has not yet determined how it will be proceeding except that it does give these enabling powers to provide for certain categories of widows and widowers to receive more than 50 per cent of the spouse's SERPS.

Mr Henderson: Best guess, minister.

Mrs Christian: There is no guessing in it. We are not defining anything at this time, we are simply introducing enabling powers.

I am not going to guess what any other jurisdiction decides to do; it would be foolish for me to attempt to do so.

When a determination is made as to how they propose to proceed, clearly we will be coming back with regulations under such enabling powers which will be for the Court to consider, so I hope that clarifies the position in relation to SERPS.

With regard to the queries about disability allowances, and the hon. member refers to page 11 of the document which has been circulated, I am not entirely sure why this does not present a clear picture to the hon. member but I will try and go through it and clarify the issues for him. We are abolishing severe disablement allowance. Now, as clearly set out in paragraph 2.10.3, this benefit is being abolished because the group it was originally intended to help will receive more benefit by way of access to IB instead of to this benefit. That is a plus and that is clearly stated in the document which has been circulated. However, if the hon. member wishes me to underline that I will gladly do so.

The next question on disability benefits relates to attendance allowance. In the main, conditions to DLA are set out in primary legislation. However if the hon. member would look at the bottom of page 12, at paragraph 2.11.6, it does make it clear that currently the rules specifying the conditions of entitlement and the circumstances in which a person qualifies for attendance allowance are set out in primary legislation, and it tells you there which legislation they appear in. The present lack of regulation-making powers in attendance allowance means that when proposed changes apply to both attendance allowance and disability allowance, which are parallel benefits for people under 65 and over 65, it is not possible to simultaneously introduce changes because in attendance allowance we have to go through the primary legislation route and in disability living allowance we can go through the secondary legislation route. We want to make these the same and use the secondary legislation route, which is much quicker and easier for us to make changes, improvements, if you will, to those two allowances simultaneously, so I would regard that as a plus.

There is at the moment a misunderstanding about the awarding of attendance allowance on a long-term basis. In paragraph 2.11.7 we introduce an explanation of why the change is now being made to make it clear that where an award is made for an indefinite period, for example where it might be determined that someone is terminally ill, if that person gets better their ability to be paid attendance allowance will be reviewed. At the moment, even if they get better, it is adjudged that they continue to receive attendance allowance notwithstanding that they no longer qualify for it. Now, those circumstances are going to arise very infrequently (**Mr Delaney:** Hear, hear.) but it has happened, and for that reason this is to clarify the wording in relation to attendance allowance and its long-term award.

Paragraph 2.11.10 makes it clear that we are changing the rules in relation to disability living allowance to provide that children of three and four can be awarded the higher rate of mobility allowance. That is an improvement.

So, if I could summarise, none of these, I think, are detrimental, one is a clarification and the others would, I would suggest, represent improvements and, as I have said before, whether one's perspective on those matters is the same as between me and you is a matter of interpretation but I would hope that most hon. members in the Court would accept my interpretation of those particular changes as being positive.

The President: Hon. members, the motion before the Court is that printed at 18 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Social Security Legislation (Application) (No. 16) Order 2000 — Approved

The President: We turn then to 19 and again I call on the Minister for Health and Social Security.

Mrs Christian: Thank you, Mr President, I beg to move:

That the Social Security Legislation (Application) (No 16) Order 2000 [SD No 602/00] be approved.

Again hon. members will recall that at the March 2000 sitting the Court approved the application of the Social Security Act 1998 to the Island. One of the main purposes of the Act was to streamline the decision-making and the appeals process. This order, and indeed the No. 17 order to follow, provide by way of regulations the detailed administrative procedures

which are necessary to put that Act into effect. As I was anxious to emphasise in March, there are no changes to the rules of entitlement and benefit nor to the nature of decisions to be made. They simply represent an improved way of handling the decision-making and appeals processes. We have circulated details of these changes to hon. members. I beg to move, Mr President.

Mr Rimington: I beg to second and reserve my remarks.

The President: Thank you. Hon. members, the motion is printed at 19 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Social Security Legislation (Application) (No. 17) Order 2000 — Approved

The President: Item 20, again Mrs Christian to move.

Mrs Christian: Mr President, I beg to move:

That the Social Security Legislation (Application) (No 17) Order 2000 [SD No 603/00] be approved.

I would refer hon. members to the remarks I have just make in relation to the No. 16 order. The legislation contained in this order provides for an updating of social security legislation and it replaces references to redundant decision and appeals legislation and provides transitional provision for any case still to be determined immediately before 6th October. I beg to move.

Mr Rimington: I second and reserve my remarks.

The President: Hon. member of Council, Mr Delaney.

Mr Delaney: Can I just have a further bit of an explanation on the Social Security Act 1998, the savings and consequential transition provision, the amendments that have been moved to them, particularly in relation to savings?

The President: Minister to reply.

Mrs Christian: Thank you, Mr President. The hon. member - I am not quite clear what his concern is. What we are doing here is introducing transitional provisions to ensure that anybody being treated under the old procedures for determining adjudication -

Mr Delaney: Savings.

Mrs Christian: - and appeals is not detrimentally affected as we move to the new procedures for consideration of decisions and appeals. I hope that answers the hon. member.

The President: Hon. members, the motion before the Court is that printed at 20 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Permitted Hours (Licensed Premises) (No. 2) Order 2000 — Approved

The President: We turn then to 21 and I call on the Minister for Home Affairs to move the permitted hours.

Mr Bell: Thank you, Mr President. I beg to move:

That the Permitted Hours (Licensed Premises) (No. 2) Order 2000 [SD No 561/00] be approved.

The order before the Court will, if approved, permit all on and off-licence premises to remain open all year between the hours of 12 noon and 11 p.m. on Sundays with the exception of Christmas Day. Tynwald approved an order earlier this year to permit the extension of on-licence permitted opening hours on Sundays during the summer period, and I gave a commitment in Tynwald to evaluate the success or otherwise of the extension and consult with interested parties such as the police Licensing Courts and licensees. The result of this consultation exercise has been entirely positive. The extension has also proved highly successful with the public enjoying extra hours in a trouble-free environment.

The department therefore considers, given the success of the trial period and the positive results of the consultation exercise, that there is no reason not to extend this popular measure into the winter period and indeed on an all-year-round basis in order to permit extended Sunday opening all year. The only dissatisfaction expressed by the public during the trial period was that off-licences were closed during times when public houses were open, which in reality had no effect in reducing alcohol consumption because of the availability of take-out purchases from on-licences. Therefore the department is also of the view that there appears to be no reason why off-licences should not be permitted to open at the same time on Sundays as on-licences, as the extra hours will ensure fair competition and respond positively to consumer-led demand. Mr President, I beg to move the motion standing in my name.

Mr Delaney: I beg to second and reserve my remarks.

The President: The hon. member of the Council, the Lord Bishop.

The Lord Bishop: Thank you, Mr President. When we debated this earlier in the year I gave a bit of support to the hon. member on this departure from the norm and did say that I hoped that the progress would be monitored and that we should be allowed to know the results. Well, the hon. member has just said that he did this evaluation. I certainly have not heard any results and nobody has told me anything about it, not that I am important enough to be told, perhaps, but having expressed an interest in the debate I think I would have expected some sort of comeback, and all we get in this order paper in 1.3 is a rather bland remark that the Isle of Man Constabulary did not find it caused them any additional problems. Well, I would like to know what that means, what problems there were in the first place and what impact this had. Obviously, the industry of course would support the changes and in item 3 it said that it had proved successful with the public enjoying extra hours in a trouble-free environment. Again, what does that actually mean? I would have expected a little bit of comeback, even if it was just a few statistics or anything of that nature in the process.

I am also slightly concerned that there is a slip-in here of the off-licences in the whole thing - the only dissatisfaction. Well, of course those who are in off-licences will have a dissatisfaction if they are not getting the same as everybody else, but we continue to be concerned and told about under-age drinking in the Island. There is a huge amount of an alcohol problem amongst the young and yet we are asked to pass this without any comment or any slight concern about the future. I am not going to oppose this because I have gone along with it in the first place but I would have expected some comeback on the experimental period and I certainly would want some chance to express a concern about 'open all hours' and what are we doing to try and make sure that our young people . . . I mean, going into pubs is rather less easy than going into an off-licence, really, for the young and I would have thought we just need to be a bit concerned.

The President: The hon. member Mr Cannell.

Mr Cannell: Yes, Mr President. I have no qualms about recommending members to accept the terms of this. I think that the experimental period has shown that there is a call for these hours, and particularly so in my own constituency where there is a thriving off-licence establishment. They have actually had a number of people who are saying 'What is the sense in actually having the facility to go' - not literally but virtually - 'across the road and be able to get the same service as that which should and could be available from the off-licences?' and I have no difficulty whatever with the propriety of the establishments' concern. Certain off-licences in the old days used to have a reputation which probably was deserved, but I am pretty certain now that that is not the case with the vast majority of them in the Isle of Man and indeed elsewhere. They are properly run, there is a demand for such a service and it is iniquitous that they should not be able to provide that to their clients when the public houses now are able also to offer a take-away facility, which indeed was illegal at one time.

So I have no qualms in recommending this. I think the Isle of Man now is moving into the modern age, but I do accept what the Lord Bishop has said as regards the alcohol problem, and we are devoting considerable sums of money to try to resolve that, but I really cannot see the illegitimate connection between the two, because I am sure that any examination of the difficulties which we have with people over-indulging in drink are not usually to be pointed at public houses and off-licences. It has been clearly demonstrated that the majority of the alcohol being provided is coming from establishments other than those and it is not a pretty sight to see people in certain places in the Isle of Man indulging in open-air drinking, and it is to that extent that a number of other places now have been identified where this will not be permitted.

Having said that, of course, it is not an easy balance to attain for those who enjoy facilities and act responsibly in holiday times such as the TT Races where we do have to be a little bit more liberal than perhaps we would be otherwise.

So I welcome this. I am sure that it will be popular with everybody. The one reservation I expressed, and that was prior to joining the Home Affairs Department, was of course that I considered that perhaps more could have been done to have approached the individual licensees as to whether they are able to service these hours, because I was aware of one set of licensees who had quit the trade for just such a reason, that they could not stand seven-day service, but, as I was reminded by the hon. minister at the time, which was the correct answer, that contract is between the employers and the employees and it is down to them to get their act together as to the remuneration for working unsocial hours, and if the public do have need of public houses, at least now they can be suitably selective and make up their own minds. So it will be consumer-led, it will be supply and demand and there is no finer reason really for supporting this agenda item.

The President: The hon. member for Rushen, Mrs Crowe.

Mrs Crowe: Thank you, Mr President. In view of the concerns expressed by the Bishop regarding under-age sales I would ask the minister to confirm that the Office of Fair Trading has actually sent to every off-licence establishment, indeed every retailer on the Island, a pack which contains all the information regarding under-age sales along with information about the proof-of-age card, what to look for and how it has to be asked for, and I would ask the minister

to confirm that the police are going to enforce under-age selling regulations in off-licences as stringently as the Office of Fair Trading are going to enforce the sales of under-age products in all other retail establishments. Thank you, Mr President.

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

Mr Delaney: Mr President, this particular order - and I congratulate the minister for the way he has gone about this - virtually will happen and nobody will even notice it in the general public, because they take it for granted what we have done is what we were going to do anyhow and the acceptance of it is that the interesting part. . . I like a drink on a Sunday, I like to go to church on a Sunday, as the Bishop knows, as well, the point of it being that most people go back in the afternoon and go home anyhow. I do feel somewhat for the licensees; they have the extra time, but that is the business they are in.

What I would appeal for on the chance in this order is it is quite apparent, speaking with my Tourist Board hat on, is that the condition of some of the pubs in the Isle of Man is a disgrace, and I must say, if the people who own the majority of these pubs, the breweries, seem to spend little effort on doing up the pubs which the general public frequent, and it does nothing to enhance the ambience of the Isle of Man when you see that these places are getting into a very shabby condition and they are frequented by a lot of our residents, and I think that is something that needs looking at.

I believe that the order itself is worth supporting. I do feel with the Bishop about the under-age drinking and I know the pressure that the police are under, but I believe strongly that if you are going to have licensing it must be enforced very, very strongly by the courts, which we have no real influence on. We make the law, we expect them to carry it out, and any case of under-age sales of alcohol should be jumped on and the licence should be automatically lost to them or the group that they represent, and I feel that is how strongly you have got to be if you wish to prevent sales to under-age drinkers.

The President: The hon. member, Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr President. I rise to support the motion in front of us. I was going to raise myself the proof of age but that has already been raised by the hon. member for Rushen, Mrs Crowe. With talking to licensees myself, particularly for the Sunday which has been the extension where they have had less of a problem particularly on a Sunday afternoon trying to encourage people to move out when the pub was supposed to close, since the introduction of these permitted hours they have found it a lot easier. People spread their drinking out and the licensees I have spoken to, as I said, have had less of a problem. That is all I wanted to add, Mr President.

The President: The hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I am concerned: can the mover tell us whether there is going to be any reflection as far as the person that is on the other side of the bar as far as this being a permanent thing? It is all well and good making the licensing laws more flexible but there has to be a recognition of the people on the other side of the bar. That was why I moved against this crazy situation of having the pubs open to 12 o'clock every night of the week, and I am glad to see that it was supported. My concern is, I can understand the argument, and it is a good argument, the Scottish argument of 'open the pubs and it will cut down the gulp drinking',

and I believe that we are in this Court not to legislate for the majority but sometimes we have to legislate for the minority, and I just feel that we will be adding to the pub widows by this coming as the norm as it is now, and I do feel that, to be honest with you, we should not support this order.

I also think that, when we talk about off-licences, I would like to have seen an off-licence order that makes all off-licences. . . there should be a 10-year moratorium with a notice that we should be putting all off-licenses into purely off-licences. We complain about our drunkenness and our problems that it causes, but it must be awfully difficult for somebody with a drink problem to be able to go out to buy their bread, their frozen foods, to have to go down two lines of drink rows. It must be extremely difficult and I do think that this Court talks with forked tongue when it comes to the drink problems.

Whilst I appreciate the hon. mover and he believes one way, I tend to believe the other way, and I would have been a little bit more happy if I would have seen some movement on off-licences. I believe that people who have got a drink problem need to be able to go somewhere that is free from it, and they cannot in the supermarkets at the present time. We are here to legislate for the minority and I know that is not going to be popular, but I just do not think . . . We have already heard from the hon. member of the Council about the state of some of these pubs. I do not think this extending of the hours - that means the possibility that the viability even gets worse and standards go down. The employers on the other side of the bar are not known for being decent employers, the breweries anyway, and I am sorry that I will not be able to support the hon. minister as far as this is concerned. I am sure it will go through, but it will not go through with my support, even though I was threatened the other day by one of my constituents who said, 'Oh, they should let it be open. I want a drink whenever I want,' and I can appreciate that point but, at the end of the day, we are here to help the minorities that need protection, maybe from themselves.

The President: The hon. member of the Council, Mrs Christian.

Mrs Christian: A very brief comment, please, Mr President. I will not oppose this. I do think, though, it highlights a dichotomy. We are extending permitted hours here. We have a drug and alcohol strategy. We recognise that the major problem in the Island in terms of crime, I think, is alcohol-related. What I think we need to be sure of is that as we develop our alcohol strategy and it goes forward we do carefully monitor the statistics and have a willingness, if it appears to be essential in the future, to reverse these decisions (**Mr Gilbey:** Hear, hear.) not to say 'Oh, because we have liberalised, it cannot be changed again.' It is hard to pull back from something you have given out, but I do think it is important that we do monitor very carefully, if we are liberalising in this way, that we make sure that enforcement is very rigorously pursued, because I am conscious of the fact that, notwithstanding there has been improvement in some public houses, certainly I am still aware that there are young people who are being served with drink under age notwithstanding that they carry cards. If they are not asked for them then they are going to get the drink and it is a continuing problem. So we have a lot of angles by which we need to tackle this -

Mrs Crowe: We have done.

Mrs Christian: - and I think that in supporting this we need to put down a marker that if it is not going to help improve our situation in relation to alcohol, then we need to look at it again in the future.

The President: The hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. I would make an appeal to the Minister for Home Affairs that the rest of the licensing laws that this relates to are brought into action, and that is following on from the comments made by the member for Onchan, because my recollection of the legislation is that there should be areas; the areas should be quite clearly separate from ordinary supermarkets, and that was quite clearly a commitment in primary legislation of both Houses of Tynwald, and I think that should be brought into being. Yes, it is going to cause supermarkets a problem, but one of the difficulties is that the off-licence part is, as the member says, freely available and it is going to be freely available on most days of the year from 9 o'clock in the morning to 11 o'clock at night. If this was brought into being where it was separate, I think that would go some way. If we are going to have a strategy, then I think we should be helping the people who are addicted. Addiction is a terrible thing, whether it is alcohol or whether it is drugs, cigarettes or whatever, and I would hope that that area can be addressed.

I am also concerned about people living in areas where there are off-licences and that the off-licences are now going to be open later. I do not know whether these people have been consulted or not because they tend to be corner shops or places that are in the middle of residential areas, and people have to live with these things as they do with public houses.

In relation to off-licences and public houses, obviously the expense of running an off-licence is carried over the whole of the store, whatever is in the store usually mixed with off-licence and a corner shop or a supermarket where public houses over the years, because of the increased numbers of off-licences, have had to diversify and they have actually provided what a lot of people require, which is food along with drink. Some places have not been able to do that purely because the facilities are not there, and I think these sort of points should be remembered when we are criticising public houses into not improving maybe that their income has dropped, their wages have increased because of the longer hours which we are suggesting. For the time I will go along with this but I am concerned as to the wider implications of this.

The President: The hon. member Mr Downie.

Mr Downie: Thank you, Mr President. I am prepared to support the motion today because I think that, although I do not agree with it wholeheartedly, the minister has tried to introduce some new innovations, and there are pluses and minuses. I would, however, in supporting the motion today, ask him to take account of some of the references I am going to make.

Now, fine having the pubs open all day Sunday; a lot of people can benefit from that. They do not need to rush their drink if they are going out and having a meal and, if they want to have younger members of the family with them, they can come in and have a meal and they can enjoy things, but what annoys me is at about 4 o'clock, when they start to turf some of these construction workers out, particularly the hotels on Douglas front, and they are too drunk to even stand up or they are across the road sitting where children are playing round the

padding pool or the swings area on the promenade, they are effing and blinding and smashing glasses and urinating in the street. I think that is when we are looking at the other side of it. As I said, although I am prepared to support the extension of the opening hours I do think that the police have to be a lot more diligent and more pressure needs to be put onto the landlord, particularly those who continue serving people when they are obviously in a total state of oblivion. I am sure my hon. colleague here from South Douglas, Mr Duggan, will confirm that of an evening at the weekend and sometimes on a Sunday afternoon these people just are not even fit to be walking round the town and the taxis will not take them home because they are sick all over the place or they are messing their trousers. There is something wrong with the system and I would ask him to take that on board. That is a downside to this.

The other thing I think that we will see is that every small shop now that is struggling for business because of the change in our retail habit will want to become an off-licence, because all of the off-licences in Douglas, I am absolutely certain, will now stay open until 11 o'clock at night and this will, I think, erode business from other areas. Next thing we will see garages wanting to stay open until 11 o'clock at night because they have an off-licence facility, and I think it will affect the balance of trade.

One thing I would like to mention: in the Licensing Act - and I hope the hon. member for the trading standards is listening - there is a section of the Licensing Acts that says that soft drinks should be available on licensed premises at reasonable prices, and I am absolutely mortified at some of the prices that are being charged, like £1.70 for a mini bottle of Coca-Cola. There is no incentive there for people who are driving or people who do not want to drink alcohol. They are totally being ripped off, in my opinion, and it is about time that that side of the licensing trade was looked at. Thank you, Mr President.

The President: The hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr President. I am a little bit concerned about this move today. Representing an area which does have huge problems in terms of alcohol abuse - and I am talking about primarily the Douglas promenade - over this last 12 months I have received more letters of complaint and of concern from residents who are actually living in apartments on the Douglas promenade about alcohol abuse, vandalism and petty crime which is perpetuated by alcohol consumption.

I have approached the police in terms of being able to police that particular area in a more efficient manner and I was informed, 'Well, we are hoping to have additional foot patrols when the new police officers come back from training'. Now, I know that those police officers are back and they have undergone their training and I would merely put a plea out to the minister today to ensure that the promenade is properly policed by foot patrols, particularly in view of the extension of licensing hours that we are being considered to approve today. And when I talk about vandalism I am talking about drunkards, for a laugh, climbing up onto people's balconies where people are actually trying to sleep at night and attempting to break in to their premises or, in one instance, over the Tynwald celebration period, pinching a Manx flag off someone's balcony, a Manx flag which belonged to an old Manx soldier who fought very bravely in the last war and he had handed it on to his son; his son was heartbroken about that. That is one little incident but a big one in terms of the loss of that token, that heirloom.

On the other side of this we have heard mention today about the off-licence premises. Now, I happen to live almost opposite the biggest off-licence in Douglas, and that is Winerite, which also falls into the constituency of East Douglas. Now, at the moment, of course, that shop in selling alcohol has to close earlier rather than later and, as a result, that predominantly residential area resorts back to peace and quiet and tranquillity and a degree of safeness. There are a lot of children in that particular area too. With this proposed order that particular premises, along with everybody else, is going to stay open until 11 o'clock and so there will be an increase in activity there, there will be an increase in car parking, because there is quite a large substantial car park which serves the premises, and the residents are not going to be very happy because they are not going to get any peace and quiet and they are not going to get any peace and quiet on a Sunday either. That is the one good thing: on a Sunday, if you live in Douglas it is usually relatively quiet and one gets back to normal community life, mixing with your neighbours and mixing with the community. All of that stops when places such as this are able to administer and sell alcohol, whether they are serving or selling it from off-licence premises.

Now, I understand the hon. minister has been committed in terms of trying to make it more flexible, but I do wonder what his own police officers think about this, because to my mind, just a couple of years ago in the annual police reports that we receive, they noted alcohol-related crime as probably higher than drug-related crime and they also said that it was a real problem to police, and when applications came up into the Licensing Court for people to establish new premises within Douglas for the selling of alcohol, nine times out of ten the police would make a presence to that hearing and make objections. Now, I just wonder where the bridge is here, because obviously a bridge must have been put in place and the two sides, the minister's aspirations along with the concern of his police officers, must have come to some kind of compromise here.

So I am putting it down on record that I am not happy; I am not satisfied. If this order is merely just for a year and it will come back to be approved again, then I will this time go along with it because obviously, when the minister comes forward again in a year with another order, as I understand it, then it gives us an opportunity to have reviewed the situation to see how things have worked out in the forthcoming year, but if the order is merely to change and it is going to be blanket from now on forever then I would have to regretfully vote against it, but I will be guided by the minister's response.

The President: I call on the minister to reply.

Mr Bell: Thank you, Mr President. It is very unusual for any measure relating to licensing to slip through any branch of government without the usual reactions, so the comments today come as no surprise. The reason I structured this particular proposal in the way that I did was in the hope, obviously vainly in one or two cases, that having had six months' experience with a temporary order to give everyone who would be involved with this the opportunity of seeing first-hand how liberalisation on a Sunday would work the chance to see first-hand and to identify specific problems. Now, the Lord Bishop, to whom I am very grateful for his support six months ago, has raised comments about the consultation process with people who may well have been involved in the change in licensing hours - I can say to him first of all that if he felt that I was due to write back to him on this I apologise, that was not my understanding of the situation, but I did, as I have done today, promise to come back with a full debate before trying

to make it a permanent feature. We have, as I said in my opening remarks, consulted with the police, with the industry itself, with the licensing bench and, I understand, a number of other interested parties. Now, my understanding is that no statistics as such have been kept by the police on any specific changes in relation to Sunday, but the across-the-board feedback we have had is that there were very few incidents on Sunday at all. It gave the police no problems whatsoever and in some cases has actually improved the situation, because there has certainly been one establishment in Douglas which has enjoyed a monopoly over the years on a Sunday and which caused considerable problems in the past; this new arrangement has eased that situation now in the sense that people now have the ability to enjoy a quiet Sunday drink in a range of locations rather than being forced to go into the one facility.

