

**REPORT OF PROCEEDINGS OF  
HOUSE OF KEYS  
(LEGISLATION AND OTHER MATTERS)**

**Douglas, Tuesday, 22nd January 2002  
at 10.00 a.m.**

Present:

The Speaker (the Hon J A Brown) (Castletown); Mr D M Anderson (Glenfaba); Hon A R Bell and Mr L I Singer (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon S C Rodan (Garff); Hon R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle); Messrs J R Houghton and R W Henderson (Douglas North); Mr A C Duggan (Douglas South); Hon R P Braidwood and Mrs B J Cannell (Douglas East); Hon A F Downie and Hon J P Shimmin (Douglas West); Mr D J Gelling (Malew and Santon); Hon J Rimington, Mr Q B Gill and Hon Mrs P M Crowe (Rushen); with Mr M Cornwell-Kelly, Secretary of the House.

*The Speaker took the prayers.*

**Chaplain of the House — Good Wishes for Recovery**

**The Speaker:** Hon. members, I have to report the Chaplain is unfortunately not able to be with us this week due to illness. Hopefully he will be back in the not-too-distant future and I am sure our good wishes go out to him for a speedy recovery.

**Members:** Hear, hear.

**Leave of Absence**

**The Speaker:** I have leave of absence that has been granted to Mr Karran, the hon. member for Onchan, Mr Cretney, the hon. member for South Douglas, and the hon. member for Onchan, Mr Earnshaw, has leave of absence for later on this morning to attend a funeral.

**Fireworks — Bill to Control Sale and Use — Leave to Introduce Given**

Item 21. Mr Downie to move:

*That leave be given to introduce a Bill to control the sale and use of fireworks.*

**The Speaker:** I call the hon. member for Douglas West, Mr Downie.

**Mr Downie:** Hon. members, in getting to my feet this morning, I am really seeking leave to introduce a Bill, the purpose of which is to bring about a system which would effectively control the sale and use of fireworks, and I want to say at the outset that in seeking leave of the House today I put firmly down on record I do not wish to be a killjoy; the legislation must, however, provide a balanced framework which is easily understood by the retail sector who supply and sell fireworks and to the general public, who must accept they have to behave responsibly, particularly late at night or where there are elderly neighbours or people with domestic pets or farm animals in close proximity.

It is interesting, hon. members, in putting together the background information and the little bit of work I have done prior to seeking leave in the House today, to see that in a number of other countries there has been a severe decline in social behaviour and a significant increase in complaints to the police and subsequent damage to property caused by the irresponsible use of fireworks.

Now, I do not believe it is fair to allow the present, apparently uncontrolled, situation regarding the use and sale of fireworks to continue in this manner. There is, sadly, a new generation of fireworks which are much more powerful and dangerous than those manufactured previously and they are capable of producing chemical fires which burn at

extremely high temperatures and are therefore much more dangerous to property - if a rocket lands on a property and it is still lit, or if a young person is unfortunate enough to have fireworks go off in their pocket or about their person, or somebody approaches one that has not gone off properly and then is caught. Some are also so loud that they do set off intruder alarms, and I am advised by the police that a number of calls that they have had are when people have set off fireworks late at night in the commercial district of the town and a number of alarms have gone off and key-holders have to be called out, and this is seen as quite a joke now with the young boys in the town who want to go out and have a bit of fun late at night.

As far as I am concerned, it is just providing more unnecessary work for the police, damage to property, and I have with me today some evidence that has been provided by the police, quite an extensive file of some of the many hours of police time and energy that have been taken up investigating incidents involving the indiscriminate use of fireworks. This last year, 2001, the dealt with over 114 incidents where statements had to be taken, there had to be follow-up calls made and these incidents started as far back as last April. So it is a regular occurrence now for the police force. Even in my own area, in west Douglas, I had somebody contact me on Sunday morning to tell me that their family was woken up by fireworks being let off at 1.15 in the morning.

I have also had discussions with the animal welfare organisations and the veterinary practices, who are continuing to see more and more people coming along to see if it is possible to provide tranquilisers or sedatives for people's animals and pets because they are continually being bothered by fireworks. They are particularly busy around bonfire night but we accept that, and if people know that there is a set period when you can let fireworks off - or perhaps New Year's Eve, for that matter - people can go to the vet and get a sedative for the dog or the cat, but I think it is totally unreasonable when people just at one or two o' clock in the morning decide to let go with the fireworks (**Members:** Hear, hear.)