The feedback we have had from the trade as well as the police is that people have respected the extra hours that they have been given, they have respected the flexibility that they have been given; the binge drinking aspect which was prevalent in the past has largely disappeared because people were able to leave at their leisure when they had finished. It also enabled a more family atmosphere to be created in a lot of places, particularly where meals were being served, and that has helped to soften the atmosphere in many of these premises. It has also, of course, enabled a large number of people to enjoy Sunday afternoon sporting events now, which are a frequent feature on television and are very important to many people.

The licensing bench itself saw no reason not to continue with these arrangements and, as I say, the trade itself were very pleased. They have had very few instances of any difficulty, I understand, with their customers and, as I think has already been said, because people were able to leave at their leisure they did not have the aggravation at 3 o'clock when kicking-out time came along and the resultant alterations on a number of occasions as a result of people being pushed out against their will.

So I believe, Mr President, that these changes and the comments on these changes have confirmed what we thought would be the case initially. The consultation has taken place; it has been a genuine consultation. Had the police, in particular, come back with strong reservations that it was causing difficulties, then we most certainly would have thought twice about bringing this resolution forward today, but we and the police have no evidence of that at all, and the other response we have had has been pretty well universally popular.

I accept the point that the hon. Lord Bishop has made about under-age drinking. That obviously is something which is concerning us greatly at the moment. The police themselves, at my instigation, I might add, over the last few weeks have started a major operation against under-age drinking, particularly in the Douglas area and in the promenade areas. That has started to have some success, it has certainly made its presence felt on Douglas promenade on a Friday and Saturday night, and I would expect that initiative to continue and indeed have asked for it to be spread to other parts of the Island.

There is a Licensing (Amendment) Bill with my department at the moment which is currently being firmed up. There are a number of measures in there which I believe will meet, I think, most members' concerns about the downside to a more relaxed approach to licensing hours. The Bill, I hope, will contain measures which will put much greater responsibilities on the licensees themselves (**A Member:** Hear, hear.) as to how they run their premises and how they treat their customers. It will also give the police powers to close unruly premises at very short notice and indeed to suspend licences if needs be. There will be a radical trade-off (**Mr**

Delaney: Hear, hear.) on what we are trying to do here, that on the one hand we recognise the consumers want the freedom of choice; many licensees - perhaps not all but many - equally want that freedom of choice, but they have to recognise that there is a price to pay for that, and that is a greater responsibility in the management of their premises and their treatment of their customers. So I accept that that Bill is not before us at the moment, but I can give the Lord Bishop, in particular, the assurance that the points that he has raised are taken on board and we are doing our best to address them in this new Bill.

My colleague, Mr Cannell, the member for Onchan - I thank him for his support. Again under-age drinking was referred to and I would simply confirm, really, the point that he has made that certainly, although there are rogue licensees, the bulk of alcohol which seems to get into the hands of young people still comes from the home, and we have to find some way of reinforcing parental responsibility in many cases to make sure that young people do not get easy access to supplies from the home.

Mr Cannell and, indeed, later on Mr Downie, the hon. member for West Douglas, have made comments about open-air drinking and the problems that that is perceived to cause, particularly on Douglas promenade. I can only again add that in the Licensing (Amendment) Bill which we are putting together at the moment we are looking at measures whereby we can ban drinking on the streets, particularly the pub crawl in the sense which has developed now, where people are going from pub to pub and taking the glasses and bottles with them, which potentially provide lethal weapons for violence later on. It is, though, as I think my colleague in Council, Mr Delaney, has said, not the easiest of things to phrase in legislative terms without being a total catch-all and catching people who quite innocently want to have a bottle of wine on the beach with a barbecue or, indeed, at TT period when we have Bushy's and one or two instances like that. So we are struggling at the moment to find the right form of words; once that is done we will be bringing in controls on open-air drinking for the future.

The comment was also made by one or two members about the licensees and whether they could service the hours. We are not obliging anyone to open if they do not wish to; this is simply giving them the option to open on Sunday afternoons. A great many on-licence houses have chosen not to take advantage of the relaxation this summer and I would expect that to continue if this order is brought into play. It is purely optional. The pub management, the pub owners have the choice to open or close and they will need, then, to negotiate with their staff as to whether or not they are prepared to work.

The member for Rushen, Mrs Crowe, has made comment about her efforts, in particular with the proof-of-age cards and I can confirm what she has said: licensees have been contacted, I think, by her department. The police certainly strongly support the proof-of-age cards and I hope we will be seeing some benefits from that in the not-too-distant future.

Again my colleague, Mr Delaney, has made comment about shabby pubs. There are undoubtedly areas which we would like to see some improvement on on the Island and I quite sure the licensing bench itself will be looking at seeing some improvement in quality. That, though, is outwith at this stage the order and indeed the legislation which we will be bringing on later on. Our hope, of course, would be that sufficient competition will be introduced into the Island to ultimately oblige many of these premises to provide a more acceptable standard of service and facility.

Mr Braidwood I thank for his support.

Mr Karran - I am sorry he feels the way he does, that he is going to vote against it. What we are trying to achieve here is not encouraging more drinking. I am not aware that it has in the last six months contributed at all to an actual increase in drinking. We are trying to give the public what they have been asking for for a long time, what has been available in the United Kingdom for many years now and most certainly what has applied in Europe for many years, and that is the freedom of choice as to how they wish to spend their leisure time. We are not forcing people into the pubs, we are not forcing the pubs to stay open, we are simply giving the people the same choice as to whether to go for a drink with their family, a Sunday afternoon meal or a visit to B & Q or a walk in one of the glens; it is entirely an exercise in giving the consumer back the freedom of choice. I can see nothing wrong with that and it is a move which has been welcomed. The flexibility of hours has, as I have said, encouraged people to leave in an orderly fashion over a longer period of time. It has cut out the closing time binge which we have suffered from and it has helped improve the law and order situation; it has not deteriorated.

Mrs Christian has made reference to the drug and alcohol strategy. I fully appreciate the point that she is making and we may well be looking to include some facility, an enabling provision, in the Licensing Bill to amend things further by order in future if an urgent problem is identified. I am still convinced, though - and all the evidence that has been presented to me confirms it - that opening hours themselves are not the problem; it is the management of the pubs, (**Mr Delaney:** Hear, hear.) the management of the drinks, the management of the off-licences. That is where the nub of the problem is. The fact that the licensed premises are open for a specific time is not in itself a major contributory factor to the difficulties. I would say, though, to the hon. member, I am hopeful that following the budget next year the police will be putting in place a new police alcohol squad which will be worked very much along the lines of the drug squad at the moment. It still will be in embryonic stage next year because we have to get personnel approval for that, but we would hope to build up a squad of maybe 12 individuals over the next two or three years which will form the first police alcohol squad in the whole of the British Isles. It is something which we have been commended upon by the HMI inspector who we had on the Island recently. We are leading the way on this, so we are not shirking on our duties, we hope to break new ground and, with the support of the alcohol strategy, health as well as enforcement back-up, I hope we will be able to start to make some inroads.

Mr President, I think I have covered most of the points, really, which have been raised. Just one final thing: the hon. member for East Douglas, Mrs Cannell, said, 'What do the police officers think?' Without going into great details, I would just point out that locally the police, who work very closely with my department on this issue, are supportive of what we are trying to achieve, but I would simply point out to hon. members that there are major changes in the UK licensing regimes due to be introduced next year. They will be the most radical changes the UK has seen for a great period of time, including deregulation of hours. Those changes have actually been driven by police pressures in the United Kingdom because they feel that this is the way forward in handling drink-related crime. Where licensing hours have been relaxed in Scotland, for example, there has been a most noticeable reduction in drink-related crime. The UK forces as a whole have recognised that and have now persuaded the

politicians in the UK that this will help them. So the direction that we are moving in with this order, and hopefully with the Licensing Bill next year, has evidence-based support from the police as this is the right direction to go in.

Mr President, this order, if it is supported today, will become a permanent order, it is not another temporary one, but I would ask all members to please recognise the success that we have had in the last six months, the freedom of choice that we have given to our residents on the Island and the fact that we will be bringing in tighter controls in the Licensing (Amendment) Bill hopefully early next year when it comes in. I beg to move.

The President: The motion, hon. members, is printed at 21 on your order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Electronic Transactions (General) Regulations 2000 — Approved

The President: We turn, then, to item 22 and I call on the Minister for Trade and Industry to move.

Mr North: Thank you, Mr President, I beg to move:

That the Electronic Transactions (General) Regulations 2000 [SD No 529/00] be approved.

The Electronic Transactions (General) Regulations 2000 supplement the provisions of the Electronic Transactions Act 2000 which received Royal Assent on 20th June 2000. The regulations, along with the appointed day order under which it is intended to bring the Act into force on 1st November 2000, facilitate the introduction of the Act and deal with the transitional arrangements. The regulations will allow a number of exclusions from the requirements of the Act in respect of certain transactions which by their nature could not be carried out electronically at the present time.

Regulation 2 specifies these transactions such as wills, mortgages et cetera, which it is recognised should not for the foreseeable future be dealt with electronically. They will continue to be effected in accordance with existing formal requirements and this usually means in writing.

Section 2 of the Act deals with the time and place of despatch and receipt of electronic communications and an exemption from this, in the case of VAT, is necessary to avoid potential conflict with the customs and excise rules.

Finally, regulation 4 gives an exemption for 12 months from sections 4, 5 and 6 of the Act in relation to dealings with public authorities by electronic means. This exemption is allowed in order to give public authorities some time to review their systems and procedures and to implement any changes necessary to facilitate dealing with business and the general public by electronic means.

In conclusion, I am sure that hon. members appreciate the importance of the continuing development and diversification of the Island's economy, of having appropriate e-commerce legislation in place as soon as possible. This is essential if the Isle of Man is to be seen as a leading international centre for e-commerce. Mr President, I beg to move the motion standing in my name.

The President: The hon. member for Rushen, Mrs Crowe.

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

The President: The motion, hon. members, is printed at 22 on your order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Petroleum Act 1998 (Application) Order 2000 — Approved

The President: Item 23, the Minister for Trade and Industry.

Mr North: Mr President, I beg to move:

That the Petroleum Act 1998 (Application) Order 2000 [SD No 562/00] be approved.

The President: The member for Rushen.

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

The President: The motion, hon. members, is printed at 23. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Export of Goods (Control) (Amendment No. 2) Order 2000 (Application)
Order 2000 — Approved**

The President: Item 24, this time the Minister for the Treasury to move.

Mr Corkill: Thank you, Mr President, I beg to move:

That the Export of Goods (Control) (Amendment No. 2) Order 2000 (Application) Order 2000 [SD No 411/00] be approved.

This order applies in Island law an order which makes various modifications to the principal order concerned with export control, the Export of Goods (Control) Order of 1994. I beg to move the motion in my name, Mr President.

Mr Radcliffe: I beg to second, sir.

The President: The motion, hon. members, is that printed at 24. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Export of Goods (Control) (Amendment No. 3) Order 2000 (Application)
Order 2000 — Approved**

The President: Item 25, the hon. member, Mr Corkill.

Mr Corkill: Mr President, I formally move this motion:

That the Export of Goods (Control) (Amendment No. 3) Order 2000 (Application) Order 2000 [SD No 447/00] be approved.

Mr Radcliffe: I second, sir.

The President: Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Value Added Tax Act 1996 (Amendment) (No. 2) Order — Approved

The President: Item 26, hon. member.

Mr Corkill: Mr President, I beg to move:

That the Value Added Tax Act 1996 (Amendment) (No. 2) Order [SD No 540/00] be approved.

The purpose of this order is to insert a new section 69A into the Value Added Tax Act of 1996 and to make various consequential amendments. I beg to move, Mr President.

Mr Radcliffe: I beg to second.

The President: Will those in favour of item 26 please say aye; against, no. The ayes have it. The ayes have it.

Tobacco Products Duty Act 1986 (Amendment) Order 2000 — Approved

The President: Item 27, again the Minister for the Treasury.

Mr Corkill: Mr President, I beg to move:

That the Tobacco Products Duty Act 1986 (Amendment) Order 2000 [SD No 543/00] be approved.

The primary purpose of this order is to provide for the use of fiscal marking on packs of cigarettes and hand-rolling tobacco. The detail has been circulated to hon. members and I beg to move, Mr President.

The President: Mr Radcliffe.

Mr Radcliffe: I second, Mr President.

The President: Will those in favour of item 27 on the order paper please say aye; against, no. The ayes have it. The ayes have it.

Customs and Excise Management Act 1986 (Amendment) Order 2000 — Approved

The President: Item 28, the Minister for the Treasury.

Mr Corkill: Mr President, I beg to move:

That the Customs and Excise Management Act 1986 (Amendment) Order 2000 [SD No 544/00] be approved.

The purpose of this order is to make three sets of amendments to the Customs and Excise Management Act of 1986. These changes are analogous with those made to United Kingdom legislation by means of the Finance Act in that place, the Finance Act 2000. They are required in order for the Island to comply with the requirements of the Customs and Excise Agreement of 1979. I beg to move, sir.

Mr Radcliffe: I second, sir.

The President: The motion, hon. members, is printed at 28 on your order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Collective Investment Schemes (International Schemes) (Amendment) Regulations 2000

—
**Collective Investment Schemes (International Schemes) (Amendment) Order 2000 —
Collective Investment Schemes (Prospectus) (Exemption) (Amendment)
Regulations 2000 —**

**Collective Investment Schemes (Registers) and Investment Business (Fees)
(Amendment) Regulations 2000 —
Collective Investment Schemes (International Schemes) (Amendment)
Regulatory Code 2000 — Approved**

The President: Now, hon. members, in turning to item 29, my understanding is that 29, 30, 31, 32 and 33 are all dealing with collective investment schemes and are in effect the one matter, not any alteration of policy in any of the explanatory memoranda. I therefore call on the Treasury minister with your approval, members, to take 29,30,31,32 and 33 at the one time. Do you agree, members?

Members: Agreed.

The President: The Treasury minister.

Mr Corkill: Thank you for that, Mr President. I beg to move:

That the Collective Investment Schemes (International Schemes) (Amendment) Regulations 2000 [SD No 408/00] be approved.

That the Collective Investment Schemes (International Schemes) (Amendment) Order 2000 [SD No 407/00] be approved.

That the Collective Investment Schemes (Prospectus) (Exemption) (Amendment) Regulations 2000 [SD No 406/00] be approved.

That the Collective Investment Schemes (Registers) and Investment Business (Fees) (Amendment) Regulations 2000 [SD No 409/00] be approved.

That the Collective Investment Schemes (International Schemes) (Amendment) Regulatory Code 2000 [SD No 410/00] be approved.

They are indeed all related, these orders, and they really refer to issues of nomenclature within all those schemes. I can assure hon. members that there has been full consultation with the industry. The FSC has undertaken that and they are wholeheartedly behind these changes. I beg to move items 29, 30, 31, 32 and 33 standing in my name, sir.

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

The President: Hon. members, the motion before the Court is that we approve 29, 30, 31, 32 and 33. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Travelling Allowances Order 2000 — Approved

The President: Item 34, the Minister for the Treasury.

Mr Corkill: Mr President, I beg to move:

That the Travelling Allowances Order 2000 [SD No 589/00] be approved.

It is Treasury policy to undertake an annual review of travelling allowances. As a result of this year's review it is proposed to increase the mileage rates for the first 6,000 miles of travel for vehicles with engine capacities of up to 1299cc from 42 pence per mile to 44 pence per mile; that is an increase of 4.8 per cent. In respect of vehicles with engine capacities of 1300cc and over the review indicates an increase of 5 pence per mile. However, on environmental

grounds and also based on comments previously directed to Treasury by debate in this hon. Court it has been decided to limit the increase to 2 pence per mile in order to discourage the use of large-engine vehicles (**Mrs Cannell:** Hear, hear.) by applying a proportionately smaller increase to the large-engine category. Therefore the proposed increase for the 1300cc and over category is from 48 pence to 50 pence per mile; that is 4.2 per cent. Rates for usage above 6000 miles are increased accordingly.

The total cost to government in respect of mileage allowances is not available, but the overall cost of the proposed increase is not particularly significant, and I beg to move the order in my name, Mr President.

Mr Radcliffe: As the driver of a metro I am happy to second this, sir. (*Laughter*)

The President: The hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr President. I welcome the information that the minister has given to us on this particular issue, particularly in relation to the environmental benefits, or impact upon, due to the larger vehicles, but when we look at this what he is saying is that it is going up from 42 to 44 pence for engine capacities up to 1299; again for those vehicles that are larger, the bigger vehicles, that is also being increased by 2 pence, so we have equality in terms of the rise on the allowances permitted. What I would ask him, bearing in mind that he does have a concern for the environment as just previously stated, that when he next looks at this could he look to increasing the allowance for the smaller engine so that it will be greater than that for the larger engine and thereby that will be a real commitment from this government that they are trying to encourage -

Mrs Hannan: That is right, yes.

Mrs Cannell: - greater use of the smaller engine, thereby more environmentally friendly if there is such a thing, and less reliance upon the bigger engine, which of course is far more damaging to the environment. If he considers that and brings that forward then I will have optimism in this government that they do have a green seed which they would like to see grow. (*Interjections*)

The President: The minister to reply.

Mr Corkill: Mr President, I am very pleased that we are making environmental progress in the Treasury.

Mr Brown: The member for East Douglas could walk to work; that would make a big impact.

Mrs Cannell: I have come on my bike today.

Mr Brown: Wow!

Mr Corkill: It is a serious issue, Mr President, this whole area because it is a way of recompensing the usage, of course, of people's vehicles and so we thought long and hard about the proportion, how to bring this to this hon. Court, but our decision was really based on Tynwald's debate on this subject last time around where these points were raised, and so I hope it engenders support for the order today. It is a complicated formula which is used to make these figures because it also deals with values of vehicles, and of course the value of vehicles is actually falling at the moment in terms of new prices being announced lower so,

that being part of the formula, fuel costs being the formula, it is quite complicated, but I thank the hon. member for her comments and hope that all hon. members can support this order before us.

The President: The motion, hon. members, is printed at 34 on your order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Subsistence Allowances — Approved

The President: I think we will take one more before lunch, hon. members. Item 35, the Treasury minister.

Mr Corkill: Mr President, I beg to move:

That the Subsistence Allowances [GC No 37/00] be approved.

Subsistence allowances payable to members of Tynwald officers and members of the civil service in respect of absence on official business were last reviewed in November 1999. Since then the cost of hotel accommodation in the United Kingdom and restaurant meals have increased by approximately 3 per cent. The revised allowances take these increases into account. Mr President, I beg to move.

Mr Radcliffe: I beg to second, sir.

The President: The hon. member, Mr Henderson.

Mr Henderson: Thank you, Mr President. I would just like to draw to the hon. Treasury minister's attention with this particular order that, if I am not mistaken, one of the explanatory memorandums referring to this particular order does make reference to the fact of two meals within any 24 hours. If my understanding is correct, I am just wondering how the Treasury minister expects anybody to survive without breakfast and, if that is the case, can he look into it please. *(Interjections and laughter)*

The President: The Treasury minister to reply.

Mr Corkill: My experience of government, Mr President, is that when we are discussing incinerators we exist a great deal longer than that without a meal. *(Laughter)*

A Member: Some of us do!

Mrs Crowe: One Mars bar all day!

Mr Corkill: Certain employment legislation - the rules that this hon. Court makes allows a meal break of one hour after four hours of endeavour.

Mr Bell: Not for MHKs!

Mr Corkill: I honestly have not got an answer for the hon. member - *(Interjections)*

Mrs Crowe: Bed and breakfast in a hotel!

Mr Corkill: - but the issue obviously is that when hotel rates are often quoted they include the breakfast and that aspect is taken into account, so it is bed and breakfast plus two meals.

Mrs Crowe: That is it.

Mr Corkill: Thank you, Mr President.

The President: The motion, hon. members, is printed at 35 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Hon. members, I think it is an appropriate time in which to retire until 2.30, when we will recommence at item 36.

The Court adjourned at 1.03 p.m.

Procedural

The President: We have reached, hon. members, item 36 on the order paper and I call on the Minister for Local Government and the Environment to move.

Mrs Hannan: A point of order, Eaghtyrane, are we quorate?

The Speaker: Mr President, I regret to say that Members of the House of Keys have not turned in and we are not quorate.

The President: Have we knowledge of any members being available, is the next question? We will wait. I am prepared to wait a couple of minutes.

The Speaker: Mr President, we are quorate now. I apologise on behalf of members and will ensure it does not happen again.

The President: Thank you, Mr Speaker.

Cremation Regulations 2000 — Approved

The President: We therefore recommence with item 36 and I call on the Minister for Local Government and the Environment.

Mr Gilbey: Mr President, I am sure that this incineration item will not be as controversial as the last one. *(Laughter)*

Mr Henderson: Please do not, Walter.

Mrs Crowe: It should be, Mr Gilbey.

Mr Gilbey: As all hon. members have had a complete note about it I beg to move:

That the Cremation Regulations 2000 [SD No 613/00] be approved.

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

The President: Hon. members, the motion before the Court is that printed at 36 on the order paper, that the Cremation Regulations 2000 be approved. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Recreation and Leisure (Southern Districts) Order 2000 — Recreation and Leisure (Northern Districts) Order 2000 — Approved

The President: Item 37 and again I call on the Minister for Local Government and the Environment.

Mr Gilbey: Mr President, I wonder if you would agree with the next few items about the north and south districts you would wish to do the same as you did with the Minister for the Treasury and take them en bloc. Again I would hope they are completely non-controversial. They are giving powers to local authorities and they are actually doing a thing which should

please them all, fixing the rate they have to pay in respect of swimming pools at 2.5p, which is particularly advantageous to Ramsey which has been paying 5p.

The President: Hon. member, is the Court content to take 37 and 38 together?

Members: Agreed.

The President: Yes, hon. member, we will take 37 and 38 together.

Mr Gilbey: Can I therefore move:

That the Recreation and Leisure (Southern Districts) Order 2000 [SD No 607/00] be approved.

That the Recreation and Leisure (Northern Districts) Order 2000 [SD No 608/00] be approved.

Mr Houghton: I beg to second, sir.

The President: The hon. member for Douglas North, seconds; the hon. member Mr Houghton has seconded. Any hon. member wish to speak? The hon. member for Peel.

Mrs Hannan: I just would like to recognise that the western pool is now moving forward and I hope to see it completed as soon as possible, (**Mr Houghton:** Hear, hear.) because it is something that the west have waited for for a long time.

Mr Gilbey: That comes later.

The President: I had not gone as far as 41.

Mrs Hannan: Oh, right, well I will save it.

The President: Hon. members, the motion then before the Court is that 37 and 38 both be approved. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Northern Swimming Pool Board Order 2000 —
Southern Swimming Pool Board Order 2000 — Approved**

The President: Now then, minister, do you wish to take 39, 40 and 41 together?

Mr Gilbey: May I suggest, Mr President, that we take 39 and 40 together. I beg to move:

That the Northern Swimming Pool Board Order 2000 [SD No 610/00] be approved.

That the Southern Swimming Pool Board Order 2000 [SD No 609/00] be approved.

These orders establish the rate level and again I hope are completely non-controversial. Accordingly I beg to move their approval.

The President: The hon. member for Ayre.

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

The President: Now then, we are just taking 39 and 40. The motion before the Court then is that items 39 and 40 both be approved. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Western Swimming Pool Board (Amendment) Order 2000 — Approved

The President: Item 41.

Mr Gilbey: Mr President, I beg to move:

That the Western Swimming Pool Board (Amendment) Order 2000 [SD No 611/00] be approved.

I am sorry to have kept my hon. friend from Peel waiting. This is her chance. This is even simpler. These regulations amend the Western Swimming Pool Board Order 1999 by providing the rate levied will be no higher than 2.5p in the pound, which again is very good news for the western local authorities who I am sure will be most grateful. I beg to move.

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

The President: The hon. member for Ayre seconds. The hon. member for Peel.