Members may be interested to know that in the adjacent isle - and I mean Ireland north and south - there is a total fireworks ban in that country. Sales of fireworks in Ireland are prohibited to the public and only proper, controlled displays are permitted. I have had some provisional discussion with the retail sector of the Island with trading standards, with Ken Kinrade, and the police about the introduction of an effective, but what I would see as a common-sense, piece of legislation that will show us the way ahead. The Scottish Executive are also looking at greater control of fireworks. New Zealand, interesting - a lot of similarities with New Zealand and the type of culture to the Isle of Man; fireworks may be sold from 27th October but sales must cease from 5th November onwards, and thereafter any firework displays which take part in New Zealand have to be properly organised and approved and carried out by responsible people. And also in New Zealand, police and other officers appertaining to trading standards have powers to seize fireworks which are offered for sale or in public possession outside the period 27th October to 5th November and that is under their Hazardous Substances Act, which was approved in 1996.

Now, in the UK at the moment, on 8th January 2002, Barry Gardiner, MP, was given leave to introduce a private member's Bill which effectively is trying to do what I am attempting to do here in the Isle of Man.

One of the other areas I am concerned about is the letting off of fireworks in public places and on highways, and where in my opinion we should be trying to control that much more vigorously, what we should be able to try and do is to bring in a measure where, if people want a private fireworks party on their own property in their gardens, there should be a situation where they can apply for a permit which would require them to notify the neighbours, so we are not being totally draconian.

I am disappointed in that this last year the police realised that they had a problem, they met with a group of retailers and they did agree a voluntary code, which was to try and prohibit the sale of fireworks until after a certain date but, as the police have advised me - and I have the evidence to show - a number of fireworks offences were taking place and there was a major fireworks problem which took place on 16th October, so the code that was agreed just really went out of the window and, as the police say themselves, without any legal framework it just could not possibly be adhered to.

I have also had contact with one or two of the local authorities who have advised me that in some instances damage leading up to several thousand pounds has been borne by them because of indiscriminate use of fireworks. A number of public lavatories now are targeted where they do put a number of fireworks into the pan and they virtually blow the pan off the floor in the toilets. Peel was quite badly hit (*Laughter and interjections*) and I have photographs of public toilets in Peel which were absolutely destroyed -

**Mr Quine:** That's because there's more of it in Peel!

**Mr Downie:** Onchan Commissioners are in a similar situation and, hon. members, I do not want to go on and labour the point; all I am seeking today is your approval to go and do a bit more work, get a bit closer involved with trading standards, with the police, talk again to the retail sector and come up with some Bill which is a common-sense approach and one which will give us that level of protection we require, not only for people with pets and animals but the elderly and to prevent against what sadly is becoming a bigger and bigger antisocial problem and, in my view, needs to be dealt with in a much more effective manner. Thank you, Mr Speaker.

**The Speaker:** Hon. member for Rushen, Mrs Crowe.

**Mrs Crowe:** Thank you, Mr Speaker. I am delighted to second this private member's Bill to introduce perhaps a little more control over the sale and use of fireworks. I do not see retailers as irresponsible persons in this regard and I do think we will have some difficulty in legislating for the irresponsibility of some people, but I do wish the hon. member well and will be very interested to read the legislation when it comes to the House.

**The Speaker:** Hon. member for Douglas North, Mr Houghton.

**Mr Houghton:** Yes, thank you, Mr Speaker. I also rise in support of the hon. member for West Douglas. This has been a growing nuisance, we are all aware of that, and his case is clearly made this morning.

If I can comment in support of the former Chairman of the Office of Fair Trading, the office did look into an awful lot of aspects already to do with this and came up against one or two walls where we had extreme difficulties. However, I have no problem at all about revisiting these issues with the hon. member, to give him as much research support as indeed possible and, of course, just in the hope that there may be something that the office had overlooked in its extensive inquiries into this.

I do have to say, though, to a certain extent when we were talking about criminal damage to toilets and other public utilities et cetera, that is already dealt with. It is already criminal damage, so that damage has to be investigated and then of course those people can be brought to justice if it is investigated through to finding the perpetrators involved. A lot of these issues to do with fireworks, to do with the throwing fireworks in the street and all the rest of it, already are contrary to certain Acts of Tynwald at this time.

I was also concerned that, at the time that we were looking into all of this, the police, when they were replying back to the Office of Fair Trading for our inquiries, were trying to pass the buck on to us for us, the Office of Fair Trading to do the policing of this, when, as I say, most of these issues to do with the damage that they cause as well as the noise - we understand that - are

very much a police matter. The time that I spent in the Special Constabulary with noise et cetera - if you went and spoke to people in gardens and just had a firm but fair word on them and warned them of their conduct, that was enough to do it. But that, of course, was in the days when there were police officers out on patrol to do the job. I appreciate that.

I do support the hon. member for West Douglas in that he does not want to impose draconian powers et cetera, and of course we will all look at the legislation when that comes forward, but the legislation must be effective, therefore that is the reason why I would certainly advise the hon. member - I am sure I do not really need to - that he needs to take this right back to the grass-roots level and find out from all aspects of his dealing with selling fireworks. He needs to speak to shopkeepers, not necessarily always trader associations, that have managers who are aloof to what is actually happening in the actual shop. Also, when he is looking at all of these issues, needless to say, the Office of Fair Trading may play a part; we would give him that support if it was feasible so to do.

But the other issue that we must deal with - and it was a major issue of the Office of Fair Trading under consideration at the time - is that what we do not want to send this issue underground whereby fireworks are not purchasable on the Isle of Man, let us say, until 4th November and people start importing them from across, because unfortunately this is another issue that I will be looking at anyway in the office, but there is far too much importation of retail goods into the Island to the cost and the loss of our retailers on the Island here, but when you are going away and purchasing clothing, items of clothing and things like that, they are not dangerous; the dangers lie in the importation of fireworks, which of course are explosives, on the boat. If you bring a boot full of fireworks, if you are going to have a big firework party, and we have all seen there are many hundreds of pounds worth of fireworks exploding in the sky from single sites, so there is a lot of disposable money to be spent on this by people holding these parties. Now, if that is the case and they purchase those fireworks from retail premises in the UK, bring them across on the boat and there is a fire in that car or what have you, that could lead to very real dangers within the Isle of Man Steam Packet. Even worse, of course, if they are in the luggage hold of an aircraft, even worse scenarios. *(Interjection)* Well, I know you are not allowed to carry it, but who tells them when they are in? I do not even think, when these went through the X-ray equipment, that they could actually be seen as explosives. I am not sure of that but, notwithstanding the well-meaning of the person bringing it in, it can add to dangers, and that is one vitally important point that is covered and, as I say, I am more than willing to discuss those with the hon. member as he puts together, hopefully, some effective legislation here.

I think that is all I really have to say, Mr Speaker, on the issue and I would just simply like to close by giving the hon. member as much support as I possibly can. Thank you.

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

**Mr Henderson:** Thank you, Mr Speaker. I rise to fully support this move by the hon. member for West Douglas, and I think it is fair to say that he and I, over the last couple of years, have been continually highlighting this problem by way of making public comment and asking questions to the Office of Fair Trading, amongst other things, because of the seriousness of the issue as outlined in the opening speech by the hon. member Mr Downie and also by comments made by Mr Houghton. For hon. members who live in housing estates or areas of dense population and for those of us who also have young families the problem is acutely seen and acutely felt. I am not one to dampen any enjoyment by organised parties and so on - far from it - but when we have the problem of five and six-week bonfire nights in Douglas and elsewhere and the same over Christmas and New Year's Eve that lasts maybe a week previous and so on, and fireworks that explode directly over roofs of peoples houses and so on, willy-nilly all over the street, I think we do have a bit of a problem.

The other thing I have noticed too is that all the late night shops and stores round about stock fireworks in small amounts that are available for the younger generation to buy, and I think it is only fair and correct that some sort of common-sense approach needs to be applied over this so that we can get some sense in the situation, as certainly many youngsters today seem to have a different opinion of what constitutes fun and, certainly in my own situation in North Douglas - and my hon. friend and colleague will concur with that - this year there seems to be a definite targeting of pensioners' accommodation - bungalows and flats and so on - whereby the fireworks are let off and aimed at those particular areas, causing an inordinate amount of distress to those people. I think that the authorities, along with the Office of Fair Trading, do need to get together.