Mrs Hannan: I do welcome this, Eaghtyrane. I do think it is a step forward that the western pool is getting nearer.

However, just a word of caution. There was going to be a different way of funding the western pool and this now brings us all into an equal status. However, I do just have to flag up one thing which is that the south, west and north are being treated differently to the east -

Mrs Crowe: Yes.

Mrs Hannan: - and I do think that when we are looking at equality we should be looking at equality throughout the whole of the area of funding of these facilities. There are so many more facilities in the eastern area. I accept that there are more people there, but for my people to have to use many of these facilities they have to travel in the same way as the west and north and therefore I do think that government as a whole should be looking at equality of treatment for us all.

But I do welcome this, because I know that there was going to be a different way of funding it and therefore I think it is very important that it is recognised today that we do have for the first time with regard to the swimming pools, with the hope that we will get water soon in the west, equality now for the first time.

The President: The hon. member for Rushen, Sir Miles.

Sir Miles Walker: Yes, very briefly, Mr President, I certainly support the resolution in front of us today and I would suggest to the hon. member and to members of this Court that if the price of local management is a 2¹/₂p rate, rather than have centralised management, then I think it is a cost worth paying, sir.

The President: The hon. member for Douglas West, Mr Downie.

Mr Downie: I rise to support the motion, but I think it would be remiss if I did not put the record straight. Douglas currently do not pay a contribution towards their swimming pool, and I should say that all of that landmass on which the National Sports Centre stands was actually given to the government for that purpose, and some years ago those hon. members who were members of this Court should remember that when government took over Summerland there was a swimming pool at Summerland which was provided with funds from the Henry Bloom trust and one of the provisions that was in place was that Douglas would always have a pool, and my understanding was that when government took Summerland over for 25p there was at

that time a commitment made to provide a swimming pool in Douglas at a later period and I think on the back of that that is how the National Sports Centre has evolved and that is what has enabled all that landmass at King George VI park to be put together, and bearing in mind that swimming pool is used extensively by Douglas, Braddan, Onchan, and other areas and the children and associated with education I think it provides very, very good value for money and I think that is the understanding as far as I know it.

The President: The minister to reply.

Mr Gilbey: Thank you, very much, Mr President. Regarding the hon. member for Peel's remarks, I honestly feel that 2.5p is so little that it is a bit parsimonious to complain about it. In fact there has been talk as to whether they should not be charged at all, but I think Sir Miles has raised a very good point, that if they were not be charged it is quite clear that all the pools would need to be under central control and run as one unit. Now, that actually probably economically would be more efficient and so you could say that the paying of 2.5p is, as he has rightly described it, the price of local control. If the authorities wanted government to take it over completely and give up all interests it would be interesting to hear, but I have had no representations to that to date and if they do want to I would say let them write in and say so.

I think there is a further difference, that it is clear that the south, west and north pools are local small pools to serve local communities whereas the pool at the National Sports Centre is a national facility used for major sporting events. It is far bigger, it is part of the National Sports Complex. I think there is a complete difference between the two, but if hon. members have views, the Department of Local Government would be very interested to receive them. In the meantime I beg to move approval of this item.

The President: So the item is item 41 printed on your order paper, members. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

House Improvement and Energy Conservation Scheme 2000 — Approved

The President: We turn then to 42 and again the Minister for Local Government and the Environment to move the House Improvement and Energy Conservation Scheme.

Mr Gilbey: Mr President, I beg to move:

That the House Improvement and Energy Conservation Scheme 2000 [GC No 39/00] be approved.

I think that I should go into more detail regarding this because it is a very major matter affecting something regarding which many members are deeply concerned about, rightly, and that is housing.

There are currently three grant schemes available to assist those wishing to carry out repairs and modernisation of their property, install roof installation and carry out electrical rewiring. All three schemes came into operation during the latter part of 1997 and expire on 31st October of this year. They are the House Repair and Modernisation Scheme 1997, the Roof Space Insulation Scheme 1997 and the Residential Property (Rewiring) Scheme 1997.

The House Repair and Modernisation Scheme allows for grants to be made by the Department of Local Government and the Environment on a pound per pound basis towards the cost of improved works being carried out by owner-occupiers of properties constructed on

or before 31st December 1945. The possible income of the applicant and spouse must not exceed £12,000 per annum and total grants under this and any other schemes operated by the department must not exceed £20,000.

The Roof Space Insulation Scheme provides grant assistance towards the roof space insulation work of up to 75 per cent of the cost of materials up to a maximum of £100. No income or financial restrictions apply.

Under the Residential Property (Rewiring) Scheme 1997 assistance is available by way of grant to the extent of the cost of the works carried out to a maximum of £450 towards the cost of rewiring the electrical system where the whole or part of the system is considered unsafe. Here again no financial restrictions apply and the total sum advanced under this and any other grant schemes may not exceed £20,000.

In the region of 180 applications for grants under these schemes, which are available to owner-occupiers of properties, are approved each year, 180 grants per annum.

Having carefully considered the current position, it is deemed appropriate to replace the three existing schemes which I have just outlined with one new scheme, the House Improvement and Energy Conservation Scheme 2000, embracing the majority of the present features with some modifications.

The new scheme enables the Department of Local Government and the Environment to make grants towards works of improvement and increased energy efficiency in residential properties and to provide additional bedroom space and bathroom facilities where a property is overcrowded. Assistance with replacing unsafe electrical systems and/or the installation of electricity continues.

Most of the grants can be made up to 50 per cent of the approved works. However, those for certain energy efficiency works are based on a fixed amount for each item. Whilst certain works of repair are only applicable to houses built before 1950, others affecting health and safety, energy efficiency and the provision of an additional bedroom, with or without bathroom, are applicable to houses of all ages.

Eligibility for grants in respect of certain works will be based on income assessment and after consultation with the tax office it is felt that this should remain as a taxable income not exceeding £12,000 per annum, bearing in mind that since 1997 personal allowances have increased very much in line with salaries.

Full details of works which are eligible for support are detailed in Government Circular No 39/00 and in an explanatory memorandum previously issued to members.

Total grants under this and any other schemes in respect of any property cannot exceed £20,000. For any grant under this scheme which exceeds £5,000 the department will take a charge over the property to ensure that in the event of the applicant selling the property the grant, or such part as is determined by the department in conjunction with the Treasury, is repaid.

Whilst many of the provisions of this scheme continue those currently in existence, a major innovation is the introduction of grant assistance for the provision of additional bedroom space either by the creation of a new bedroom or by the extension/conversion of an existing space provided that the total number of bedrooms on completion of the works does not

exceed four. Where on completion of the additional bedroom the property will then consist of four bedrooms and only one bathroom, grants can also be made available for the provision of an additional bathroom.

As with other grants under the scheme the applicant will be expected to meet 50 per cent of the costs and the maxima of £20,000 will apply. This new provision will enable an expanding family to remain in their present accommodation, which may be enlarged as indicated, where such is considered inadequate having regard to the age and gender of permanently resident children. This should be of assistance to a number of young families and addresses issues raised during the debate on housing at the July sitting of Tynwald.

The department remains committed to assisting those wishing to improve their accommodation and this revised scheme is a further measure to assist the present housing situation.

In particular, I am sure hon. members will realise at once that very often, in future, families who would have to move to get a bigger house with more bedrooms will now be able to stay in their existing house and with government assistance build an extra bedroom where they are, and this should help to relieve the pressure on the housing market and that is the intention.

Mr President, I beg to move.

The President: The hon. member for Ayre.

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

The President: The hon. member for Council, Mr Radcliffe.

Mr Radcliffe: Thank you, sir. Could I just ask one direct question of the hon. minister for the Department of Local Government. He has made great play about enabling people to build on to their existing house to create extra bedrooms or whatever. I would ask the question perhaps, how easy or how hard will it be for a venture of that sort to receive the necessary planning permission?

Mrs Crowe: Impossible.

Mr North: Hear, hear.

The President: The hon. member for Rushen, Mr Rimington.

Mr Rimington: Thank you, Mr President. I have circulated some papers relating to this item and on this occasion I have circulated them well in advance so members have had a good time to peruse their contents.

This is an issue which is possibly unique. I can say that I share a passion with my hon. colleague for Rushen, Mrs Crowe, in support of warm, well-insulated homes and I know that she has very progressive ideas on this issue.

The two papers that I have circulated are the executive summary, which is at the back and the Home Energy Conservation Act 1995, which is from the adjacent isle and a paper on the front which is an example of the implementation of their home energy efficiency scheme.

Now, in bringing these to the Court today it is not by any means to try and impede the progress of this order and I recognise that significant improvements have been made and that

order needs to go through and obviously will have my full support, but in raising these items it is purely to look for improvements in the future and ask that the department may consider these matters and indeed that this hon. Court could consider these matters.

First of all if I might refer to paragraph 1 of the executive summary of the Home Energy Conservation Act, which is the paper at the rear, I will just read it out: 'The government is pledged to place the environment at the heart of policy-making and to combine environmental sustainability with economic and social progress. Energy efficiency is a key part of this policy and is expected to play a significant role in developing a national strategy to meet climate change targets' et cetera, et cetera. I think that is pertinent for the Island in our own situation.

In paragraph 8 on the second page I think members will also find a resonance here that refers to the adjacent isle: 'Energy efficiency housing is vital if the UK is to meet climate change commitments, but it has equally important social and economic benefits for local people. It tackles fuel poverty, creates jobs and has important health benefits for people living in cold and damp homes. It is capable of generating real significant lasting financial savings through lower fuel bills to the benefit of residents and landlords alike.

Now, I realise that on the Isle of Man the issue of creating jobs is not one which is something we need to apply ourselves too greatly to at the moment -

Mr Corkill: It would overheat the economy.

Mr Rimington: Now, now, now. But the home energy efficiency scheme, which is the paper at the front, I do believe is worth considering. Not for any moment would I say we should take a scheme which is in place in the adjacent isle and lift it up and try and plonk it as it stands in the Isle of Man, but there are significant differences which the Court and the department might like to consider.

First of all they target both private and rented property. So they are looking at improving the housing stock across the range, not just housing under private ownership.

Another significant difference is the way that the grant is targeted. In their case it is targeted on people who obviously are on lower incomes and it gives a range of the benefits which people might be receiving which would entitle them to come onto that scheme, and I think that is a difference and I am not saying that we should counterpoise that with what we are doing, but it is a way of directing resources into people who may not have that ability to help themselves in this regard, and I think I would like to emphasise the point that when we are looking at our overall expenditure across the board, and we see, obviously, all our welfare services, health and so on increasing, if you can improve that little basic factor, which is the quality of your living space, then I think that has quite a substantial, but not one that we can easily substantiate, but quite a substantial knock-on effect onto things like, well, the welfare services, onto the health service. So it is certainly worth considering from that point of view and regarding the grant, although it is targeted at a much smaller body of people, but then the grant levels are higher and they are applied differently and there is a range of different things that can be applied for.

The other interesting point which is different again from the scheme that we have on the Isle of Man is this ability to either do it yourself and get a certain amount of grant for the appropriate works. It does include cavity wall insulation which I think is also quite important

there, and the operators, the actual people who carry out the work, are one single company. Now, I am sure it is not one single company across the whole of the UK, but in that particular area it certainly is and no doubt they operate in other areas and that is a private company, but then that private company is either totally dedicated or has a dedicated section to providing that particular service, and I do know from a conversation with a colleague whose mother is an old age pensioner in the UK that she has received the benefits of that service. They come round, they quickly assess what you are eligible for. What they could do within the terms of the scheme for your particular property and before you know it they have actually come and done it and gone and it is a very simple process, but it does make an awful lot of difference to the people who receive that.

So I would like to just place that before the Court and the department to consider, that there are obviously benefits and things to look at in the schemes that are run in the adjacent isle, and no doubt in other adjacent isles and elsewhere too there must be similar schemes which we can take on board, and I do think it is worth considering that we should really target our housing stock, not just for an environmental issue, the global environmental issue, which is important, but for the benefit of people in the Isle of Man. Thank you.

The President: The hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr President. I would agree with everything that the previous speaker has said and I also would like the department to look a little bit deeper into this aspect of things.

A number of years ago now there was posted at the College of Further Education an exhibition called 'Energy Awareness Week' and during that time it was visited by many members of the public, looking at ideas with which they could better insulate their homes, better conserve the energy that they consumed and so forth. At that time the minister for the Department of Trade and Industry was the hon. member for Council, Mr Lowey, and he was there on one occasion during my visit and we were looking at such a scheme that the previous speaker, the hon. Mr Rimington from Rushen, was talking about, where a group of people would go in and assess the needs, particularly of the elderly and poverty-stricken young families, and they would assess the needs and go back. Now, a lot of it was draught exclusion, but it really made a huge difference to those people's lives.

Interestingly there was no charge made. There was a threshold and if that person was not above a particular threshold there was actually no charge made. The scheme was worked up with the company along with government and so there were huge savings and huge gains to be made.

I would like government to look at it, perhaps for next year.

What I would say though, when we look at the paper that is before us today and it is entitled 'House Improvement and Energy Conservation Scheme', I would like to see sometime the words 'energy efficiency' coming in, because then when you look at the schedules, schedule 1, for instance, no mention about energy efficiency there. The only time energy efficiency appears is in schedule 2, part II, number (3) here at the bottom and that is in respect of a central heating boiler: energy efficiency condensing boiler. There is no other word in terms of energy efficiency contained within, and so therefore part III talks about the insulation works and the relative requirements for that, along with the British Standards specification for a

jacket of insulation for a central heating cylinder or hot water cylinder, and they are fairly standard requirements. We all know that if you put a jacket on a hot water cylinder, then you are going to conserve some energy and keep the tank hot, but there are far more innovative ways of conservation and energy efficiency now in this day and age.

So I will support it, it will get my support, no doubt about that, but I would like government to look, the department to look in particular, at more innovative ways in which to expand the sentiments that are actually contained within this order today and then perhaps whichever assembly is here this time next year may be surprised to find that there is a lot more in here that is going to benefit not only energy conservation, the efficient use of, but the provision of extra comfort, particularly for elderly people and for young poverty-stricken families. Thank you.

The President: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr President. I rise to support the motion on the paper; no surprise there, I do not think. But what I would like to ask the hon. minister, when he is progressing this scheme, which is a good scheme, we could do with the scheme being kept under continual assessment. One of the reasons I say that is because at the minute emerging information from the Irish Sea conference that is going on about us at the moment is indicating various climate and temperature shifts within our globe and specifically a possible Gulf Stream shift. Now, what has that got to do with us? Simple: the Gulf Stream warms the waters around the British Isles, including ours, which combined with icecap melting may well produce a chillier atmosphere sooner than we are anticipating.

So with that sort of information I am sure the minister will be furnished with the information but to keep an eye on that one and to keep under review these kinds of schemes because they may be more important than he thinks. Thank you, Mr President.

The President: Hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Eaghtrane. I will be supporting this but could the minister clarify the situation, and I am not sure about this and he might have covered it in his opening remarks, but if someone is buying a property and it falls short for various reasons to maybe get a mortgage. It is the older properties that I am thinking about where work is required to be done prior to getting a mortgage and if that work is not done, then the mortgage is not paid. So I was wondering if there is any help so that in the interim if a mortgage is needed, some of this work can be paid for under this scheme because I think that is very important, to make that absolutely clear, because sometimes the moneys can just not be found to satisfy a mortgage and I think it would be very helpful, especially in conservation areas and places like this if this money is available.

I would just like to ask too on page 4(9) where it says, 'Where the total grant assistance provided by the Department exceeds £5,000 the owner shall provide a charge on the property to the Treasury.' I wonder how long that charge would be on the property. It would be interesting to know that.

With regard to taxable, income I realise that the threshold is quite high and I realise that £12,000 per annum is a fairly reasonable sum, but if someone is going to have quite a lot of work carried out in some of these older properties, then I think maybe in this day and age with

the actual costs and the difficulty of getting people to do this sort of work, which is reasonably small work, but they have to be tradespeople, and it is the point that I was making during the policy debate, it is very difficult in certain areas to get plumbers. I think we all have experience of plumbers who will be on the job and somebody calls them up to do an emergency and they are gone, and it can take for ever to get some of these jobs done, if you can get a plumber in the first place.

In a way by raising that, the actual income of people, I do think that for some properties, because they are at the lower end of the range, because families can afford them, and it maybe needs two people's salary to buy them even at the lower range, maybe we should be looking at even more preferential treatment to some of these young people when they are looking at preserving and trying to assist a building to last longer and therefore I think it is something that maybe the Department of Local Government could look at further, that in certain instances the income is what is going to be spent on the building and the need for that building to be preserved and to be lived in and then if there is a charge to be put on I would be happier. Thank you, Eaghtyrane.

The President: Hon. member for Rushen, Mrs Crowe.

Mrs Crowe: Thank you, Mr President. Yes, it is nice to know that my hon. colleague for Rushen and I share a passion. I am not so sure whether Mrs Cannell quite joins in that passion with us jointly, but still.

What I would like to say to the minister of DoLGE, and it is true, is that I do live in a very energy-efficient house and I do believe that it is a very simple thing to do, but what DoLGE should be looking at are building regulations now for building houses, and especially public sector houses on the Island, with extra insulation. It costs very little to do it when you build them, it costs a great deal more to be providing grant schemes 20 years later because the insulation standards are not high enough. You need to look at building regulations and you need to increase the insulation values in all housing on the Island.

The President: Hon. member for Ayre.

Mr Quine: Thank you, Mr President. There are one or two comments I could, I think, usefully make.

The hon. member for Peel raised the question of where a person is acquiring a property and of course it is not really livable at that point in time and you have this period that you have to bridge to make it livable and of course you need to raise the funds to assist you with that.

The difference between this order and the order it replaced is of course that we now have at 4(1)(b) an add-on, if you wish, which I believe will help us very considerably in this respect because 4(1)(b) now reads - well, perhaps I could read the entire part 1: 'The applicant must (a) be both the occupier of the premises and the owner of the freehold interest in the property or of a leasehold interest in the property of which not less than 7 years remains unexpired' and that is essentially what we have, and then it goes on to say, 'or (b) have entered into a contractual obligation to purchase the property and be the occupier within the time limit at 8(3)', which is specified there, in which case the grant will not come along until the purchase is complete. So we are now extending this to make it easier for us to approve a grant to get the

work done without an actual conveyance being transacted. So I think that is the design of that and I think that will help.

If there are any further problems in that respect, then of course we will be happy to look at it again, but we recognise that problem and that is why that add-on provision has been put there and we are advised that that will cover the situation which we have been concerned about.

The question of the taxable income - I suppose it is entirely ultimately at the gift of this hon. Court as to how generous we are in terms of the taxable income level or indeed in terms of whether we go for 50 per cent or 70 per cent. The review which we have carried out would indicate that if we maintain the threshold of £12,000 taxable income and have regard to the movement in the threshold, indeed we will be more than maintaining the level of generosity, the level of support, which exists within the present scheme.

As regards a charge on property, we had greater flexibility within this scheme, as the minister intimated when he introduced the motion. There must be a level at which it is really not administratively acceptable to impose charges upon property and we are giving ourselves discretion here, in conjunction with our discussions with Treasury, that where we are talking of a substantial sum being put forward, £5,000, then whether it is £5,000 or whether it is £20,000 we will consider to what extent the charge is imposed and over what period of time.

I think we have to take within this scheme some prudent measurements to secure public moneys but I do believe this will give us the best of both worlds. It will give us an opportunity to secure public moneys, so to speak, and it will also give us the flexibility and obviate the need to get us on to a paper treadmill in relation to some of the smaller grants, particularly now, and indeed this is in for two years now, where we allow people to come back and have incremental bites at the £20,000 maximum. At one time you only had one opportunity. You could have up to £20,000 or whatever it was at that point in time in one application. Now we accommodate people in coming back and drawing on those maxima in more than one bite, the point being of course that where they are matching us basically pound for pound we need to accommodate their means to pay for the works as well. So I think those do represent quite a big move forward.

The other two points I would comment on are the question of the building regulations, the question of reviewing them. The building regulations are being reviewed, I can confirm that. That is one of our items, we are reviewing the buildings regulations. But apart from that, as members will have noticed from the annual report, we are also commissioning another public housing survey. As an interim measure we have introduced a programme, albeit a staged programme, in relation to an expansion of central heating within public housing units, but running in parallel, because it will take a little bit of time, we have commissioned a public housing survey which will provide an opportunity for us to look at greater depth in terms of what may be needed for the future to ensure a decent standard of public housing.

So I hope those comments are of some help to the hon. members that have contributed to this debate. Thank you.

The President: Hon. member of Council, Mr Crowe.

Mr Crowe: Thank you, Mr President. I just rise to respond to the hon. Mr Radcliffe's question about the planning regarding the extra bedroom, and when the department discussed this whole order and we sat around in a committee and talked about it one of the issues put to me was that I should talk to the planning division about whether the normal planning rules should prevail or whether we could fast-track applications such as this or whether it could even be looked at under permitted development, and talking to my colleagues in the planning division it was felt that for the time being we should leave it as the normal planning rules but keep this under review in case there is pressure applied for other methods of doing it.

The President: Hon. member of Council, Mrs Christian.

Mrs Christian: Thank you, Mr President. I welcome this scheme as a step in the right direction. I wonder if the hon. mover could indicate what is available in the budget for this scheme. I do not think he has told us how much money is available for the remainder of the financial year.

I understand that applications on the old scheme - and perhaps he will correct me if I am wrong - have been rather slowing down in anticipation of this one and does the department have any idea of the number of claims which might come forward which have not come forward till now because they have been waiting?

Whilst it is to be welcomed, I do think that there is still an area which perhaps we have not addressed in the sense that, like the hon. member for Peel, I feel there are a lot of older properties in the Island which could well be renovated and produce a reasonable standard of accommodation for young and older people. However, whilst an experienced builder would put their money into it, sometimes the mortgage lenders will not and I do think younger people with not great resources are in a bit of a trap there and properties which they could put their energies into are not being taken up and pursued in this way. However, we may be better able to assess that in the future when we see how much uptake there is on this particular scheme.

I welcome it, Mr President.

The President: Hon. member for Onchan, Mr Karran.

Mr Karran: Eaghtyrane, I have no problems in supporting the scheme. I was a little bit concerned on two points.

One was the point about charges over properties. It is all well and good giving these grants out but if you are going to end up with £400 or £500 gobbled up on a charge from a lawyer, will your department actually put the charges on these properties or will they be left to go out and try and find an individual?

I am glad to see that it does apply to people who want for potable water and for electricity.

I see it a good move as far as to help with the other improvement that was done with the 5 per cent home improvement, but I am a little bit concerned that, whilst obviously 180 is better than nothing, to try and make out in his opening remarks that we have had 180 people who were helped who were living in sub-standard accommodation I think is not really focusing on the real figures as far as I am concerned. So all I would like to know is that I do not think it is anything to applaud that you have got 180 people you have sorted out. Obviously you need to get this more promoted and the point that the member of Council made: make sure there is

some money in the budget for a number of people. There must be a lot more than 180 people who could do with grant support.

Mrs Crowe: Yes.

The President: The minister to reply.

Mr Gilbey: Thank you, Mr President. The hon. member of Council, Mr Crowe, has effectively answered the point made by the other hon. member of Council, Mr Radcliffe.

Regarding the hon. member for Rushen, Mr Rimington's point, of course we only received his paper after he had received the order paper and the details of this, so clearly we could not alter our scheme to take into account his interesting points, but I can assure him that the estates and housing division of the department under Mr Quine will carefully consider his paper which is indeed very interesting.

He was supported by the hon. member for East Douglas, Mrs Cannell, who wants the name changed to 'Energy Efficiency Scheme' and more consideration given to energy efficiency. Again I am sure the estates and housing committee will consider this interesting point.

She talks about who will be here next year at this time? Well, I hope we all will be. I hope no-one is going to die or retire before.

Regarding the points raised by Mr Henderson, I am glad he thinks it is a good scheme. I can assure him that the estates and housing division will keep the scheme under review, as they keep all our other schemes under regular review.

The hon. member for Peel asked can people get a mortgage and help under the scheme? And the answer to that is, yes, they can, and I think Mr Quine has answered her other points, as he has also answered the point raised by the hon. member for Rushen, Mrs Crowe.

I would like to thank the hon. member for Ayre, Mr Quine, for his contribution and to say that this scheme is due to his hard work and that of the officers of the estates and housing division.

Mrs Christian, the hon. member of Council, asks how much money is available? Offhand, without looking at the policy document and the financial tables in it which are not readily to hand to me, I cannot tell her, but I am quite satisfied that there will be adequate money and indeed, as this is a matter of housing, if the funds were to be fully utilised I would suspect that the Treasury might be favourably disposed towards providing a supplementary budget.

She also asked is there a backlog? Well, as far as we are aware there is no material backlog.

The hon. member for Onchan, Mr Karran, asked the question about charges. Well, Mr Quine did in fact refer to this but to read it out, 'The department may, and where the total grant exceeds £5,000 shall, make a grant subject to the condition that the property is charged to the department for secure repayment of the grant or such part thereof as the department may determine if the applicant sells the property within the period for which a charge is applied.' So it is up to a combination of the department and the Treasury to decide whether to have a charge, what the size of the charge should be and what the length of the charge should be. In

any case the charge is not repayable while the person still owns the property, it is only repayable if they sell it and this is obviously a correct safeguard because otherwise people could be buying properties, doing them up through government grants and selling them at a profit in, say, a few months, and I am sure nobody feels that is the intention of this scheme.

Mr President, I beg to move that the scheme be approved.

The President: The motion, hon. members, is that item 42 on your order paper be approved. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Cereals Intervention and Area Payments Scheme 2000 — Approved

The President: Turning the page, we go on to item 43 and I call on the Minister for Agriculture, Fisheries and Forestry.

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

That the Cereals Intervention and Area Payments Scheme 2000 [GC No 38/00] be approved.

Hon. members, the Department of Agriculture operates a cereal intervention service which provides stability to the cereal sector by purchasing barley, wheat and milling wheat.

All milling wheat is purchased on behalf of Laxey Glen Mills Limited and is subsequently processed into flour. The Island is now self-sufficient in flour, as the acreage and quality of milling wheat has grown from 450 acres five years ago to over 1000 acres this year, with over 1500 tonnes being of the highest quality.

Discussions are continuing with growers and the mill whether milling wheat should continue to be included in this intervention scheme where all eligible quantities must be purchased by the department. A decision will be taken whether the mill should contract with individual growers for supplies.

In the last two harvests all barley and feed wheat purchased has been used locally with no requirement for exports. This has maintained feed supplies on the Island and also ensured a continuous supply of straw and therefore reduced the need for imports, particularly feedstuffs.

Intervention prices are set by the EU and as part of Agenda 2000 have reduced by 9 euros per tonne this year and by 9 euros per tonne next year, a total fall of £10 per tonne. This will reduce income for cereal growers but will make feed costs cheaper.

Changes to the current arrangements are the inclusion of amended criteria to determine milling wheat quality, the method of determining the department's purchase price, which is the average of daily prices as calculated by the UK Home-grown Cereals Authority for each month.

The area payments scheme makes a payment per acre for eligible cereals grown. This payment has increased under Agenda 2000 as intervention prices have fallen but much of the increase has been lost due to the fall in the value of the euro.

The department's area payment scheme operates differently from the equivalent United Kingdom scheme and has been subject to discussion with the Manx National Farmers Union as to how it should be amended. In the Island fixed cereal acreage allocations were given to

producers in 1993 when the scheme started, based on the average acreage of cereals grown by them in the years 1990, 1991 and 1992. These set the maximum acreage on which the department would make payment to a grower regardless of acreage grown. In any year when the old acreage grown exceeded the total of all individual allocations, that is, 10,400 acres, the payment rate was reduced by the percentage overshoot. This system has meant that, whilst 10,500 acres have been grown on an average year, involving penalty payment rates in the last four years, payment to growers has only been on an average of 9,500 acres such situation revolving from the fixed maximum on which claim could be made, coupled with the non-uptake of allocations and in effect a double penalty.

In the UK there are no individual allocations which producers, however, are only able to grow in land identified for arable production. A regional ceiling acreage applies which institutes a penalty payment rate if this area is exceeded.

The payments to the pay area scheme seek to bring its principles in line with the equivalent English scheme. The 10,400 acre ceiling is retained as a trigger point for reduction in payment rate but the individual allocations are removed, with restrictions introduced on where cereals can be grown. This has been set as holdings which have previously held a fixed cereal allocation. The restrictions would exclude from payment cereals grown in holdings not previously used for growing cereals.

As these arrangements are intended to operate for this year's crop and as some growers have grown in land which would be excluded under the new scheme but eligible for payment under the current scheme, provision has been made for such growers to be paid at least up to the cereal allocation level they held under the existing scheme. Unless growers had an original allocation based on the growing in 1990, 1991 or 1992 or took over a holding that had an allocation, they were excluded from the current scheme even though they might be growing cereals. Such growers are accommodated under this new scheme and can make a claim on a maximum of 20 acres of cereals in any year. After five years of consecutive claims by a new grower the average cereal acreage grown will be incorporated into 10,400 acres maximum total for payment purposes.

The department has, at the request of the National Farmers Union, introduced new crops eligible for growing and claiming acreage payment such as lupins, linseed, oilseed, rape, which will provide break crops between barley and wheat and additional sources of protein.

A change to the area payments scheme has been supported by the Treasury and the cost of payments this year of £867,000, an increase of £80,000 from the previous scheme's arrangement, has full budgetary provision. The cost of intervention purchase will be in the order of £360,000, with all grain sold locally and therefore providing maximum benefit to the Manx agricultural community. Thank you, Mr President.

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

The President: Hon. member Mr Henderson.

Mr Henderson: Sorry, Mr President, I was going to second. I beg to second, sir.

The President: In that case, hon. members, I put item 43 to the Court. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Nuclear Safeguards Act (of Parliament) 2000 — Extension to the Isle of Man — Motion Carried

The President: Item 44, I call on the Chief Minister to move.

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

That Her Majesty be requested to direct, by order in Council, that the provisions of the Nuclear Safeguards Act 2000 shall extend to the Isle of Man with appropriate exceptions, adaptations and modifications.

The Council of Ministers decided in February of this year that they would wish to see the Island included in the UK's ratification of the 1976 agreement on safeguards against nuclear proliferation and its additional protocol.

The convention necessitates the recording of all sites or facilities at which nuclear materials are stored and provides for inspection of those materials by the International Atomic Energy Agency, unless they are stored at certain facilities which are declared as outside the scope of the agreement for reasons of national security.

The additional protocol extends the terms of the agreement to include the trade in nuclear materials and technology with non-nuclear weapons.

The agreement and protocol are to be implemented in the UK by means of the Nuclear Safeguards Bill and Her Majesty's Government has asked, because this is a matter relating to international co-operation and nuclear matters, whether the Isle of Man Government would wish to see the agreement and the protocol likewise implemented in the Island by means of their Act.

Now, having consulted with the Attorney-General's Chambers, the Department of Trade and Industry and the Department of Local Government and the Environment, the Council of Ministers agreed that it would be sensible to have a permissive extent provision included in the UK's legislation to enable it to be extended to include the Isle of Man, subject to the appropriate exceptions, adoptions and modifications.

Now, we took this decision because it appeared that although we would support the aims of the agreement and the protocol, this was a matter which fell outside the Island's domestic affairs and since it concerns co-operation with an international inspection body and nuclear matters we also felt that it was highly unlikely that any nuclear materials would be stored on the Island. However, in order to allow for inspection should they be required and to allow for the Island to co-operate with the International Atomic Energy Agency if necessary, we are recommending that the Act be extended to cover the Island by order in Council.

Now, an order in Council would be drafted by the Attorney-General's Chambers in conjunction with the UK Government and can take into account local conditions and the necessity for local agencies and authorities to be involved should they wish to be so.

So therefore I would ask the hon. Court to support the motion and agree that Her Majesty be requested to direct the Nuclear Safeguards Act to be extended to the Isle of Man by order in Council and I beg to move therefore the motion standing in my name at item number 44, sir.

The President: The Treasury minister.

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

The President: Hon. members, the motion before the Court is that item 44 be approved. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

War Pensions Committee — Appointment of Member Approved

The President: We turn then to item 45 and again I call upon the Chief Minister to move.

Mr Gelling: Yes, Mr President. I beg to move:

That Tynwald approves the appointment of Mr Tom Lord MBE as a member of the Isle of Man War Pensions Committee for the remainder of the term of appointment of the committee due to end on 15th July 2002.

Regulation 3 of the War Pensions Committee Regulations 1990, as applied to the Isle of Man, provides that the Council of Ministers shall appoint members of the War Pensions Committee, subject to the approval of Tynwald.

Regulation 3(d) provides that four members of the committee shall be nominated by the Royal British Legion, Isle of Man County. Due to the untimely death of Mr Walter Jones who was one of the representatives of the Royal British Legion a vacancy now has arisen on the Isle of Man War Pensions Committee, and I would like to take this opportunity to place on record our appreciation of the years of service, hard work and dedication given by Mr Jones whilst a member of that committee.

Nominations for a replacement member have been sought and I am pleased to recommend to the hon. Court that Mr Tom Lord MBE be appointed as the replacement member for the remainder of the term of the present committee which expires on 15th July, 2002. Mr Lord is the war pensions officer for the Royal British Legion, Isle of Man County, and was for many years the welfare officer at the Isle of Man War Pensions Agency. A copy of Mr Lord's CV has been circulated in advance of today's sitting for the information of members which I hope has been helpful.

Mr President, I beg therefore to move the motion standing in my name as item number 45, sir.

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

Mr Delaney: Mr President, nothing could give me more pleasure than to second this. Mr Lord has been an exceptional officer, an exceptional personal officer, in relation to the people he has had to deal with over virtually a lifetime, either in the services or working on their behalf outside of them. I look forward and I look forward on behalf of other members of the Keys, the younger members, to when they have a problem dealing with pensions for this sort of person to be able to deal with it. He is a man who has shown on many occasions as an officer he is prepared to work most diligently to get to the bottom of any particular matter brought to his attention and to work to make sure that the rules are interpreted in favour of the claimant and I believe that is the true worth of this man and I am pleased that he has taken up this position.

The President: The hon. member for Onchan, Mr Cannell.

Mr Cannell: Thank you, Mr President. As the proud Tynwald representative on the War Pensions Committee I do thank the hon. Chief Minister for recommending Mr Lord take up this

position. I do not think anyone else knows this business better than he does and he joins a team which are dedicated to the causes which they pursue in their monthly meetings down at Markwell House where some good works are done and they convey their good wishes to you and their thanks for accommodating of course the recent payments to the FEPOs, as they are always knows whilst we are in conclave down there, Far East prisoners of war, so recently in this hon. Court, sir.

The President: Chief Minister, do you wish to reply, sir?

Mr Gelling: Only to thank the hon. members that have spoken in support of it, sir, and I so move.

The President: The motion, hon. members, is printed at 45 on your order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Manx Radio Trustee — Appointment Approved

The President: We turn then to 46 and I call on the Minister for Treasury to move.

Mr Corkill: Thank you, Mr President. I beg to move:

That Tynwald approves the appointment of Mrs Helen Dorothy Wilson as a Manx Radio trustee.

I am very pleased to put forward the name of Mrs Helen Wilson for approval to her appointment as a Manx Radio trustee. Mrs Wilson will be well known to many hon. members, having been a teacher at Ramsey Grammar School for many years, and she is also very much involved in the community of Bride where she lives.

A copy of Mrs Wilson's CV has been circulated to hon. members. I hope it has been helpful.

Mrs Wilson, if approved, will fill the gap left by Mrs Helen Corlett who decided not to seek re-election and I would like to take this opportunity to formally thank Mrs Corlett for her five years of service as a trustee.

Mr President, I beg to move the motion in my name that Mrs Helen Wilson be approved as a trustee for Manx Radio Trust.

Mr Radcliffe: I beg to second, sir.

The President: Hon. members, the motion is that printed at 46 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Drug Strategy, Isle of Man — First Annual Report Received

The President: Forty-seven, again the Chief Minister to move.

Mr Gelling: Yes, Mr President. I beg to move:

That the Drug Strategy, Isle of Man, covering the period 1st April 1999 to 31st March 2000, be received.

I am delighted to be able to stand before you today with our promised first progress report of our five-year drug strategy. It was launched in March 1999 following examination of evidence-based work and widespread consultation both on and off the Island. It has indeed

been a busy year and I am happy to report that many of the recommendations contained in the report are being actively carried out.

Drug misuse affects us all in the community. From the beginning we emphasised the need to work together and co-operate our efforts to ensure a safe, healthy environment for our Island.

We appointed our co-ordinator in January of this year and gave her the task of organising the delivery of the strategy and driving it forward in consultation with the committee.

We are strengthening our efforts to reduce the demand for drugs to more co-ordinated drugs education, prevention and treatment programmes. We are striving to reduce the supply and availability of drugs through committed policing and applying the full force of the law.

If I could begin by referring to the overall aim of the Island's drug strategy, this is to reduce the harm to the community caused by the misuse of drugs. Now, we are working to shift the emphasis away from dealing with the consequences of the problem to actively preventing it happening in the first place. Now, as a government we are seeking to achieve this by preventing the misuse of drugs particularly among young people, providing effective treatment and support for those misusing drugs, increasing the safety of communities from drug-related crime and, finally, reducing the availability of drugs on our Island.

Hon. members will have noticed that there are several significant key achievements in the strategy which have taken place over the past year. Our initial task was to fill the vacant positions recommended in the strategy and I am happy to report that most of these have now been filled. In addition to the appointment of our drugs co-ordinator we have a new drugs education liaison officer. She is helping to co-ordinate the education and prevention activities on the Island and ensure that all our schools continue to place priority on drugs education. She is also organising a group to look at updating of school substance use and misuse policy. Two police constables have been assigned to assist in drug education. Through more community drug talks, drama groups and expansion of a drug education website there is an increased access to education and prevention activities. There is also a new forum for inter-agency contact through an education and prevention forum. Further training is being provided for those working in the field and for those delivering drug education. A working group has been set up to produce a drugs policy for the workplace which will include further drug awareness sessions for all staff. A proactive media strategy continues to operate with, I have to say, the excellent co-operation of Manx Radio and Isle of Man Newspapers.

Hon. members, we have also made much progress in the treatment and support aims of the strategy. We now have an expanded multidisciplinary drugs team which aims to provide a more effective service to those who need help. Further examples of joint agency working is the recent introduction of the arrest referral scheme which is a partnership between the police, probation service and treatment services. This provides an opportunity for quick access to appropriate advice and treatment for drug misusers. This is also an effective means of reducing drug misuse and drug-related crime on the Island.

The Isle of Man Constabulary appointed an additional 10 police officers to the drug squad and they continue to work in co-operation with other organisations.

I am sure all hon. members will remember the major police operation, SAFE. This took place in December in order to target alleged drug dealers. In addition the Crimestoppers scheme, police consultative forums and Neighbourhood Watch Association meetings continued apace throughout the year and included discussions on ways to reduce drug-related crime. Various schemes and anti-drug alliances were also formed to enable public and private sector bodies to work closer with law enforcement bodies.

Intelligence systems have been further developed and joint working operations between the police, Customs and Excise and other bodies both on and off the Island have taken place to reduce the availability of drugs in our community.

In addition to the developments being made on-Island our drugs co-ordinator is also representing the Isle of Man on the issue of drugs on the British-Irish Council. Now, this seeks to foster closer co-operation between jurisdictions and to develop a common approach which can steer our future shared efforts into tackling the drugs problem.

Hon. members, this progress report contains more information on what I have said and the developments I have suggested and I am sure you appreciate that all the tasks outlined in the report involved much hard work, planning and organisation before implementation. I would ask you to join me in acknowledging and commending the great deal of hard work which has been carried out by everyone. **(Mr Gilbey: Hear, hear.)**

We still have much to do and this document provides a continuing measure of the work being carried out across the Island as we strive to deal with the problems of drug misuse. The committee are wholeheartedly behind these efforts and I would ask you for your continuing supporting in our work to reduce these problems on our Island.

Mr President, I therefore beg to move the motion standing in my name at item number 47 which is the first report of the drug strategy to this hon. Court, sir.

The President: The hon. member for Ramsey.

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

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

Mr Delaney: Very quickly, all of us, I think, would stand up and fully support the Chief Minister, but without mentioning any specific cases, Mr President, and falling foul of standing orders I want to say here, and I believe other members may very well say it too, we make the laws, the courts impose justice, we hope, but the public, after having euphoria at the actions of the new Chief Constable who was carrying out planned actions against certain sides of the drug industry, and it is an industry in this Island, that euphoria quickly died when we saw the sort of derisory small sentences being awarded by courts after the efforts of our police to bring people to book, and I would like to say quite clearly, although we cannot interfere with the courts, the fact is that if necessary this Court in both branches should be looking at the possibility of ensuring that the penalties fit the crime.

Whereas on one hand some of us may very well be looking at the relaxation of certain drugs, and I myself jest with the minister concerned about his prison and see the sense that we have got to have it but nevertheless jest with him, it is no jesting matter when it is virtually a worse offence for drunken driving than it is for selling hard drugs on this Island, and that is how the public see it and there should be moves made by us, the law makers, to make sure

that we are making sure that the penalties, when they are imposed and hopefully are imposed by the courts, do fit the crime because we are all wasting our time and they are laughing at us out there.

The public expect people who commit these offences with these hard drugs to actually be put in the place where for a length of time they will not be there, to assure that their young people are safe, schoolchildren are not targeted and all the other desperate things that are happening in society, inside in a small way on this Island but very much so outside this Island and we do not want to see a repetition on this Island, and I would support any move that will increase penalties and ensure that penalties are put through in the courts to make sure these people get their just desserts. Thank you, Mr President.

The President: The hon. member Mr Henderson.

Mr Henderson: Thank you, Mr President. I rise to support the Chief Minister's report for the first annual drug strategy review. It is a document of progression and development and it shows that we are taking quite seriously the issues that are unfolding on the Isle of Man presently. That is good. What I would like to hear, and I am sure I will, is a commitment to further building on that document and the drug strategy and examining issues.

My hon. colleague in the Council has alluded to some, which is punishments that fit the crime, especially for recidivists and repeat offences of drug dealing.

Also we are surrounded by water and it is one of the best natural barriers we have and I think we have got to keep examining and reviewing what we have on ports and airports in the way of security and checks and so forth. I am sure that will happen but those are my concerns.

I would also ask that in the greater scheme of things, when various bodies and organisations are being consulted in the pursuance of an Isle of Man drug strategy, people such as charitable organisations like Add action who help in the drug rehabilitation field could be consulted. I would be most grateful if that could be looked into. I have made that request before. They are a well-known body in the UK and perform excellent work and it is something, I think, that the drug strategy may actually not be as strong on as it could be, if I will put it like that, because at the end of the day we have to look at the community and where we are placing people back into and what kind of environment they are going back into, how they are going to cope and all the rest that goes with that, and I think an organisation such as that is a big help in these situations.

So without saying anything further I am delighted this is here and please let us keep going.

The President: The hon. member for West Douglas, Mr Downie.

Mr Downie: Thank you. I just rise to lend my support to the drug strategy. There is no doubt that we are waging an ever-intensive battle. Whether we are winning or not, I think that will be decided over the next few years.

But I would just ask the Court to bear in mind that there are one or two areas of concern, not just on the Isle of Man, but in the adjacent island where one case is about to go to the European Court of Human Rights which deals with the sequestration of moneys -

Mr Delaney: Property.

Mr Downie: - and property from a drug dealer. Now, one plank of our strategy that I think is very vital is we have legislation in this Island where we can sequester assets and before embarking too far down this human rights road I would like to look at the situation now, in view of what is happening in the UK and other places, and make absolutely certain that people in the Isle of Man are fully aware of the consequences should they be convicted for a drugs offence and not go running off to the European Court after the event, and I think it is vitally important to get that message across because in my opinion that is a very, very important part of our drug strategy, that the courts have the right to seize these assets, and we are not talking about £10 or £15 deals here, we are talking about hundreds of thousands and in some cases millions of pounds. So it is important that we have a very, very clear picture of what it is that we are trying to get over in our message. Thank you, Mr President.

The President: The hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr President. The report makes, I think, quite easy reading but it is really far too early in the day to say whether this strategy is going to produce anything or is producing anything and I think we at this stage simply have to note what is in that report and keep our eye on the ball. So I am quite happy with what we have in the report, I am quite happy to monitor and see what happens, and it will only be after three or four years or perhaps an even longer period that we will be able to assess whether this strategy is going to produce the goods or not.

But in common with one or two others I have had a number of people speak to me and they are minded to say, 'Well, look, reading from the newspaper. . .', because, after all that is all the man in the street can really do. There have been some quite serious drug cases and in their eyes the penalties have not fitted the crime, so to speak, and what I was going to ask is simply this, because it is difficult for us to judge, we are not any better placed than the man who reads the newspaper really and we are not there to hear all the facts, but I was going to ask - and perhaps the Attorney-General can help us here - how many cases have been referred, and I accept that not all cases would be referable, to the Attorney-General with a view to the sentences being contested? Because we did amend our law not all that many years ago to allow for certain, I think the term was, manifestly inadequate sentences to be subject to the Attorney's decision, referred to the High Court and reviewed, and I was going to ask whether or not any referrals have been made to the Attorney by the enforcement authorities in respect of what they consider to be inadequate sentences because there is not much point us here, or some of the members here, saying, well, the courts are not imposing a heavy enough sentence. There is a mechanism that applies to certain cases where they can be referred to the Attorney-General and, with his concurrence, upward to the High Court for a further look.

So maybe I cannot have an instant answer on that but I am sure somebody will come back to me and give me the figures for that.

The President: The hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. I think the effort with regard to drug abuse and the drug strategy that is before us today is highly commendable and there are a number of points that I would like to raise.

I think we talk about drugs rather academically and not really how they affect individual people and families and in some instances I think taking a firm line on drugs is not the answer. We have heard before during this debate that we should have very strong sentences, we should send people to prison and we know that drugs actually get into prison. What I feel that we should be doing is be very strong on people that are dealing in drugs (**Mr Duggan:** Hear, hear.) but we should be very sensitive to the needs of people that are addicted to drugs entering prison, and I think by all means trying to assist them while they are in prison should they have committed an offence. But I think even whether they are inside or outside we need to give them all the support that we can to try to get them off drugs and to give them the facilities and the family support to do that. Yes, there are organisations to help in this instance, but I think it is sometimes the families that try to deal with it by themselves, they feel they are isolated and they do not know who to turn to and when they have had people in prison who have continued or even become more addictive while they have been in prison I think it does not bode well for us to send those sorts of people into prison and therefore I think it is all very well being very high-minded and how we must have very firm sentencing. I would prefer to see people being assisted and given all the assistance they can get on the outside with community service, probation support and all the rest of that in line with some of the issues that have been raised by the Department of Home Affairs and, I think, accepted. But I think there are these issues and I think when people get up and continually go on about how we must have very, very strong sentencing and all the rest of it, there are different aspects of drugs that I think should be recognised, and that is one of the areas that I am certainly concerned about, if we want to be seen to be proactive and have a proper drug strategy because I do not think that we do recognise fully the problems that families have.

Now, in welcoming this, in welcoming the support that is given, and there are a number of issues within this document which are very good, I attended a drug meeting about a fortnight ago. It was an awful night but there were very few parents there to talk and discuss with the very officers that the Chief Minister is talking about. There were some very interested parents there. We have set up an inter-agency group in the west to help young people and there were many, many more of them there than there were parents and I think that is a shame really, seeing the input that these officers have put into place and they were extremely helpful at this, and I think we really should try to make sure that we do get through to parents, that we help parents to deal with the issues such as this. How we go about it I have no idea, maybe try to get a better weather window.

But I welcome this but I do think that some of the baying for higher sentences and stronger, firmer sentences should be taken within the aspect of dealing and not people with drug problems.

The President: The hon. member for Rushen, Mrs Crowe.

Mrs Crowe: Thank you, Mr President. Of course I too am fully supportive of the drug strategy but I would just like to know if solvent abuse is part of the strategy.

Now, I think we are all aware in this Court that we do now have a problem on the Island with solvent abuse and unfortunately solvent abuse is the drug that targets the youngest in our society that are involved. Re-Solv tells me that there are now a hundred deaths a year in the UK from solvent abuse and I would just like to know from the Chief Minister is solvent abuse part of the strategy? Certainly we have tried to do our best at the Office of Fair Trading by

making retailers aware of the problems of solvent abuse and asking them to be very careful about selling, but it is a very difficult problem and I would like to know is solvent abuse part of the strategy or is it soon to be? Thank you.

The President: The hon. member for Ramsey, Mr Bell.

Mr Bell: Thank you, Mr President. I only have a few comments to make on this but as Minister for Home Affairs I feel I should just highlight a couple of points, particularly relating to the drug squad itself and the activities of the squad in trying to control the growth of drug abuse on the Island.

I almost entirely agree with the sentiments of the hon. member for Peel in the prioritising really of the police activity and I can reassure the hon. member and others who share that concern that the drug squad in the main is targeting dealers. That has been the policy now for some little time. We have particularly been concerned about heroin coming in to the Island and that has had our top priority over the last 12, 18, months and I do believe, on the figures that I have been given at least, that the drug squad has in fact been very successful in that area and the incidence of heroin on the Island is less now than it has been in the past.

The attitude of my department, and again the police to a great extent, is that whilst we do still arrest those users of drugs, our main aim is really to support the drug strategy by way of education, health advice and ultimately rehabilitation through probation rather than through prosecution and ultimately imprisonment.

We have, as I think has been touched on, introduced the drug arrest referral scheme in the last two or three weeks and we believe again this will be another measure of deflecting younger people in particular, who have simply dabbled in a relatively minor way, away from the criminal justice system, away from having a criminal record and towards education and ultimately rehabilitation if that is actually required.

As the hon. member for Ayre has commented, though, I think it is probably premature to actually identify successes or failures at this stage. It will take two or three years at least before we really start to see any pattern emerging as to how successful we have been in our activities.

I would, though, just like to put on record in a small way today my appreciation and indeed congratulations to the police drug squad for the efforts that they have put in in the last 12, 18 months. Their commitment and long hours and anti-social working as well have has been greatly appreciated, I think, by most people on the Island, (**Mr Gilbey:** Hear, hear.) especially bearing in mind that they are often putting themselves at some considerable personal risk in the job that they do. It is not a pleasant job, it is one, though, that society demands to be done and I think they deserve our grateful thanks for the efforts that they do put in on that front. (**Mr Delaney:** Hear, hear.)

We have heard the Chief Minister mention operation Safe. That was a big exercise. We have just completed operation Diamond which again is a follow-up to that and I can assure hon. members that the vigilance of my department and of the police and drug squad will remain high in the time ahead. We are not sitting back on our laurels but will continue our drive against drug dealers.

I have to agree with the hon. member of Council in particular to say that the police, like the politicians, do get demoralised at times when we see some of the sentences which are handed out for serious drug dealing, but I would say to the hon. member, rather than the legislature rushing into new legislation we should recognise that in most cases severe penalties do already exist on the statute. It is not for want of trying on the part of the politicians in terms of bringing in the options, but ultimately it is for the courts to decide the degree of penalty which should apply to any particular case and I would be very hesitant as a politician and certainly as Minister for Home Affairs to interfere with that process. We have to hope that the judiciary recognise society's concern about drug dealing in particular and that their sentences will reflect that concern when the cases are heard before them. But I would reassure hon. members that we are aware that severe penalties do exist. I do not believe at this stage, from my understanding of the situation and the advice I have been given, that there is any need to rush into more severe legislation that will not alter the situation. Ultimately the courts have to hand down the decision they feel appropriate.

So I would just, on those couple of points, like to reassure members that we are aware of the concerns of members and of the public outside. We are monitoring it very closely and if we do see there is a need for any further legislative amendments we will not hesitate in coming forward at the appropriate time.

The President: The hon. member for Onchan, Mr Karran.

Mr Karran: Eaghtyrane, my only concern is, and I welcome the strategy and I welcome the changes from 14 years ago when people were ridiculed as far as the drug problem was concerned, there are some issues where I would like to put some markers down.

I do hope that you will consider looking at the likes of David Gray House. I know they have got flats, they have got the flat development, but we need more of that provision. We need to be able to get these people outside having to actually go back to the very people that have got them into the position in the first place. That is something that I see is high on any hit list as far as breaking the circle of drug abuse.

I also feel that it is all right and we all know it is good political banter to be talking about 'We'll chop one hand off and then we'll chop the other hand off and we'll hang them then next' and we will do whatever - (*Interjection*) Well, admittedly it would work, I have to say that, you would not re-offend again. I should not be saying that to my right-wing colleagues in this hon. Court, but at the end of the day these people will have to come back out into society at some time and I do feel that that is an issue that needs to be addressed as far as having the political banter that we are up and up and up and up and we do not actually provide the facilities.

I would say that the strategy is well and good, but when we have a situation where we have already had big raids and we cannot deal with them because we have not got the prison facilities at the present time to be able to cope with the accommodation I think this issue needs too be revisited by the Council of Ministers. I believe that it is all well and good talking about trying to get people out of circulation, but you cannot get them out of circulation if you have got nowhere to put them and I believe that issue has got to be looked at.

The only other issue that I want to raise, which has come to my attention in recent times, is that one of the greatest assets we have got is being an island, and I am sorry that the minister spoke before me, because he can sort it out, but I believe that at our ports of entry

there has been a squabble between the DoT and the home affairs department over the resources for manning the airport and the boats, and it is a lovely pretty document, - well presented with a lovely little crest on it, which is a load of nonsense, but at the end of the day if that fundamental issue is not addressed as far as keeping controls on our ports and entries, then I think that is the most fundamental issue that needs to be addressed at the present time.

I do not question the intent of every member of this hon. Court. They are as committed as I am as far as drug abuse is concerned and I think there is fantastic movement as far as this is concerned from the Chief Minister, but that issue needs to be addressed. This issue of hiding behind the law, that we do not check things because of international law, that it has to be checked on the port of departure is rubbish and it needs to be and it should be put as a high priority and if the police have not got the resources, then we must make sure that they get the resources and we need to look at other aspects as far as what is coming into this Island, not just drugs.

I do hope that if he would look at both David Gray House and the accommodation problem, because they are swamped at the moment, and at the issue of the drugs and the issue of tightening up our borders of this stuff coming in I would be very much appreciative.

The President: The Lord Bishop.

The Lord Bishop: Mr President, thank you. Just one observation for the drug strategy committee which on the surface might sound and seem trivial, but I think it is quite important. Like you I spend a fair bit of time at Heathrow Airport at waiting room number 12 and on the wall of the airport there are two posters which say in English and German, 'Be warned: the Isle of Man is tough on drugs.' Unfortunately it is all to do with the TT races. Now, the TT races were a long time ago and it seems to me that I am always very fierce with churches of mine where the notice-boards tell you what happened at Christmas last year because it shows a certain doziness somewhere of people not really on the ball to keep up to date with what is going on and I just thought that was not a good sign of our intent about drugs and I wondered if I could ask the Chief Minister is there a PR five-year plan to go together with your other plans? Because I think it is important to have a poster campaign that actually around the board has a series of 'We are tough on drugs at all times, not just during the TT' and it seemed to me to be one of the things that I could bring before the notice of the committee.

The President: Now, hon. members, before I invite the Chief Minister to reply I just invite the Attorney-General to respond to the queries which were raised earlier.

The Attorney-General: Thank you, Mr President. I think there are two areas which have been raised by hon. members where I may be able to be of assistance and the first general area is that raised by the hon. member Mr Delaney in relation to the powers of the courts and whether the courts are not imposing correct sentences. There is one aspect of our legislation which has been praised time and time again by those who look at our legislation and that is how very well we do keep up to date with the criminal law and particularly in relation to drug trafficking and prevention of fraud generally, and to that extent I am pleased to confirm that we have had in our Drug Trafficking Act 1996 extensive powers to confiscate and to forfeit the proceeds of crime related to drug trafficking.

Now, of course there is a difference and a very material difference between confiscating and forfeiting the assets of those who have been convicted of drug trafficking and on the other

hand trying to confiscate assets of those who have not been convicted and yet who are suspected of being involved in drug trafficking. As I say, in so far, as those who have been convicted are concerned, the full armoury is there in our Drug Trafficking Act, and of course, as the hon. member has said, in the court in Scotland it has been suggested that if the courts attempt to confiscate in advance of a conviction, there may well be triggered off a human rights point and we cannot legislate against the human rights convention. The fact is that we have to comply with the human rights convention, the convention is there for our citizens now and the whole purpose of our Human Rights Act is that we will act consistently with the convention (*Mr Houghton interjecting*) as it develops from time to time. (**Mrs Hannan:** Hear, hear.) I personally feel that is entirely the right balance -

Mrs Hannan: Absolutely.

The Attorney-General: - that we confiscate and forfeit without mercy the assets of those who have been convicted.

In so far as those who are suspected of being involved in drug dealing, are concerned, there are powers to stop people and to seize cash at the border, as it were, and to hold that cash for a certain time. That, in my view, is absolutely the right balance, but we must not go further than that and we must keep regard of developments on the human rights front.

The other specific question from the hon. member for Ayre relates to the number of occasions upon which the Attorney-General's Chambers have been asked to, as it were, appeal where the prosecution in summary offences, the police, feel that the sentence is too lenient, and from my memory I think this has happened twice since the legislation was amended, I think about a year, 18 months ago, that there have been two occasions I can recall in any event when in a summary offence we have gone back to the court, in a court of appeal, and we have successfully argued that the sentence was too lenient.

It is only, I think, occasionally that one would exercise those powers, but there are occasions when we feel that the sentence is too lenient (**Mr Duggan:** Hear, hear.) and we must go to court, and of course the prosecution can appeal and does appeal from decisions of Their Honours the Deemsters when it is believed that their decisions are too lenient in relation to drug trafficking and other matters, and that power is exercised fearlessly.

So our legislation, I think, is very much up to date, it is in line with the UK, and I believe that it is up to the deemsters to perform what is a very, very difficult task. There is a tariff there which is set by our legislation. The deemsters have to assess the characteristics, the antecedents of the accused, of the convicted person and try and fit the offender to the sentence which is set by the tariff. It is a very difficult exercise. If it is got wrong, then either the defence or the prosecution in exceptional cases will appeal.

Mr Delaney: Can I ask a question of the learned Attorney, Mr President, please?

The President: The hon. member of Council.

Mr Delaney: Can I ask the learned Attorney, what is the maximum sentence for dealing in hard drugs in our courts?

The President: Mr Attorney.

The Attorney-General: Could I perhaps just look into that, Mr President? I cannot give you the answer just like that. I would have to look at the legislation.

Mr Delaney: I think members would be interested if it was circulated.

The Attorney-General: Yes.

The President: Can I call on then the Chief Minister to reply to the debate.

Mr Gelling: Yes, Mr President, first of all may I thank everyone. There were 10 contributors to the debate and that was the very reason we wanted to move this actually, so that members could make comment even if it was reservations, and I think everyone has been most supportive, although then they have asked several questions and we started off with the hon. member of Council, which Mr Attorney has answered in part or three quarters, but the only thing I would like to say to both the hon. member of Council and Mr Quine for Ayre is that I know it is in the paper where we read these cases, but often the way it is reported does not give you the full story and I know I followed one or two of these through because I could not quite understand it and of course when you actually hear or see the case it is amazing what is actually not in the paper that is put forward - circumstances, families, no matter what - that actually the courts have to administer the justice as they hear the cases.

So I would say to the hon. members, that is something that we cannot interfere in, but it is something definitely that a debate such as this brings the attention of these people to the fact that the Court is making the laws and is perhaps a little uneasy about the penalties.

This was followed by Mr Henderson who again was very, very, supportive and was asking about building on this, and that is certainly what we will be doing. In fact when I look at the report you will see, I think, five or six red crosses of areas of benchmarks that we have not been able to achieve. Well, actually those red marks have now been eliminated since the actual report was printed and they are now all in place.

Now, that leads me on to the area of solvent abuse, and Mrs Hannan raised the point about families and the caring of. That means the team is now just about together, but this is the first time we have had that team together and I can assure you that the situation is quite clear as far as the strategy is concerned and that is very, very hard on dealing in trafficking, but on the other end where you get a first-time user, and perhaps the family had no idea the person had even tried it, there is an opportunity there with the referral scheme to get that person on the right road again and I think at the end of the day that is really what our strategy is all about, we do not want people on drugs and if we can get them off drugs and they do not go to prison and perhaps come out harder than they were when they went in, that is what it is all about.

So I would say to hon. members, yes, there is the caring side at the end that the caring should be, but certainly not at the end of those who are making large sums of money out of selling drugs and trafficking in drugs to make other families' lives an absolute misery.

Also I took note of the hon. member for West Douglas, Mr Downie, where he was pointing us in the direction of the adjacent isle and the situation there with regards to the confiscation of assets and I think Mr Attorney has basically answered that one.

Mr Crowe I wrapped up together with Dominic. That would be a fun thing to see.
(Laughter)

Mr Brown: Clingfilm!

Mrs Crowe: And Mrs Crowe!

Mr Gelling: Mrs Hannan from Peel - I was encouraged with her opening remark that the report is highly commendable. I know that she knows about the stress, as many of us do, in families, and she was talking about the very thing that I have tried now to illustrate, that the families and those at the bottom end, the young people, the education are a very, very, important part of the strategy, and if ever there was a case of joined-up government working, I can tell you that I and the members on the committee have been greatly encouraged in the way that this is actually working. We are getting the crossover between agencies, between departments and at the moment the co-operation is without doubt working - teamwork and that is what is happening.

Talking about teamwork, then I was asked the question by the hon. member for Rushen about solvent abuse. Yes, that is part of the strategy. That will be picked up by the team. Rather unfortunate when we had the tragedy up at St Ninian's where a comment was made by one of our officers that he did not think solvent abuse was part of the strategy. That was wrong. That was unfortunate. We have rectified it, but that was very, very unfortunate. So I can assure the hon. member and all hon. members that that is part of the strategy, part of the team work. Anything that alters the normal behaviour of a person we are looking at, so it does not matter whether it is solvent abuse or whatever.

Mr Brown: That includes us, then.

Mr Gelling: That is it. Mr Bell - well, support from Mr Bell who also offered the Home Affairs version, the police version, the frustration. I know the police go to a great deal of work to arrest these people and it must be rather frustrating then if it does not actually go through the system, and we would be keen obviously to keep their enthusiasm up.

Then I came to Mr Karran. Now, I thought Mr Karran from Onchan, the first thing he would have said was, well, we kept our promise. He said that we would never put any more people into the drug squad. Ten more people in the drug squad.

Mr Karran: You need 20 now.

Mr Gelling: That, hon. members, is what happens, but again to have the support and the criticism, the top criticism I have got down here is he did not like the crest. So I think we are getting somewhere if that is basically what he said, that the crest on the front he does not like. But the other remarks I have taken note of because actually you were talking about the sea around the Island.

Mr Karran: You are doing away with your customers.

Mr Gelling: Pardon?

Mr Delaney: It is all right, he is taking the pills.

The President: Hon. members, come on. The Chief Minister.

Mr Karran: You have a serious problem there.

Mr Gelling: Pardon? The serious problem.

The President: Hon. member -

Mr Gelling: You said you did not like the crest on the front of the book.

The President: Chief Minister.

Mr Karran: You belittle me like you do.

The President: Chief Minister, just resume your seat for a moment. I had to come across this yesterday and I am not doing it again, hon. members. If you wish to interrupt, do it through the chair. Continue please, Chief Minister.

Mr Gelling: Mr President, I am sorry if the hon. member thinks I have belittled him. I was only suggesting that if I have got to a stage with the strategy where there is not the criticism that we used to have, I think we are winning. This is what I am trying to say. But what I am also saying to the hon. member is that there is a memorandum of understanding between the DoT and the police in respect of the responsibilities at the ports. Now, that is in place, so I am rather concerned that the hon. member thinks there is a problem and I would like to find out if there is a problem because also, in conjunction with that, the customs boat is doing more patrolling round this Island than I think people appreciate. Obviously they do not tell everybody where they are: that would defeat the object. They are actually out there and they are co-operating.

So in all I would like to thank everybody for their contribution to this debate. I think the strategy is in its early days, we will build on it and I think by putting forward the benchmarks in this particular strategy and then coming to you once a year and telling you what we have achieved and what we have not and if we have not, why we have not, it is a good exercise and it actually keeps everyone focused. (**Mr Gilbey:** Hear, hear.)

Mrs Crowe: Yes.

Mr Gelling: Mr President, I beg to move item 47, sir.

The President: The motion is that printed at 47 on your order paper, members. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Coastal Erosion Report — Debate Commenced

The President: Item 48, I call on the Minister for Transport to move.

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

That Tynwald approves the Department of Transport's Report into Coastal Erosion on the Northern Coasts of the Isle of Man and its recommendations contained therein.

Tynwald Court and past governments have had a policy for in excess of 100 years that has been to do nothing in relation to safeguarding private land and property which is affected and threatened by the power of the sea, resulting in coastal erosion.

Over the period of the last hundred years Tynwald and government have set up inquiries into the effects and implications of coastal erosion, especially in relation to the Kirk Michael area. On each occasion the decision has been to do nothing, that is, to do nothing directly in relation to protecting private property.

Tynwald at the February 2000 sitting approved my department's interim report, which was produced as a result of the April 1999 decision of Tynwald. Since the February 2000 decision of Tynwald a considerable amount of work has been undertaken to enable

information to be provided so that a considered decision can be made by Tynwald Court on this very important matter.

Coastal erosion and accretion is a natural process which happens throughout the world and not just here on the Isle of Man.

In gathering data to enable the department, government and Tynwald to come to a considered decision the best data available to us has been the historical data in relation to how coastal erosion has directly affected the coastline of Kirk Michael. The historical data is very important, as from that data we can, as has happened previously, within acceptable levels, accurately identify the projected rate of erosion.

From the latest assessment we know, even taking into account the projected effects of global warming, the long-term effects of coastal erosion at Kirk Michael. Our report identifies that two private properties in the Kirk Michael area will be directly affected by coastal erosion within the next 50 years, that is, they will be lost to the sea. However, we have also identified that six properties in the Jurby area, in the same constituency, the constituency of Michael, will also be affected within the next 50 years: again, lost to the sea. So the issue is not just about the Kirk Michael area. However, through our report we can confirm, as previous reports have, that the village of Kirk Michael, that is, the main residential area, will not, and I repeat, will not be subject to the effects of coastal erosion for between 150 and 200 years at the present and historical rates of erosion.

After carrying out our consultations and considering the information gathered and the past policies adopted by government and Tynwald we are satisfied that the existing policy of do nothing is not an acceptable position or policy for the future. We do not believe we can continue to just leave the issue alone and basically ignore it. We are of the opinion that the matter of coastal erosion has to be effectively and consciously managed.

Our recommendations lay out a way forward to enable Tynwald Court to support government to enable it to progress to a position so that it can properly manage the coastal lands of the Island which are presently in and which may well remain in private ownership.

To enable us to be effective we will need to implement new legislation and we recommend that new legislation, a Coastal Lands and Rivers Bill, is introduced to provide powers and protection for government.

We also recommend that the responsibility for managing and safeguarding the coastal lands and rivers should be with the Department of Local Government and the Environment. The reasons for this are twofold. First, the Department of Local Government and the Environment has responsibility for land development and, second, the Department of Local Government and the Environment is the department responsible for the environment in its broadest terms. My department, if Tynwald approves the report today, will of course work with the Department of Local Government and the Environment and if necessary undertake works on a contractual basis for them.

In our considerations of this matter we also felt that it seemed to make sense to bring responsibility for the Island's rivers under the control of the same department. We therefore recommend that this change should happen, transferring the responsibility from the Department of Transport to the Department of Local Government and the Environment.

We have had an interdepartmental working group considering the implications of the 1998 flooding and the report is being finalised at present. I can say, however, that one of its recommendations is that a rivers engineer should be employed as soon as possible. It would be prudent to ensure that if that is followed, such a person also has the knowledge of dealing with coast lands.

It may well be that the new legislative powers should be available for government in relation to managing more effectively the Island's rivers, and this issue has been considered also by the working party. This would be, of course, to ensure as far as possible and without damaging our countryside that we are able to reduce the risk of flooding to property.

I believe our report provides a realistic, sensible and practical way forward to deal with this important issue. We can and do believe that the effects of the Island's coast land in the Island need to be managed properly.

The report of course, which hon. members have, is quite comprehensive. It provides maps. It shows the erosion over different periods. Of course also we have the previous reports that have provided information to hon. members, again with maps and showing information, and I believe that this is a major change to deal with the coast lands of the Isle of Man and I therefore recommend to Tynwald Court the motion standing in my name as laid out in the report. I beg to move.

The President: Hon. member for Peel.

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

The President: Mr Speaker.

The Speaker: Mr President, what we have got today is completely different from what we set out originally in April of 1999 and I think we ought to just look at what the background to this motion is.

In April 1999 I moved the motion 'That Tynwald is of the opinion that - (i) the coastline between Glen Wyllin access and Balleira Road access, Kirk Michael, be protected from erosion by a sea wall of boulders from Stoney Mountain; and (ii) the work be completed over a period of four years commencing April 2000.' And this motion was amended by the member for Garff Mr Rodan, as follows: '(i) the coastline between Glen Wyllin access and Balleira Road access, Kirk Michael be protected from erosion'. That was the first part: 'the coastline between Glen Wyllin access and Balleira Road access, Kirk Michael be protected from erosion'. '(ii) a geophysical survey of the northwest coast be commissioned by the Department of Transport, with a requirement that the report of the survey be submitted to the department within six months, together with recommendations for the most appropriate programme of remedial works; (iii) the department report on the recommendations no later than January 2000 sitting; and, (iv) if the department support the recommended programme, the programme be implemented not later than April 2000.' That amended motion, hon. members, which I have just read out was passed by you unanimously and so it was Tynwald policy and just to go back to the first part of that unanimous motion, the coastline between Glen Wyllin access and Balleira Road access, Kirk Michael be protected from erosion.

And so it was that the Department of Transport engaged consultants, Posford Duvivier. Their interim report was presented to Tynwald last February. The Posford Duvivier report was

dated November 1999 and they used as their terms of reference the amended motion which I have just read out. It is important that you reflect on that amended motion. And there was the interim report which you all received in February and they said in their terms of reference, the motion, 'and this study investigates options to mitigate the rate of coastal erosion along the Kirk Michael frontage between Glen Wyllin and Glen Balleira which is approximately 890 metres and a cost benefit is included. As part of the coastal erosion study a brief environmental scoping report was also commissioned to outline the various key aspects that may be affected by any coastal protection measures undertaken. The scoping report would also advise on the scope of a future environmental statement, should one be required.'

A format of this report discusses the background of the Kirk Michael frontage, summarises the coastal processes and appraises different options together with the economic benefits of a scheme. It is based on the United Kingdom's Ministry of Agriculture Fisheries and Food flood and coastal defence project appraisal guidance notes, and they gave the report and then on page 29 of that report they gave their recommendations and to summarise those recommendations, part (i) of the terms of reference was, 'the coastline between Glen Wyllin access and Balleira Road access, Kirk Michael be protected from erosion', and they said, and I am going to read out these recommendations because these were the recommendations of the consultants: 'Regular monitoring of the Kirk Michael frontage is recommended to continue records of the ongoing erosion along the coastline. This would help to determine a suitable coastal erosion policy as well as the priority of any protection works considered necessary.' Next recommendation: 'A phased construction of rock armour revetment is the preferred option to mitigate erosion of the cliff and thereby protect the Kirk Michael frontage. To protect the full length of 890m from Glen Wyllin to Glen Balleira in several phases at £4250 per metre run results in a total budget cost of three million, eight hundred thousand pounds Next recommendation: 'Such a structure will present minimal interference to the littoral drift in the short term. As erosion continues either side of the protected length some compensating measures such as artificial nourishing of the beaches to the north may have to undertaken. This work could be carried out locally to protect individual assets or across the entire frontage. To protect the entire frontage would cost far more than the value of property saved.' The entire frontage is the entire northwest coastline. 'Phasing the works would suit the coastline requirements by providing substantial protection and spreading the cost. The primary location of 200m at the south end of the frontage from Glen Wyllin would protect the most vulnerable assets for a budget cost of £850,000.' Next recommendation: 'The preferred option arrangement has to be carried out in such a manner that the consequential effect on the adjacent coastline be kept to a minimum. In the short term it is considered that the works to the toe of the cliffs along the Kirk Michael frontage would have relatively little effect on adjacent frontages.' And finally: 'Monitoring of the Kirk Michael frontage, the protected length of coastline and foreshores north and south of the defended length should be undertaken on a regular basis. This would assist in arriving at decisions on additional or compensating works, which might be required at a future date in order to sustain a nil effect on the adjacent coastline.' So far, so good.

Most people would think that the Department of Transport would accept the recommendations and make arrangements for a rock armour revetment of 200 metres to commence as soon as possible. That is what most people would think. You have spent money on consultants' reports and they have given their recommendations which I have just read and

normally when government gets a consultant's report we hear hon. members get up or ministers and say, 'That is what the consultants have said and that is what we are doing', whether it is the incinerator or the hospital or whatever, consultant's report after consultant's report. What was the debate all about yesterday? Consultants said this and consultants said that. Well, the consultants engaged by government, Posford Duvivier, have done what I have just said.

But the Department of Transport is not like that. The Department of Transport did not like the recommendations. The consultants had not given them the answers they wanted. So what do the department do? They brought a motion to last February's Tynwald as follows: 'That Tynwald approves the interim report of the Department of Transport into the coastal erosion at Kirk Michael, and the department undertaking appropriate consultation; approves the department incurring expenditure not exceeding £75,000 for research and to enable the department to continue its investigations; authorises the Treasury to apply from general revenue during the year ending 31st March 2000 a sum not exceeding £75,000 being the additional amount required for such research and continued investigations; and requests the department to report with recommendations to Tynwald no later than the October 2000 sitting.' But nothing in their motion last February, as you well know, hon. members, was to do what was recommended by the consultants which was to get on and do the revetment to the frontage.

Now, I put an amendment to that motion that said, 'That Tynwald supports the recommendations of Posford Duvivier International in their report into coastal erosion at Kirk Michael with particular reference to the coastline between Glen Wyllin and Balleira and is of the opinion that the construction of rock armour revetment of the first 200 metres from Glen Wyllin to Balleira be implemented during the financial year 2000-01.'

Unfortunately, the government won their resolution. The amendment failed with 15 votes in favour and 18 votes against. In other words I failed in my lobbying to persuade two members to support the recommendations that they had been given by Posford Duvivier.

And the result of that? Well, of course Posford Duvivier got the message, so they wrote a new report which you have got. They wrote a new report that would be acceptable to the Department of Transport and this is what you have today. The £75,000 spent on obtaining this second report would have been better used, in my opinion, to protect a further 25 metres of coast using rock revetment because members must remember that there is already down there almost 50 metres of rock revetment which has proved 200 per cent satisfactory. The cliff-face behind is restored and how many times have you been and seen it? I have invited you all down and most of you have been there and you have seen the restored cliff, and you also know how much has disappeared because last time in the debate I showed you the photograph and everything beyond my finger, in 50 years, in my lifetime, has gone. There are two little boys down there on the shore and there is the mill and the bungalow and everything else - it has all gone -

Mr Cannell: They are 75 now.

Mr North: David in his shorts!

Mr Quine: Keep your finger on it! *(Laughter)*

The Speaker: And I will keep my finger on that tiny edge because it is just about to go now. It is like the Dutch little boy that tried to save the dikes - a tiny little bit at the end.

So today you are asked to support the new report. Surprise, surprise. Let me refresh your memory. I am sorry about this but I must keep on. The original approved motion 18 months ago was that the coastline between Glen Wyllin and Balleira be protected from erosion. Hon. members, I have the full support of Michael Commissioners and almost all the residents of Kirk Michael that the Kirk Michael frontage is protected. So today I will ask hon. members to stick with the original amended motion which received unanimous support, and the amendment I propose is that the report you have now got is received, just received, and let us see the extent of erosion this winter and return to the matter next April.

Now, the minister has said there will be nothing for 200 years, et cetera, et cetera, but in the original report, which I believe was absolutely honest and impartial, they set out what Tynwald wanted to do. This was before they were given another £75,000 to get something more acceptable. If you look at the map, on a 2.8 metre year of erosion rate, and it is even more than that now, you will find in 50 years' time, just like all that has gone in 50 years, they will be right up to the very back of the village, that back line there and there is the village. And how do you think the residents of those houses will feel? Their properties will be blighted. All those houses have gone and the cliff will be in the back gardens of the main property blocks of Kirk Michael.

It is not me who is living in these houses. I am representing these people and I believe they are entitled to peace of mind and a bit of security that the cliffs will be protected. All right, it might not get them, but as most people have a mortgage for 25 years, who is going to give anybody a mortgage if they think the cliff is going to be in their garden in 25 years? Who is going to give them a mortgage? Who is going to give them security in their houses? As I have just said, the residents are entitled to security and peace of mind that the coast line of the village frontage is protected and I believe Tynwald must give their support.

This is nothing new. All over the Island sea walls have been constructed in the last 150 years in Douglas, Ramsey, Laxey, Peel, Port Erin, Port St Mary, Castletown. If the Minister for Transport had been the Minister for Transport in charge of sea walls 150 years ago there is only one sea wall that would have been built and that is Castletown.

The presentation by Posford Duvivier that some of us went to was all based on historical evidence which I believe from the minister's speech was to please their paymasters. But I am not talking about the past, I am talking about the here and now. The coast is eroding at three metres a year and the end of the village properties are now just 43 metres from the cliff edge. In 14 years the closest properties will have their back gardens at the cliff edge and of course their homes will have no value.

I believe Tynwald has a duty of care in Kirk Michael just as we have a duty of care to the community of Douglas, to Ramsey, Peel, Port Erin, Port St Mary, all over the Island and the original report was acceptable to me, to the community in Kirk Michael. The amendment was acceptable to me, to the community in Kirk Michael, but above all it was acceptable to every single person in this hon. Court. The first paragraph, part (i): the coastline be protected on the Kirk Michael frontage.

So hon. members I am going to ask you to support the amendment. All it asks for is that the second report is received and we will look again next April to see how much has gone down in the winter, not what went a hundred years ago down in the winter but what goes this winter, and I was very fortunate because last Saturday the member for Douglas North entirely voluntarily came to me and said, 'Could I come in order to satisfy myself for this debate and measure the distance between the end of the back garden of the closest property to the cliff edge and record it?' And he hopes then to come next April and record it and we measured it, the two of us: 43 metres. Hon. members, I recommend to you the amendment:

For 'approves' substitute 'receives'.

The President: Hon. member for Douglas North, Mr Houghton.

Mr Houghton: Yes, thank you, Mr President. I am very happy to second this amendment, sir. I indeed feel that it is something that needs to be addressed urgently by this hon. Court, that a rock armour revetment be placed between those two points at Glen Wyllin and Balleira just as soon as it possibly can and I do support the member for Michael in his endeavours to do just that.

Dealing with the report, I think the report is an extremely informative report, very, very interesting and something that I will keep for ever. However, there is set in that report some jiggery-pokery that I feel the department has had some hand in, one of which is this - and I am not speaking on behalf of the department that I am in - that they wish to dump this whole issue on the Department of Local Government and the Environment, that is, the Department of Transport, when I feel that this particular issue here sits firmly within their particular responsibilities rather than Local Government and the Environment, and I do feel very, very strongly about that and, as I say, I do hope that that is noted accordingly.

The report, however, though, has about it a 'do nothing' strategy set throughout. It is something that is not acceptable to myself. I have no ties whatsoever with Kirk Michael. I am speaking completely independently as a Douglas member and I feel that as a Douglas member I should assist my hon. colleague in Michael. As I say, there is an awful lot of impetus put on Douglas issues, et cetera, but when we deal with rural situations such as, this very excellent rural village of Kirk Michael, it requires the protection and it requires protection now, hon. members, and, as I say, if we do not address it now we shall have to change the name shortly from Kirk Michael to Port Michael which I am sure will not go down very well at all.

But, as I say, for the time being we measured ourselves last week the distance between the rear garden of the nearest house to the side of the cliff edge and we are quite willing to do that in about six months' time and inform the hon. Court of the actual loss, not the perceived loss, the actual loss of land. It is extremely serious and I do hope all members will support the amendment. Thank you.

The President: Hon. member for Rushen.

Mrs Crowe: Thank you Mr President. I am usually throwing brickbats at the Department of Transport but today it is a bouquet. A handful of us attended a most excellent presentation given by the department and I am sorry to say it was only a handful of us, and not only an excellent presentation but a wonderful report, a very thorough report that the hon. member for North Douglas, Mr Houghton, actually commented on at the presentation.

Mrs Cannell: There was a nice buffet.

Mrs Crowe: I was most interested in the hon. Speaker's original motion to Tynwald regarding coastal erosion. As you well know, in the constituency of Rushen we also have a problem affecting property within 50 feet of the sea so I was naturally very interested in what the report was going to say and was fully supportive of Mr Speaker's call, his demand for action.

I went along to the presentation and I fully expected to see a recommendation for a revetment, hopefully a little more sophisticated than our rock-strewn beach at Gansey, but, no, that was not what the suggestion was. However, what we did see at the presentation were videos of the area, we saw films, we saw photographs, we saw a report, we saw the extremely high water table in the northern plain, and there is evidence that it is not only erosion from the sea but, as at Gansey, there is an erosion from the under-wash. Now, this is clearly demonstrated at Gansey where we see the road subsiding from the land-ward side. I was sorry to see that we could not just build a revetment and save the coastline, but that was not the case. As the consultant said, you could build the revetment and the land could fall away behind it. There was nothing to say that it was actually the sea that was doing more damage than the underlying water in the area.

I would dispute what the hon. member for North Douglas said, that this report is a 'do nothing' report. I think the recommendation that Tynwald approve the consideration for the Department of Local Government and the Environment, I would have said, was the ideal place for the management of land and rivers and the like to sit, that the coastal lands be monitored constantly. This is what we are going to have to have down south as well. It is not an easy solution, we know that now. We have had the rocks on the shore. We have had a revetment. It is not solving our problem completely.

I do believe that the department's recommendations should be approved and I think they should, and I feel sure that they are going to, look at some kind of solution of stabilising the land. If we are going to have a revetment, we also have to deal with the problem of the natural wastage of the land by the increasing water table, and as we have seen from this month's excessive rain, the height of that water table up the north now must be exacerbated even further.

So I would suggest that those who did not attend the presentation fully read the report because I was, as I say, fully supportive of Mr Speaker's idea to have a revetment built to save the coastline, but I am afraid to say what did come through at the presentation was that that was not the solution to the problem that we have.

The President: Hon. members, I had hoped that we could finish this item before tea but I now have two members who have indicated that they would wish to speak, so I think it is an appropriate time at which to have a short break and we will recommence at 20 minutes past five, Mr Duggan being first to speak.

The Court adjourned at 5 p.m.

Coastal Erosion Report — Debate Concluded — Motion Carried

The President: We can continue with item 48 and I call upon the hon. member for Douglas South, Mr Duggan.

Mr Duggan: Thank you very much, Mr Speaker. I am concerned too for the people down at Kirk Michael, though, like Mr Houghton, I am a Douglas member. What we are talking about for this revetment right through, The Speaker has said also that this part of the revetment they have done is very good; it is £3.8 million. I was going to ask the minister, surely in this day and age it is not a lot of money if you look over several years. Could the department consider possibly doing the works over several years? (**Mr Houghton:** Hear, hear.) Again, as I say, and as Mr Speaker says, if members go down there that revetment has actually worked, that section they have actually done, and we have spent lots of money, quite rightly, on Gansey; I fully support that. I think we should also, the Court, support Mr Speaker's little patch too.

The President: Hon. member, Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr President. I feel like being between the devil and the deep blue sea!

Mr Houghton: Depends what you say, though!

Mr Crowe: Which is the devil?

Mr Braidwood: I have a lot of sympathy with Mr Speaker and the plight of the residents of Kirk Michael, but if we receive this report then we are not able to do anything because even if somehow a revetment went ahead it would take an environmental investment assessment, which could last a year. Therefore, we need the bills in place. We need the environmental assessments and, as it was mentioned by the hon. member for Rushen, Mrs Crowe, it is not just wave erosion.

Mrs Crowe: That is right.

Mr Braidwood: When I spoke in favour of Mr Speaker's amendment the previous time, there is wind erosion, there is land drainage. A lot of the problems are caused by not enough land drainage and the land caves in from behind. We do not just have to look at hard engineering; there is soft engineering, there is the ability to break up waves, there is the ability to. . . I am just trying to think of some of the soft engineering works, as in Ireland; they have been criticised for the revetments and the hard engineering works by utilising more shingle and having wide and high beach sands to break up. There is also the possibility, instead of having the land which is very steep, that you then put it on a slope with grasses to stop the wind erosion. There are many other things which can be done. Again, in Kirk Michael, yes, it has worked; that 43 metres away, that land, has been protected, but there is now erosion coming round the side and of course we have to look at accretion as well. There is accretion on land further up the coast. That has a detrimental effect. We have to look at all things and, as I said, although I do have a lot of sympathy with Mr Speaker, I have to go along with the department this time.

The President: Hon. member, Mr Cannell.

Mr Cannell: Mr President, I think somehow I must have missed out on the information that the hon. Speaker was giving here, because I did not think we were on a vote here to proceed with work to do it. Surely we are not talking about whether we are going to spend the money on this scheme or not. Certainly, item 48 does not say that and neither does the amendment. What we seem to be down to is the hon. Speaker suggesting to us that nothing very much be done except that there is a change of word on the motion, to receive the report,

and all he wishes us to do is to alter it to that, monitor what happens this winter and come back next April when he will tell us, I am sure, that either his fears are borne out and things have been as bad, or worse, than he forecast, or I am sure he will come clean and say, 'Things are not as bad, it is nearer to the projection given in the report.' That, it seems to me, is all we are being asked to do this afternoon, so why do we not do it? We cannot previously deny that we did agree to help this situation. It is down for all to see, so why do we change our minds so often? When faced up with the opportunity to actually do something about it we seem to bottle out occasionally.

Now, I am not fully convinced either that the scheme which is down there will stand the pace for a number of years. I have been down a few times to check it. It does not seem any worse to me, although the hon. Mr Braidwood has just said it is beginning to wash out behind. I am sure that it will, but it seemed to me that it was standing a good chance. Now, you can say, 'All right, *seemed* to be. You cannot afford £3 million on the possibility that things might work' but it did not work at Gansey either. We spent an incredible amount of money down there only to have the whole thing ripped to pieces in about two winters, and I well remember standing down there in the middle of the night doing an interview with John Corrin and it was absolutely fearing for your life; the promenade was definitely in danger of going. It was atrocious, so that is the power of the sea we are up against, so with the best will in the world I am not sure that the scheme which is being done down there would stand the pace. But all I am trying to do is bring it down to a level at the moment where in fact we are being asked just to sit tight. If, indeed, the substitution of the word 'approves' by 'receives' enables the hon. Speaker to take his soundings - and I am sure he will not be out with a shovel in the middle of the night to exacerbate the problem (*Laughter*) - I am sure he will come along and he will tell us. In actual fact there is nothing to stop us going down there ourselves every now and then and looking at it.

Mr Houghton: We should do anyway.

Mr Cannell: Now you might say, if people buy houses there they are being a little silly. I certainly would not contemplate, knowing that that was the situation, and how builders convinced. . . It does demonstrate something of the housing problem but we have had enough of that - but it does demonstrate that people will be prepared to take a house under those situations and that mortgages could be obtained, but they will become more difficult. You could argue that anybody who is down there with a few houses - it would cheaper to buy the houses and relocate them somewhere else. You could do.

Mrs Crowe: That is another option.

Mr Cannell: You could say that. In fact, you might say, really, that that would probably be the best scheme and that eventually you should be able to shore it up. The further in line I am no expert - but presumably it gets firmer the more you move inland.

Mrs Crowe: Not necessarily.

Mr Cannell: Well, it has stood the test of time, because the sea used to come right up to the Ginger Hall to Cronk Sumark there at one time, so in fact the cliff edge there has held pretty well at Primrose Hill, or whatever it is called.

So all the Speaker seems to be asking us to do is to give him a chance to stay in the game, that is all. Surely we owe him that do we not? (**Members:** Hear, hear.) We are not spending any money. We are not spending any labour. We are not commissioning yet more reports. In fact, we could put a revetment up and shore it up with all the reports we have had. (*Laughter*)

Mr Houghton: That is right. Here are a few copies.

Mrs Crowe: And the incinerator.

Mr Cannell: I do not mean this - everything! I think my personal pile would probably keep it going for 25 years and I have only been in here a couple of years!

But seriously, this is a very serious item if you live out there. This is no joke, and although we were having good fun at the tea break about the TT going over Druidale because it will not be able to go through Kirk Michael any more, (*Laughter*) in actual fact if you are down there it must be a very, very serious situation. It is the hon. Speaker's constituency and I would not want, if there was any danger in a constituency of this nature that I represented, for it to be treated with other than the best chance. Now, the best chance that has been given is the original vote. Now we have had the second report and not for a second would I suggest that they were told what was to be in it. I am sure they were completely independent in it; they are reliable - and incidentally I did not go to the presentation because I was honouring my commitment to one of my departments who had a meeting arranged long before that one was ever put on, but let us give it a chance. Let us receive it, if that is the method that is chosen and we will sit here and, come Easter next year, we will be out with our yard sticks and see what has happened by then.

The President: Hon. member for Rushen, Mr Rimington.

Mr Rimington: Mr President, I was, when I came to the Court today, firmly fixed in terms of approving Mr Speaker's ideas on protecting the coastline at Kirk Michael and to that extent I still am, though I am not sure that the mechanism of this amendment actually performs that function. As an individual, I have been up there year after year with my family along various sections of the coastline and I do look with horror at seeing it washing away and slipping away down into the sea and have often thought, without any mind to election purposes or whatever, 'Oh, this is a shame, something ought to be done.'

Unfortunately, I was not able to attend the full amount of the presentation, due to department commitments at both sides of the presentation. One thing though - I was a little disturbed when I was there in the presentation, talking about the rate of erosion. The consultant was really relying on what he said was historical data and could not take into account from an engineering point of view the present effects of global warming, and I do seriously think that that is a problem, not just for the coastline along the north-west, but I think it would be a problem in Castletown. I think it would be a problem in Ramsey and I think it would be a problem elsewhere on the Island, and we do, in the long term, need to take note of that fact.

Consequently, I would like to support you, Mr Speaker, I would like to say something should be done. I am not sure that your amendment actually comes to that point. I think you ought to go and carry on checking the rate of erosion. It is sad to say, though, that one

consistent thing about weather patterns, whether it is global warming or not, is their inconsistency, and that you may find that this winter the rate of erosion might drop considerably and then you would be coming back to the Court and will not have much of a case, so I would not like you base it on just six months, because it is a much longer-term thing. But sea levels are gradually rising. We are getting more instability in our weather systems and more storms. Whether you get that connection with high tides -

Mrs Crowe: Floods.

Mr Rimington: - and heavy rain, whatever, causing the combination of factors which would increase the rate of erosion as you suggest and may well happen we do not know.

I think I will support the original motion that the report should be approved so we can set up a system whereby we do seriously look at our lands and when, in the probably not-too-distant future, Mr Speaker, you return on the issue, you are most likely to have my support.

The President: Hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr President. This exercise started out as a matter, as Mr Speaker has said, specific to the Glen Wyllin/Balleira Road section. Quite a specific exercise. That was in April 1999. Of course, we had the February 2000 Tynwald debate based on the DoT interim report, and again if the accent were still on that section of Kirk Michael. Now we have had a pause in time, we have had further studies done and we have now gone into a much more wide-ranging report and, useful and helpful as some of that report is, it does in fact try to wrap up two important matters together and not in a very compatible fashion, because on the one hand it seeks to do something, albeit in the longer term, in terms of the erosion particular to Kirk Michael but also in the north-west generally, but, equally important if not more importantly, riding on the back of this report or as part of this report there is a major government restructuring proposed and I think we need to take account of both these.

As far as the matter of the erosion of Kirk Michael is concerned, I have to say that I was disappointed that there was nothing more specific in this report. Basically, as I understand it, what they have done is they have gone into a series of options and a series of strategies. It probably boils down, although it is not very firm, to putting their money on an engineering revetment exercise and I accept, as has been pointed out, that any engineering exercise has got to be preceded by planning et cetera, but I am uneasy about that. I have this distinct feeling that, notwithstanding perhaps the best of intentions in terms of addressing the broad subject, we have conveniently side-stepped the issue which motivated this whole exercise, and that in itself is a matter that causes me some considerable concern.

But I am equally concerned about the fact that we are trying to embrace within this exercise a major government reorganisation, and it is very unclear as to what exactly that amounts to. I suppose, on first reading, the conclusion I came to was that there was an attempt here by the DoT to pass over this troublesome issue of coastal erosion - and I am not just talking specifically about Kirk Michael here but coastal erosion generally as it applies to the north and the west of the Island - over to DoLGE, and I am afraid that impression is still very much implanted in my mind. I believe that such a transfer of functions there needs to be considered in the broader context of government and government departments and how those structures unfold, not on the basis of the DoT report which is really, or should have been,

centred on this issue of erosion, because you cannot just hive off this from there and not take regard to the government structure as a whole.

But again, what is proposed to me in terms of this restructuring is somewhat unclear. The reference is to DoLGE taking responsibility for coastal lands and rivers. Now, just what does this 'coastal lands and rivers' embrace? Does it embrace responsibility for surface water and drainage? I am not sure. It is certainly not clear from the report. Perhaps the minister will make that clear. But to try to deal with rivers and coastal areas separate from surface drainage, I think, is a virtually impossible task because you are not going to have the control in the hands of the party that is going to be carrying it out; you are going to have to call upon, as the minister, I think, intimated when he introduced this - I think the words he used were - 'work on a contractual basis.' What I understand from that is that responsibility for coastal lands and rivers will be passed over to DoLGE and they are going to have this statute responsibility for them but they are going to have to rely upon the DoT to do whatever works they want.

Now, is that the case? Or perhaps the situation is that they have de facto a rivers and bridges section down in DoT that is going to pass over to DoLGE, but if we are talking about a department being responsible for coastal lands and for rivers and the drainage - and I would suggest to you that they really have to hang together, as one contributor has already said today - one of the main features of erosion is, of course, drainage. That is why we have the erosion; it is the drainage particularly from agricultural land that causes that erosion.

So I think the minister needs to be very specific about what this proposal means. Coastal lands and rivers in relation to drainage - where is it going to sit? What responsibilities are going to fall where? Because otherwise I think we will be coming in to reorganisation by way of a fudge. We will be today lending our support to this report and, in effect, effecting an important, if not major, reorganisation, and it will be done by a process of fudge which will not be the way forward to produce a proper result.

Now, I could accept - it could be argued anyway - that DoLGE in the context of development planning could have responsibility for the designation of coastal areas and areas abutting rivers, subject to flooding. I can see how that could fit in with a type of a planning function. It would still mean, of course, that they would have to buy in expertise to carry out these surveys and do all this mapping for them, but I could see how that could sit. I can see that sitting, but if we are talking about responsibility for rivers, coastal lands and drainage or either coastal lands and rivers or coastal land rivers and land surface - either of those reorganisation propositions being done on the strength of this report - then I think we are heading for a little bit of a mess. And I would remind members that department duties have been rearranged in the past to avoid what I think we have termed conflict of interest, and I was looking in this report ^ propos the proposed reorganisation to see if this matter of conflict of interest had been drawn out in putting together these proposals. I cannot see that having been dealt with at all in this report.

Quite clearly, to my mind anyway - and having been a minister for three years I have been pretty close to the surface of these matters - there would be very significant conflicts of interests. DoLGE for a start have a statute responsibility to police the rivers. They have that responsibility and that relates, of course, to environmental issues and to issues of pollution and, as I understand this proposal, they are now saying, 'And DoLGE will also be the owner of the rivers.' They are going to be policing themselves. That, to me, does not seem to be a very

logical proposition. We have DoLGE in the context of its being one of the major landlords vis-à-vis housing and development, and in that context drainage, flood areas and all of that most certainly comes into it. That, to me, seems to be yet a second area where there is a conflict of interest, and I suppose, if we are looking for a third one, we could turn and say, well, DoLGE, health and safety-wise have these responsibilities. Now, there may be a full answer to all of these. There may be a logical approach to bring about this reorganisation but it is not in this report, and by approving this report we are approving a reorganisation, at least between two departments.

The major issue of whether or not we have an environment agency or a rivers agency has been raised and brushed aside, but we as members have not been party to this, and I am very conscious of the fact that several members on several occasions have spoken, based upon this conflict of interest, saying that there should be such an agency, but we have not had a chance to consider this in relation to this proposal here.

So, conscious of the time and conscious of the ground we have to cover, I will just end up by saying that I am disappointed in respect of the report in that there is not something more tangible and more - 'immediate' is not the right word, but more short-term in addressing the coastal erosion but, setting that to one side, I am more concerned that by approving this we are approving a very significant area of government reorganisation in respect of which we have not had input into and in respect of which we have not been provided with a proper analysis of the issues, and on that basis, whereas I am content to receive this report, I am certainly not prepared to approve it.

The President: Sir Miles.

Sir Miles Walker: Yes, thank you, Mr President. I do not mind which department takes responsibility for these issues, but, what is clear as the day, a department ought to take responsibility and what should not happen is that we spend months and months arguing about which department takes responsibility while Kirk Michael gets washed away. (**Members:** Hear, hear.) - totally unsatisfactory. I share the concern and frustration of members on this particular issue and understand, I think, the feelings of the people who live near to this area of coastal erosion. My concern, when we discussed this issue on previous occasions, is that there could well be a liability on the person who carries out safeguarding works which then have an effect either up or down the coast, and I think that that is the most serious matter. The legislation that is proposed in chapter 14 of this report suggests that there should be a clause which says that the department should be protected from third party risk of legal proceedings for any effect its safeguarding works might have on lands on other parts of the coast or coastal lands, and it seems to me that is of fundamental importance and we ought to be getting on with that piece of legislation now even if it is in isolation, because it seems to me that if we do not have that, then there is a big question mark about doing any revetment works at all.

I would look to the minister to give us some assurance that that legislation will be got on with, because it seems to me that if we approve the amendment that is proposed where we just receive this, then there is no instruction from this Court at all to the department to start on the route for that piece of legislation, and that seems to me to be a mistake. I would prefer to be getting on with that legislation and, as soon as it is in place, then I think the way is clear then to carry on with some works. I would propose to support the resolution.

The President: Hon. member, Mr Karran.

Mr Karran: Eaghtyrane, I, as a person who tried many years ago to try and look at land reclamation board, I went to the presentation and, I have to be perfectly honest with you, I tend to agree with the Speaker and Mr Houghton - it is not very often that I would have to agree with them - and disagree with the hon. member for Rushen as far as this is concerned. I believe that the former Chief Minister who has just resumed his seat says that we will not see anything done at all; the question that worries me more than anything is the fact that I believe that we should do what the Speaker wants to do. It is his constituency. What concerns me more than anything is the fact that we have a situation where six houses in Jurby are under threat and two of them are people that I know. One is an ex-constituent of mine who has bought one of these houses, and I do feel that a house in Jurby is the same value as a house down in the south of the Island.

Mrs Hannan: Or in Michael.

Mr Karran: So, as far as I am concerned, I believe that what really came out as far as the presentation is concerned is that I think there was no commitment really to do anything substantial. The situation has been that we have tiddled and taddled before with the likes of the rivers and bridges when we did away with them, and what a mess we got into as far as that is concerned!

I honestly feel, as a person who thinks on coastal erosion, this problem is going to get worse with global warming. The hon. member for Rushen is quite right and I think my colleague in Onchan is quite right: I think that we should support the Speaker, because at the moment I believe that even his proposal just to do a limited amount will be the door that has to be opened to force the rest to be done, and I think we have to be honest about it: we should be defending land wherever it is in the Isle of Man. With the moans that we get from the people from the north about how we do not value the north and how the north never gets anything, I think that this will just highlight the point so I hope all members will support the Speaker as far as this is concerned.

The President: Hon. member, Mrs Cannell.

Mrs Cannell: Thank you, Mr President. I attended the presentation, albeit for the main part of the presentation by the consultant. I was unable to stay for the whole of it. What I did learn, however, the way I picked it up when the consultant was taking us through the film and then subsequently taking us through slides, was that despite the information and the historical evidence that he was referring to he kept saying, and my ears kept pricking up every time he said it, 'This can be remedied for life. This coast can be restored. There are things available. There is technology available to safeguard it for ever and a day, for life.' And I thought, 'Well, if it is there, why aren't we using it?' If it is there we should be doing it. He also said, of course, that the Island was changing its shape, because for every piece of coastal erosion along that coast it was being transferred up around the Point of Ayre, and so eventually the Isle of Man in the next few hundred years will actually change shape.

Nevertheless, I think we have got a dilemma, because people do have properties and the edge is getting nearer and nearer and nearer. I was astounded, when told about the historical evidence, that it is only moving by minute amounts every 50, 100 or 200 years because I go

down there and visit it regularly and it seems to be eroding a lot faster to me than would otherwise appear to be the case by the historical evidence.

I am a little bit concerned about the final report, too, because I rather favoured the first one. I thought the first report was quite a good report and I thought that the conclusions in it and the recommendations in it were very positive, because it said 'to monitor'. In the latest report it is also saying 'monitor'. It says in the first 'for a phased construction'. That is where it changes the present one, because it then goes into a Bill to provide powers for. . . What I did like about the first report, though, it was very constructive and it also gave an idea of costs as to what it would cost for the whole of that coast between Glen Wyllin and Glen Balkira to be remedied but also per metre as well.

I think we should be running with this report. If I had been a little bit brighter and more bushy-tailed this afternoon I probably would have anticipated moving another amendment, but I am a bit tired, as I believe we all are. But I would have prepared to possibly have moved another amendment that the recommendations as contained within this report be approved by Tynwald because then I think we would have something to work on, but then I appreciate that, having looked at it closer, the department's legal advisers have probably suggested 'Well, hang on; if you are going to do remedial action here on this coast it could impact upon someone's else's property further down the coast' - possibly because we already know that the Island is changing shape and things are shifting us towards the Point, and so therefore someone who is not presently affected could claim possibly that they are going to be affected or that they are being affected if we put remedial works in now and, 10 years down the line, there is a fast erosion process happening somewhere else.

So I appreciate and can understand the rationale behind the idea of putting in legislation to protect or to cover or to give government a buffer. I think that is perfectly reasonable, but I do not think that we should not go ahead and do something in the absence of legislation at this moment in time; I think the two could run in tandem.

The latest report talks about primary legislation. We could get that through quite quickly. But the way things generally work at this time of the legislative term, it probably will not go through quickly and it will not be until the next House that it will be properly considered, and so we are talking of, let us be realistic, possibly a year to 18 months off before we could have in place primary legislation. Then, of course, there would be the regulations and everything to put in that, and in the meantime the clock is ticking away, people are becoming more anxious, and rightly so, and obviously the member representing the area is equally becoming as anxious as his constituents because, let us face it, the issue of coastal erosion on this section of the Island is not a new thing. It has come forward before and the hon. member for Michael has raised it time and time before.

So it gives me a dilemma, because on the one hand I recognise we need the legislation, and I do not see any reason why we should not be pursuing that anyway irrespective of whether this report is adopted here today or not; on the other hand we have the amendment which is saying we should just receive this latest report and we will look again in six months' time. I suppose there is rationale in that. Apart from looking again, there could be a fresh approach, perhaps, to introduce the recommendations contained within this original report.

So I would urge the department to crack on with the legislation, and when I say 'the department' I mean the Department of Transport, because I think it will really cloud the issue at this juncture if we are facing all sorts of different responsibilities being transferred from one to another and, to be quite frank with you, I think DoLGE have got enough on their hands at the moment with the housing crisis and the problem of waste management because, my word, they are in for some problems on that front, and then to put this on top of the pile - I am sorry, if that happens and members support the motion on the agenda today, then you will find coastal erosion, I am afraid, will sink to the bottom of the pile because there are other pressing priorities like waste management and, in particular, housing. So, having said all of that, I urge hon. members to actually support the amendment, because I think it is the only reasonable and sensible way out at this juncture. Thank you. *(Mrs Crowe interjecting)*

The President: Mrs Hannan.

Mrs Hannan: Thank you, Eaghtyrane. I am really surprised that members are seeking to support Mr Speaker's amendment -

A Member: Absolutely.

Mrs Hannan: - because it says that this report should be received, therefore no action would be taken. This report quite clearly spells out - it is a government report. Government have said where the responsibility should go and the responsibility should be with, as the minister has said, the Department for the Environment, and members are saying they do not like government deciding where work should be apportioned. It quite clearly says in this report that it should be the Department of Local Government and the Environment.

Now, this report came about after the first report that has been mentioned, not to say that it would not be done but how it would be done, and this report quite clearly has consulted with a number of agencies to see how it should be carried out, the very protection that Mr Speaker is talking about and some of the other members are talking about - how it can be done. All these issues which have to be addressed by very many people commenting not to the Department of Transport but to the consultants appointed by the Department of Transport: Manx National Heritage, the Department of Agriculture, Fisheries and Forestry, the Centre for Manx Studies, the Manx Wildlife Trust, the Manx Bird Atlas, Michael Commissioners and then we go on about how you would haul the material and where you would get the material from and, within all of this consultation, they have commented on the change in the environment that would occur if this was carried out. These are just comments but it would affect people's land and it would mean that to do it we could not do it tomorrow because we would have to have planning and we would have to have an environmental impact study. Now, that is what my understanding is, but the government has decided who should be doing that. It is not removing a responsibility from any department; it is giving a responsibility which does not exist now. I think the member for Douglas East said 'technology for ever and a day' but it allows the technology to measure; it allows someone to go out and to measure and quantify what is happening in this area.

Mrs Crowe: Yes.

Mrs Hannan: We all know from seeing that report that the only person that had started reporting on this issue was a vicar because he had been asked to write about his parish about 150 years ago. That is all that we have to go on.

The consultation to put this report together is, I think, good. The report here says how it can be done, but before we get to that stage we have got to recognise that people have responsibilities and they also, I would expect, place a responsibility on government to be responsible, and we would not, unless we have got the legislation to protect everyone, even if it meant purchasing their properties, which we might have to do instead of putting up a revetment -

A Member: Hear, hear.

Mrs Crowe: Exactly.

Mrs Hannan: - whatever is the case. As the member for Onchan has said, the houses at Jurby are threatened prior to any houses at Michael being threatened, and I wonder why the same constituency . . . it is Michael that is wanting the protection and Jurby - they are obviously going to be set adrift. I would hope that after all the work that has gone into this, which is a comprehensive document along with the others, I accept, but it spells out the need for legislation, the need for environmental assessment and you cannot just blow up Stoney Mountain and remove it there and be satisfied that it is going to stop coastal erosion, as the member for Rushen has stated in her comments.

We have had erosion in Peel this last week. It is not right on the shore but it is on the brooghs, and other places have also had - up the Glen Rushen Road, Glen Maye. We can go on. There are these places that are affected. We have never opened the Glen Rushen Road. But I really think that this report should be approved and we should get on with the job of monitoring for the moment.

The President: The minister to reply.

Mr Brown: Yes, thank you, Mr President. Before I go into the real details of what hon. members have said, I would like to make one thing absolutely clear so there is no misunderstanding from anybody in this hon. Court, and that is that I and my department have fully complied with every resolution made by Tynwald on this issue. Tynwald has determined what we should do and we have followed that to the letter. The point that different reports said different things - at the end of the day, by amendment or whatever, we as the Department of Transport have complied fully with decisions made by Tynwald Court since April 1999.

Now, in trying to respond to the points that have been raised by members, members have to realise that this is a very complex issue. When this issue came to us my department - well, certainly since I have been there - had had no input or no consideration at all on the coastal lands of the Isle of Man and especially on the eastern coast from Kirk Michael up through, and there is a reason for that: we do not have a responsibility for it. Not one department of government has responsibility for land that is not in government ownership. We have had it again mentioned, 'Oh, well, down south they did this on Shore Road.' That was public property. We have a duty as a department to protect public property, but private property is a different issue and that is why we come back to the point that if the Department of Transport or the DoLGE or DAFF or any other department does any work that impacts on somebody else's property there is a potential liability if anything happens. Whether we like that or not, that is right, and the individual can and may go to court for damages. Hence why a vital part of this issue, if we are going to do anything, is that first we have legislation in place to protect government. That is not just us, that is the taxpayer. Government is the taxpayer, and

in this situation we are not talking about £50 here or £100 there or £1,000 here, we are potentially talking of millions of pounds of claims that could go against government if we do something that subsequently affects somebody's else's property. So, please, hon. members, put this into context.

Now, the hon. member for Michael, Mr Speaker, is fighting his case - absolutely right. If I was the member for Michael I would be in there fighting the case the same. In my constituency there were two properties right up against the sea with the road behind them - this is before I was Minister for Transport - in danger of coastal erosion because of sea damage and I fought to try and get government to provide some sort of assistance to the two property owners to help protect the property, and the only reasons they could not get it was it was private property and the other one there was no public highway there. It cost those two constituents over quarter of a million pounds about eight years ago - not now, eight years ago - of their own money to protect their own property. So that is the situation, and the hon. member for South Douglas says 'Oh, they've got the money' -

Mr Duggan: I said it was lucky they had the money.

Mr Brown: Well, the problem is, one of them did not; they had to borrow the money to do it and of course eventually ended up selling the property, but the point I am making is, when it is private property the issue changes.

So we have not got an easy issue here before us; we have got a very complex issue. It would be very easy and I would be very popular if I came forward and said to everyone, 'Right, we have decided we are going to do it' because how easy it is for me to say we spend X, Y or Z to do what Mr Speaker wants - very easy. It is not a problem to me, because if I can persuade you all we can crack on tomorrow, but my responsibilities are far broader than that. I have to make sure that what we are doing is right; I have to ensure on behalf of us all - Tynwald Court, the government, the people of the Isle of Man - that what investment we are doing is right, that environmentally we do not destroy the area, and what are the implications of doing it?

Our people who have advised us, who are experts in it, and the gentleman who gave the presentation - I do not know about anyone else but I have to say I was impressed. He was not a fly-boy; he knew his stuff and he has told us, and he showed on the diagrams, what will happen if we just do a small section - because that is what we are talking about - of rock revetment in that area: over time the sea will go round it. If we do the rock revetment, 25 years' life before we have to start investing substantially to protect even further.

So one of the questions we have as a department is, if you are going to do a rock revetment in this area, not only is it where do you do it, it is when you do it? Mr Speaker said in the last report it says in 50 years' time it will be on the back door of the village. Rubbish! That report is if the erosion rate is three times its present and historical erosion rate, not today's rate. Today's rate is 0.7 of a metre. There is coastal erosion at a greater level happening up in Jurby. We have got six properties in Jurby which are vulnerable within 50 years and two in Kirk Michael. You tell me where we should be putting the rock revetment, because the village of Kirk Michael is not in danger for 150 to 200 years. This is not just us; the planners have said this; all the previous reports of modern times have said this. They have clearly identified it, and what we did as a department was actually get Posfords to reassess and check - and do not be

critical of historical data, because that is all we have got. If we get data today it is historical tomorrow, but that is all we have got. But the best available data to advise all of us - and it is all in this report for you to see; we have hidden nothing - is there, and it says the main population area of Kirk Michael, the residential area. . . and not, unfortunately, the odd one or two houses, and we all know the difficulties, we all can feel how it must be awful to live near the coast where it is eroding. I do not think any of us do not sympathise, but our job as government and as parliament is actually to take in the broader picture, and sometimes we have to make decisions that are not always seen as the most popular. We have to make the right decision, and the report provides that information for us. The village of Kirk Michael, if it becomes in danger from erosion, is unlikely to be affected for 150 to 200 years.

Now then, Mr Duggan said, 'Please, minister, if it's only going to cost £3.8 million, surely we can afford to do it?' This is not about money. Yes, it will cost money whatever we do if we do anything, but it is not about just money; it is about doing it at the right time in the right place and, more importantly, that whatever we do is effective.

The hon. member for East Douglas, Mrs Cannell, said, 'I heard the expert giving advice,' and she said, 'My ears pricked up because he said the coast can be remedied for life.' He did. And then he carried on and he said, as Mrs Cannell knows as she was there, and he said it a few times, as she says, 'If you are willing to pay, you can do anything at all. Anything is possible in engineering terms as long as you are willing to pay for it.' And then the question was - because it was asked at the seminar - 'How much will it cost to do from Kirk Michael the north coast?' And he said 'Well, based on this, that and the other, £40 to £50 million'. And the problem I have and the problem we have is if we start, where will we finish? And we need to know, we have a responsibility to know, what the implications are of what we are doing.

So let us not make it seem to be that we are just trying to fob it off. We are not trying to fob it off. When I started out on this - and the hon. member for Michael knows this as you all do - my view is quite clear: we should not be doing anything; it is nothing to do with us. It is private land. In looking at it and trying to understand the complexity of the issue and what we are faced with, and, as I said at the start of my presentation to members here today, for over 100 years Tynwald Court and governments have had one thing in common: they have said 'Do nothing. Do nothing that affects private land. Do nothing directly. We should keep away from it.' I am recommending here today a major change in policy on that from doing nothing to actually getting this matter managed properly and assessed properly so we know exactly what is happening to our coastlands and, if necessary, that government should take action to try and minimise or stop the effects of coastal erosion if we can.

Now, I have to say - and I am not going to go through everything because that would take a lot of time - we have tried to be as honest as we can on this. The report is comprehensive. It provides all the information you want. We have come up with what I believe to be honest recommendations. We have the commissioners at least acknowledging that the recommendations have some merit. They are not saying 'Receive the report', and let me say to hon. members, 'What on earth is the logic of receiving the report?' Mr Speaker says, supported by some members, 'Yes, let us receive it and let us see what happens in a year's time and let us see who is proven right.' Is that a responsible attitude for us to take? Goodness me! I will be happy, the Minister for DoLGE will be happy, because for a year we do not need to do anything, we can just sit back. Why waste a year? We know we need legislation if we are

ever going to do anything. We know that. We know we need to do something if we are ever going to take an involvement in coastal erosion. Why wait a year? So we can come back in a year and just say, 'Oh, another metre has gone, let us build a revetment'? We will be no further ahead because we still need to know the implications of it in detail; we will still need environmental assessment; we will still need to get planning permission and all the things that go with it, but we have done nothing for a year. Aren't we great? Absolute nonsense! I would have thought that Mr Speaker would have said, 'At least we're moving forward and I can fight my corner by trying to say let's get the legislation, let's try and get a way forward on this and let's try and find a way to see if it is correct to protect at this point.'

It is made clear in the report. It might be far more logical for government to buy the land and the property. In our report we make some quite important recommendations. We say we should actually legislate to stop development, not rely on local plans. It actually says, 'Residential development in these areas shall not happen because of the potential of coastal erosion,' because why let people build 50 yards from a coast that is going to erode and in the lifetime of the property it will fall in the sea? So they can come back and claim off us. These are all the issues that have to be examined.

The recommendations which members will see on pages 5 and 6 are important, and the first part of it is a recommendation that states, and I quote, 'To ensure that the problem of coastal erosion around the Island is properly addressed and that effective means to sympathetically manage and safeguard the Island's coastlines and river lands, and it is recommended. . .' and it goes on: legislation, DLGE and so on. I would have thought members would have said, 'Yes, this is a logical way forward. This is practical. This at least is taking us forward. We are not going to be firing from the hip. We are actually going to get down to think about how we deal with this issue,' and it is not just a Kirk Michael issue; it is a Jurby issue. It could be a south issue, it could be a west issue, because things can happen at different times, and what we are saying is for the first time in the history of Tynwald Court, 'Let's start to manage this properly. Let's not just sit back and say it is nothing to do with us. Let's at least know what we are doing,' because we are conscious of the potential of global warming. Interestingly our expert said, 'Well, global warming has always gone on. It is just the rate is increasing.' So what we have seen and what we saw on the video and the history bit we know about Kirk Michael area we already know is there.

So our report is to do something. Mr Speaker's amendment is to do nothing, and I cannot believe, after all the views that were put out in the first debate and the second debate by members, that they actually want to say, 'Let's sit back, government, and do nothing, and we will see next year and we will have another debate about it, another battle about it, and we might do something.' Where on earth does that logic get us? I have to say I was amazed.

Mr President, I do not think I can say anything more to help. I am just trying to be as honest and open to members as I can. We do have a problem; we do have a situation where we need to find a way forward. My department is criticised for saying we will assist the DLGE if Tynwald approves the support. We have equipment, we have a workforce who will be available if the DLGE want it - no different now on their properties: they come to us now, have a contract and we carry out the work for them, because they do not have that type of workforce. Some of this work, if it is going to be done, would be done by major firms because the work would be a scale too great for us to deal with, but the one thing is that government on

this issue - and it includes DoLGE, DAFF and ourselves - have already got a working party working on rivers and, as I say, we have to work together for the good of the Isle of Man. All I can say is, while I am minister of DoT I will certainly say we work together for the good of the Isle of Man.

I hope, Mr President, members will support the motion before them and reject the amendment, which takes us absolutely nowhere. I beg to move.

The President: Hon. members, the motion before the Court is that printed at 48 on your order paper, and to that we have the amendment as moved by Mr Speaker and circulated on your white paper. Those in favour of the amendment as moved by Mr Speaker. Those in favour please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Quine, Houghton, Henderson, Duggan, Mrs Cannell, Messrs Karran, Cannell and the Speaker - 8

Against: Messrs Gilbey, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Braidwood, Downie, Mrs Hannan, Messrs Corkill and Gelling - 12

The Speaker: Mr President, the amendment fails, 8 votes in favour and 12 votes against.

In the Council -

For: Mr Crowe - 1

Against: Mr Lowey, Dr Mann, Mr Radcliffe, Mrs Christian - 4

The President: Four votes cast against and 1 for in the Council. It fails to carry in the Council, so the amendment therefore, hon. members, is lost.

I put the motion as printed on the order paper. Those in favour please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Gilbey, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Houghton, Henderson, Duggan, Braidwood, Downie, Mrs Hannan, Messrs Karran, Corkill, Cannell, Gelling and the Speaker - 18

Against: Mr Quine and Mrs Cannell - 2

The Speaker: Mr President, the motion carries in the House of Keys, 18 votes in favour and 2 against, sir.

In the Council -

For: Messrs Lowey, Radcliffe, Mrs Christian and Mr Crowe - 4

Against: Dr Mann - 1

The President: With 4-1 in the Council, hon. members, the motion therefore carries.

Procedural

The President: Now, hon. members, four members have indicated to me earlier this afternoon that they are desirous of attending a departmental function this evening. I honestly believe that we can clear the agenda if we move smartly on with goodwill, and I understand from the hon. member, Mr Gilbey, that item 49 will not be moved this evening.

New Hospital and Crowe EPH Ltd — First Report of the Standing Committee on Expenditure and Public Accounts for 1999-2000 Received

The President: I go straight on to item 50 on the order paper and call on the chairman of the committee, Mr Quine.

Mr Quine: Thank you, Mr President, I beg to move:

That the first report of the Standing Committee on Expenditure and Public Accounts for 1999 - 2000 on the new hospital and Crowe EPH Ltd be received; and that the adoption of the option identified at paragraph 4.1(d) of the report be approved.

The Public Accounts Committee has been monitoring progress and expenditure in relation to the new hospital at Ballamona for some considerable time. In March 2000 a specific investigation was launched into the awarding of a contract to Crowe EPH in respect of the new hospital and the subsequent failure of that company to fulfil its contractual obligations. A considerable volume of documentary evidence has been collected and collated and more, of course, remains to be obtained. Preliminary arrangements have been made to take oral evidence, but arising out of the study of the documentation a number of legal issues have arisen of which legal advice has been obtained.

This legal advice and the problems to which it relates is set out in paragraph 3 of the report, sir. There is no need for me to expand on it at this stage, at least. In the light of this advice the committee has identified three options which would permit an investigation of the Crowe EPH Ltd affair. The fourth option, so called, not to carry out an investigation, I think, can be set aside.

It is certainly open to the committee to proceed with an investigation forthwith, brushing aside the possibility of such action working against the interest of parties contemplating future litigation. However, to do so in the absence of an early inquiry being required in the public interest could be viewed as being unreasonable. Again, as intimated in the report, an investigation at this stage would at best be a partial investigation. Such a report would be of limited value and carry little credibility in this hon. Court or, perhaps equally important, with the general public. We have considered the possibilities of investigating selected aspects, but it is impractical to draw parameters in this fashion. Evidence in camera, of course, would have little credibility.

Our proposed course of action is set out at 4.2. However, recognising that we are the servants of this hon. Court we have felt it prudent to acquaint hon. members of our intended course of action. It is, of course, open to any hon. member to amend this motion and direct this committee to pursue an alternative course of action to that proposed in this report. I beg to move, sir.

Mr Duggan: I beg to second, sir.

The President: The hon. member, Mrs Cannell.

Mrs Cannell: Thank you, Mr President. To say I am disappointed would be putting it mildly, with this particular report and the situation. I appreciate what the hon. member has just said in that it must be quite a conundrum to have looked into this and probably litigation and threatening litigation and writs flying right, left and centre, but nevertheless it is in the public interest that this particular situation is resolved and explanations are forthcoming as to what has happened to public expenditure, because there has been a great deal of public expenditure in the hospital project and there will still be considerable public expenditure. Already, members of the public are saying to me, 'Oh, this is a whitewash. This is going to be pigeon-holed. This is going to be put under the carpet. The same happened with the Gaiety Theatre.' All I am saying is what the public are saying outside.

I am looking at 3 in respect of the problems with proceedings with the inquiry at this particular stage. It is full of 'probables' and 'maybes' and I would like to know by the hon. mover whether there is anything further substantive than 'maybe' or 'probable'. And is there really litigation ready to go, or has anything been filed in the courts?

It is suggested in 3.3 that, given the probability of litigation, vital evidence may not be forthcoming. Now, I have to assume that the subcommittee consider that evidence to be vital. Of course, in the absence of not knowing what the vital element is I cannot pass judgement on it. And then it goes on to say '... and that this would be, in particular, from witnesses from off-Island. Well, I would have thought that if this subcommittee was running now and taking oral evidence in public now it would be in the interest of witnesses off-Island to clear their name, to want to give evidence, but of course if they do not, then surely that would be on their own head. I think we have a duty to our people here and our businesses here and the people that have lost money through this situation here.

In 3.4(d) it says: 'The legal advisers of at least one witness has expressed concern.' Now, I appreciate the explanation of that concern, because the person may not be able to claim legal professional privilege in subsequent legal proceedings of which he has been a party, but how long do we expect that situation to prevail for? It is not clear within this report, save to say that it is saying it will be reconstituted after the general election, but there is no other direction than that. It goes on, 3.4(e) on page 4: 'might prejudice a witness.' So are we talking about the non-disclosure or moving forward? Is this all based on the protection of a witness? Are we talking about one person here? And if we are talking about one person, may I enquire if it is a local person or if it is a person from off-Island? I do not want to know any more than that, but I would like to know if it is local or someone from off-Island? In (f) it says: 'In any event some of those likely to be called as witnesses would, in contemplation of future litigation, be so circumspect in their evidence the prospect of undertaking a fully satisfactory inquiry at this stage is extremely doubtful.' I would ask, at what stage will it not be the case explained in (f)? At what stage will it be appropriate to really get to grips with this situation and air the whole thing in public?

In 3.5 it says: 'The latter criticism could be deflected if it could be shown that an urgent inquiry was necessitated in the public interest.' Well, I suppose the creditors of the financial collapse of Crowe EPH would consider an urgent inquiry and were hoping that the subcommittee would have been doing just that, and I think were hoping that oral evidence would have been called for before now and so it is a disappointment. In 4.2, in the middle of the paragraph, it says: 'In the absence of evidence dictating that an immediate inquiry is

essential in the public interest, the subcommittee propose to delay this inquiry.' Would the hon. mover explain what sort of evidence he was hoping to get that he had not had? What would have been sufficient evidence to continue?

Finally, I would just like to say that I am disappointed. As a consequence of this particular situation I lost my job in the Department of Trade and Industry, the job that I enjoyed and I felt was working hard and well at. I want to state for the record that in my capacity with responsibility for construction matters whilst all of this happened, I do not believe I was naive in the job that I undertook. I think it is important for the record to state that. I think it is also important for the record to state that I am fully aware of the events up to, during and after the financial collapse of Crowe EPH from the local construction workers, but of course whether that can be validated remains to be seen now, because this report is saying we are not going to look at it until after the general election, when we could have a whole new House of members in here who may have no desire whatsoever to pick this up and run with it, and that to my mind is a very big disappointment.

The President: The hon. member, Mr Karran.

Mr Karran: Eaghtyrane, I have to say that I am glad to see that common sense has prevailed. I believe that the mover of the motion - it must have broken his heart to have to be party to this thing. I can assure the hon. member, I picked up this albatross when it went around this chamber three times and, as far as I am concerned, if I stand and I am elected I want a full post mortem as far as the new hospital is concerned.

We have mentioned the Gaiety; I do not want a situation where we have the antics of the floor of the Gaiety as far as it is concerned. The Public Accounts Committee have allowed themselves to demean themselves into a situation where they are running around like headless chickens, the very, very same thing that the establishment does to any of us that cannot be bought off - give them plenty of work, keep them working, so they have not got time. I am glad to see that we have not gone down the road of this Public Accounts Committee doing this now, but I can assure the hon. member, if I am back, because there are many lessons that need to be learned as far as the new hospital is concerned, many lessons, and I have not joined the new religion as far as the new hospital is concerned. There are lots of things that are wasted, but unfortunately the situation is it was signed up before the last general election and I am afraid it is like being on one of Blackpool's big dippers: there is very little you can do once you are on the journey. *(Laughter and interjections)* What you can do and we have done - and we have had some ructions within the department as far as this is concerned - is not to allow them to tickle you under the chin, be prepared to ask the most obvious questions because what they try to do . . . and I believe that the Public Accounts Committee have come back to a bit of sanity as far as this is concerned, but I can assure the hon. member, if I am back I want to see a full post mortem, because what concerns me is the fact that I have actually heard that certain members of the Council of Ministers have wanted to use the very same structure for other works of government that fortunately we have managed to stop from happening. The situation is that I believe that the Public Accounts Committee has done the right thing, because if it had not done it they would have been purely playacting as far as this is concerned in my opinion, and I have nothing to hide as far as the new hospital is concerned as the member for Health; I want the lessons to be learned, but if we have the situation where the Public Accounts Committee has been there and we have not seen the

problems and they have not seen the problems, then the situation will be the very thing the hon. member for East Douglas is saying will happen, because what will happen is there will be six of us in this, or seven with the minister, that have not seen these problems as they have arrived and there will be more cause for a future Public Accounts Committee and a future Tynwald to hide the mistakes of the new hospital, and I think that is wrong. I think it is actually a day for a bit of common sense as far as this report is concerned.

The President: The chairman to reply.

Mr Quine: Thank you, sir. First of all, somewhat as an aside here, I fully sympathise with Mrs Cannell in relation to the circumstances of her removal from the department, but that is not the issue, really, that I have got to address; I know Mrs Cannell understands that.

As Mr Karran has said, I do not think there is any lack of resolve on the part of myself or the other members who are committed to this task to do what we were asked to do. That is not the issue, but it is a fact that when you act as part of a parliamentary committee you have to assume certain responsibilities and recognise certain principles which you must apply, otherwise the whole process will be brought into disrepute, (**A Member:** Hear, hear.) and that is what we have tried to do. Certainly there are particular cases where one is not comfortable with some of the decisions that you have to take or at least some of the recommendations that you have to make, and I think it is a matter of record, as has been intimated, that I am not particularly comfortable with the position that has evolved in this particular situation, but at the end of the day - and I have been long enough around the law to understand this - you have to look at the law, look at the interpretation, get your legal advice, relate that to the circumstances or the evidence, as we would say, and be as objective as you can in coming to a conclusion and making a recommendation, and that is what we have sought to do as a committee in this particular circumstance. It is not a comfortable situation. And recognising the significance of this matter in the eyes of many members of this hon. Court, that is why we chose to come by way of this interim report, so members can see the point that has been reached, can have an understanding of the situation with which we are confronted, and we have not come here asking for you to tell us what to do; we are telling this hon. Court what we propose to do, but it is open, of course, by way of the nature of the motion, if someone is unhappy with it, to tell us to do differently. It is an opportunity we are providing to this hon. Court.

Turning now, if I may, to the actual comments themselves, certainly it was in the minds of the committee when we were debating this that in not proceeding at this point in time there is that risk outside that people will point the finger at the Public Accounts Committee and say, 'Ah, we told you so, you are not going to go to the bottom of this. It is a whitewash,' as Mrs Cannell said. That was certainly a matter that went through our minds and it is a matter, though, when you look at it from an objective point of view you have to put aside, because that is somewhat subjective, should we say.

Mr Cannell: You are getting soft.

Mr Quine: I am getting soft in my old age, they say, sir. Well, I can accept that. I am really very kind-hearted, there is no other way to describe me! (*Laughter and interjection*)

Moving on to the other points that Mrs Cannell has raised, the question of probable litigation and how probable is that litigation? Well, all I can say is that in seeking evidence, at this stage, of course, oral evidence, the point has been made to us by more than one party

that either it is their intention to go for litigation - and I think the best example of that as a matter of public record, of course, is the liquidator himself, who has said publicly that he has an intention to pursue that course - but others have said to us that they are expecting litigation either in terms of the action that they propose to take at some point in time or in relation to action which others may take against them. So I think it is quite right to say that that is probable; indeed, I think perhaps one could say highly probable.

Off-Island witnesses? Well, I think this is very important because there is a significant part of the evidence which is not to come from persons resident on this Island. We do not have jurisdiction over those persons here on the Island and therefore, if we are going to get evidence from them, it has got to be in circumstances where they are not going to put themselves in a position where they are going to incriminate themselves, and that means that it has got to be further along the line in relation to the execution of the contracts, at least, which they are currently committed to.

A legal professional privilege - the words 'one witness' are used there, as you pointed out, Mrs Cannell, but that was not intended to be specific to one person; that is talking about witness generally. It was not specific to any one person.

At what stage do we anticipate that it would be prudent for this select committee to proceed further with the investigation? I honestly do not have an answer to that. Looking at these matters with a certain amount of experience of similar investigations - after all, I have done some 10 years on the PAC - I would say that the earliest possibility is firstly when the contracts in relation to the hospital have been let, because they are interest inherent in getting those contracts signed and sealed, and then, in relation to some witnesses, the execution of those contracts. Now, what we are saying is that that period of time is not going to come up during the lifetime of this House, and we are suggesting that it will be for the next House to review that situation and look at that and determine when it would be prudent to proceed with this investigation.

I am not quite sure about Mr Karran's point about the Public Accounts Committee running round like a headless chicken. I think what he is suggesting that the Public Accounts Committee pick up investigative matters and start running with them without, perhaps, careful deliberation before they set out on the course of these investigations. I can assure him that that is not the case. There is always careful consideration given by the committee as to which investigations they are going to pursue and, having regard to the information available to them at that time, whether or not it is probable that they can do a proper investigation, but of course we do not live in a perfect world, we do not always have all this information, and there has to be an element, I suppose, of 'best guess' attached to some of those decisions, but we only have limited resources within the PAC, although we do work, as you are all aware, on a subcommittee basis and therefore we can spread our resources and cover more ground, but we do have to be discerning and there was no question of this being picked up and run with without due consideration to the importance of this investigation vis-à-vis all the other areas which could and, perhaps some would say, should be investigated by the Public Accounts Committee.

So I can quite understand the hon. member for East Douglas's disappointment, sir, I can quite understand that, particularly having regard to the backdrop to it in relation to the hon. member. All I can say to her is that we as a committee have looked at this as objectively as we

possibly could and, having regard to the broader public interest, this is the conclusion we have reached. We believe that is right, we do not believe the public interest is going to be sold short because this is going to be delayed, because, as we have said already, the Public Accounts Committee as a whole are also looking and keeping an overview on the progression of the hospital contract through the aid of a professional adviser, so it is not as if we are standing back completely from it; that is ongoing. This was a specific aspect of it which we undertook to investigate, so I do understand Mrs Cannell's position. I apologise for the disappointment that this may have brought to her and I understand that. On the other hand I trust the hon. Court will appreciate how we have arrived at this conclusion and why we propose to follow this course of action. I beg to move, sir.

The President: The motion, hon. members, is printed at item 50 on your order paper. Will those in favour please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Gilbey, Quine, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Duggan, Braidwood, Downie, Mrs Hannan, Messrs Bell, Karran, Corkill, Cannell, Gelling and the Speaker - 18

Against: Mrs Cannell - 1

The Speaker: Mr President, the motion carries in the House of Keys, 18 votes in favour and 1 vote against.

In the Council -

For: Mr Lowey, Dr Mann, Mr Radcliffe, Mrs Christian and Mr Crowe - 5

Against: None

The President: Five votes for, none against in the Council, hon. members; the motion therefore carries.

Petition for Redress of Grievance of Anne Elizabeth Saria Jill Pilling — Select Committee Appointed

The President: Now then, hon. members, I am aware of the position which we appear to be in, but it seems to me that I have simply the two petition items with which to crack on and a very short supplementary agenda. I honestly think that we can see it off within a quarter of an hour.

Members: Yes.

Mrs Crowe: Wishful thinking, sir!

The President: I call upon Sir Miles Walker.

Sir Miles Walker: Yes, thank you, Mr President. I beg to move:

That, following the presentation of a petition for redress presented by Anne Elizabeth Saria Jill Pilling at Tynwald assembled at St John's on 5th July 2000, a select committee of three members be appointed to consider:

- (i) *the circumstances surrounding the failure to make an audio recording of the High Court action between Mrs Pilling and the Department of Local Government and the Environment before Acting Deemster Michael Shorrocks QC on 16th July 1998; and*
- (ii) *the application of the standardised procedure for complaints against departments of the Isle of Man Government and statutory boards in respect of complaints allegedly made by Mrs Pilling between 1991 and 1993, and her complaint of the failure to record the 1998 court action;*

and report.

Mr President, hon. members, it is not my intention to argue in favour of or against the contents of the petition of Mrs Pilling save to say that it is clear from them that a strong sense of injustice is apparent, and again I am not going to express an opinion as to whether that sense of injustice is well placed or not. That is a matter, in my view, for a select committee to consider and report on, and I do hope that Tynwald Court will agree to this request. The Standing Orders Committee of Tynwald did lay a report before this hon. Court commenting on the petitions that had been presented on July 5th and found this petition in favour, although we did comment that standing order 6.11(c) was germane to it, and in it it says that a petition contains no reference to any matter capable of adjudication upon by the High Court or any tribunal or arbitration unless the petition shows in the particular circumstances it is not reasonable to expect the petitioner to resort or to have resorted to such remedy. So there is an appeal for that part of the petition, and in writing this resolution I took those comments into account and permitted reference to the High Court proceedings that are referred to in the petition.

I understand from Mrs Pilling that some time ago, prior to July 5th, members of this hon. Court were circulated with a bundle of papers and letters like this, which set out in a chronological order the issues that are of concern to the petitioners. I would just like to make it clear that the petitioners used to live in Colby and I have had social contact with them over many years, and also, since being a member of the Treasury Department, I have had a link role between that department and the General Registry. That is one of the reasons I would like the issues that are contained in this petition cleared up, and I ask this hon. Court to agree to a committee of three members being set up to look at this petition and report in due course, sir. I beg to move the resolution.

The President: The hon. member, Mrs Crowe.

Mrs Crowe: I beg to second, Mr President.

The President: The motion, hon. members, is that we set up a select committee of three members to deal with the item printed at item 51 on your order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Nominations, then, hon. members.

Mr Downie: I would like to nominate the hon. member for Rushen, Sir Miles Walker.

Mr Corkill: I beg to second, Mr President.

Mr Lowey: I would like to propose the hon. member for Peel, Mrs Hannan.

Mr Gelling: I will second that, Mr President.

Mrs Hannan: Can I propose Dr Mann?

Mr Quine: I am pleased to second, sir.

The President: We have the three proposals, hon. members. Are you content at that?

Mr Duggan: I move it be closed, sir.

Mr North: I propose Mr Radcliffe.

Mr Gilbey: I beg to second.

Mr Corkill: Can I propose the hon. member, Mr Singer, please?

Mr Downie: I will second that, Mr President.

The President: We have the five members now proposed, hon. members, according to myself, and I am sure the Clerk will make it perfectly plain. Could we have the voting papers distributed then, please? When you have got your voting papers, names will be called.

The Clerk: Mr President, hon. members, the members who have been nominated and seconded for the committee are: in the Council, Dr Mann and Mr Radcliffe, and in the Keys, Mrs Hannan, Mr Singer and Sir Miles Walker.

The President: Mr Lowey act as teller for Council.

The Speaker: Mr Cannell act as teller for the House of Keys.

A ballot took place.

The President: Hon. members, the result of the voting: Dr Mann, 10; Mr Radcliffe, 16; Mrs Hannan, 8; Mr Singer, 12; and Sir Miles Walker, 17. So the committee will consist of Mr Radcliffe, Mr Singer and Sir Miles.

Petition for Redress of Grievance of Albert Edward Ansfield and Geoffrey Sheard Sanders — Select Committee Appointed

The President: We go on, then, hon. members, to item 52 on the order paper and I call upon the hon. member for Ayre.

Mr Quine: Thank you, sir. I beg to move:

That Tynwald appoint a select committee of three members to consider and report on the Petition for Redress of Grievance of Albert Edward Ansfield and Geoffrey Sheard Sanders representing the Carrick Park Residents' Association at Tynwald assembled at St John's on Tynwald Day 2000.

I will follow the example of Sir Miles, the hon. member for Rushen, and keep this as short as I can. First of all may I say that this petition for Redress of Grievance has been found acceptable by the standing orders committee.

The petition has its origin in severe flooding which took place in the Sulby area on 24th-25th October 1998. The flooding was not particular to the Sulby River, but this was unquestionably the area worst affected. Some 30 properties in the Carrick Park area and the Mill Race area were badly flooded, as were other properties in that area. The petition has been submitted by the Carrick Park Residents' Association in the name of the two gentlemen

named in the motion. They have done so having called without success for Government to commission an independent investigation.

The DoT published a report into the Island floodings of that date, of 24th-25th October 1998, but the account of the events and certain findings are strongly contested by the persons of these two areas.

The prayer contained in the petition requests Tynwald to establish a select committee to examine and report on the severe flooding which took place in the Sulby area on the dates in question with particular regard to the events and the circumstances impacting on the overflowing of the Sulby River and the flooding of dwellings in the Carrick Park and the Mill Race areas.

It also asks the select committee to make recommendations to enhance government policy structure and procedures to prevent a recurrence of such flooding. The importance of this in relation to the future transactions involving properties in this area is obvious. Finally the petition asks the select committee to evaluate the Drainage Act 1934 and other relevant legislation to determine its adequacy in relation to present-day needs. I beg to move, sir.

The President: The hon. member for Onchan, Mr Karran.

Mr Karran: I beg to second and reserve my remarks.

The President: The hon. member for Onchan, Mr Cannell, do you wish to speak?

Mr Cannell: No, sir, I was just saying sorry for missing my call as a teller. *(Laughter)*

Mr Downie: They will put you on this committee, it's all right.

The President: Hon. members, the motion, then, before this Court is that printed at 52 on your order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Again now, hon. members, you are required for a select committee of three members. Nominations, please.

Mr North: I propose Mr Waft.

Mr Gilbey: I beg to second.

Mr Crowe: I propose Mr Quine.

Mrs Cannell: I would like to propose the hon. member for Ayre, Mr Quine.

Mr Duggan: I would second that, sir.

Mr Downie: I propose Mr Rimington.

Mrs Crowe: As it is so closely connected with global warming I will second Mr Rimington.

Mr Rodan: I propose Mr Shimmin, sir.

Mrs Christian: May I propose the hon. member, Mr Shimmin?

Mr Gilbey: I beg to second.

The President: Now could we just take it steady? I think Mr Shimmin was proposed by Mr Rodan and I will take it the seconding was by Mrs Christian. Yes?

Mr Radcliffe: I propose that nominations be closed, Mr President.

Members: Agreed.

Mr Quine: I was going to propose Mr Cannell, if somebody would second.

Dr Mann: I will second that.

Mr Crowe: And I propose Mr Karran.

Mr Karran: I am the chairman of the water. . .

Mrs Crowe: No, he has too much to do. I will second Mr Cannell. (*Interjection*)

Mr Duggan: He's the culprit, Peter Karran!

The President: Hon. members, if you would, I think we will again. . . According to me I have five. If there is any query let us make it plain. I have Waft, Quine, Rimington, Shimmin and Cannell.

Mrs Hannan: Could I propose Sir Miles Walker?

Mr Brown: I will second that.

The President: Right, okay, can we have the ballot papers distributed?

Mrs Crowe: Could you read the nominations - sorry, Mr President.

The President: Yes, once you have had your ballot papers distributed the names will be read out.

Mrs Crowe: Thank you.

The Clerk: Mr President, hon. members, the members proposed and seconded are: in the Council, Mr Waft, and in the Keys, Mr Cannell, Mr Quine, Mr Rimington, Mr Shimmin and Sir Miles Walker.

The President: Hon. members, when your ballot papers are collected Mr Lowey will again act as teller for the Council.

The Speaker: Mr Cannell will act again as -

Mr Cannell: No, I am nominated.

The Speaker: Oh, sorry, I beg your pardon, Mr Corkill.

A ballot took place.

The President: Hon. members, please! The result of the ballot: Mr Waft received 17 votes, Mr Cannell, 8; Mr Quine, 8; Mr Rimington, 17; Mr Shimmin, 14; and Sir Miles, 5. So those elected are Mr Waft, Mr Rimington and Mr Shimmin. Now, hon. members, that means that our committee has been formed for item 52.

Supplementary Order Paper — Paper Laid before the Court

The President: We just remain, then, with the supplementary order paper and I call upon the Minister for Home Affairs.

Mr Bell: Thank you, Mr President. Just very briefly to hon. members, they will be aware of our concern to hasten the Protection from Harassment Act through as quickly as possible and to that end, Mr President, now it has received Royal Assent, I beg to move:

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

Mr Duggan: I beg to second, sir.

The President: The motion, hon. members, is that printed at number 1 on your supplementary order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it. The Clerk of the House.

The Clerk: I lay before the Court:

Protection from Harassment Act 2000 (Appointed Day) Order 2000 [SD No 623/00]

The President: Well, hon. members, that concludes the business before Tynwald Court for this month. Thank you very much for your attendance to duty in getting through a long agenda again today. (**Members:** Hear, hear.)

Apologies for Absence

The President: I am remiss insofar as I did not give the apologies of Mr Shimmin, who, as you appreciate, was not on good form on the other two days and is unable to attend today, so I did not give his apologies at the start of the day and I am remiss for that.

The Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker will place before them.

The Council withdrew.

House of Keys

The Speaker: Hon. members of the House of Keys, the House stands adjourned to a sitting in its own chamber on Tuesday next, 24th October at 10 a.m. Thank you, hon. members.

The House adjourned at 7.11 p.m.