But what I would ask the hon. member for West Douglas to do when he is pulling the elements of all the affected parties together - we are talking about the police, we are talking about the Office of Fair Trading, yes, but I would like to see that the traders are included as an element, not just as a consultative step in the process, but on board in the elements that he is talking about there as a sort of an equal partner in this, because it could be seen that you could go over the top, and I do not think that is the hon. member's intention whatsoever, but I too have spoken to members of the trade and had some very useful pointers and ideas put forward by them; they too are worried and some do institute their own code of conduct and stick to it, although it may cost them something in sales. They stick to their own code of conduct, one or two of the more responsible ones, and I think it is their input that would be great in this so we have a fair and balanced common-sense approach to something that is fast becoming a menace to our community at certain times of the year. Thank you, Mr Speaker.

**The Speaker:** Hon. member for Douglas South, Mr Duggan.

**Mr Duggan:** Thank you, Mr Speaker. I support, like other members, Mr Downie. In my constituency I had a lot of complaints this year in particular, people letting off fireworks, at one or two o' clock in the morning. As Mr Downie has pointed out, special occasions, yes, but there must be some curb on this outrageous attitude by some irresponsible people, letting them off all early hours of the morning.

**The Speaker:** I call upon the hon. member for Douglas West, Mr Downie, to respond.

**Mr Downie:** Thank you, Mr Speaker. I would like to thank all the hon. members who have spoken in support: Mrs Crowe, Mr Houghton - obviously it is going to be very important with me to have early discussions with Mr Houghton as the chairman of trading standards and get some effective dialogue moving. I also take on board the point he made, and his colleague Mr Henderson made, about having proper, positive dialogue with the traders. They are partners in this and I am very pleased that a number of traders have contacted me personally and said, 'We have identified a problem, we are glad somebody has taken the issue on and we are more than willing to co-operate and provide a framework which is not going to embarrass them and eventually bring about the demise of the sale of fireworks, because that is the last thing we want to do. We want to have effective control, a bit of common sense brought in and try to keep everybody happy if it is at all possible.

I would like to thank Mr Duggan for his support. I think some of the people who let fireworks off late at night in my constituency move over to his as they get closer to home and then he gets it a bit later at night. (*Laughter and interjections*) They come from the promenade, through West Douglas, and then they get into Pulrose and Anagh Coar. You can follow the pattern on a Friday and Saturday night . . .

**Mr Duggan:** There are some rebels up your way!

**Mr Downie:** Absolutely! So with that, I would like to thank those who have supported and I look forward to getting this through today and getting on with the job and possibly coming back to the House as soon as I possibly can.

**The Speaker:** Hon. members, the motion before the House is that leave be given to introduce a Bill to control the sale and use of fireworks. All those in favour say aye; against, no. The ayes have it. The ayes have it.

### **Bill for First Reading**

**The Speaker:** We now move on to item 22 and I call upon the Secretary of the House to announce first readings.

**The Secretary:** The Amendments Bill 2002, Mr Corkill.

### **Election of Deputy Speaker**

**The Speaker:** We now go on to item 23, which is the election of Deputy Speaker of the House, and it is to elect a member to take the chair in the absence of Mr Speaker. Standing Order 14 applies, the procedure being the same as that as for the election of Mr Speaker. Therefore I look to members for nominations, please.

**Mr Singer:** Mr Speaker, I would like to nominate the hon. member for Douglas West, Mr Downie.

**The Speaker:** Do I have a seconder?

**Messrs Duggan and Henderson:** I would like to second that, Mr Speaker.

**Mrs Crowe:** I would like to nominate the hon. member for Malew and Santon, Mr Gelling.

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

**Mrs Cannell:** Mr Speaker, I would like to nominate the hon. member for Peel, Mrs Hannan.

**Mr Henderson:** I second that, Mr Speaker.

**Mr Houghton:** I propose nominations be closed.

**The Speaker:** Nominations closed. The names before the House are Mr Downie, Mr Gelling and Mrs Hannan. We need to elect one person as Deputy Speaker.

*A ballot took place.*

**The Speaker:** Hon. members, the result of the ballot is as follows: Mr Downie, 3 votes; Mrs Hannan, 6 votes; and Mr Gelling, 13 votes. I therefore declare the hon. member for Malew and Santon, Mr Gelling, to be Deputy Speaker.

**Mr Gelling:** Mr Speaker, I thank hon. members for their confidence and I can only say that I will do my best as in another place they were also very generous to me (*Laughter*) and I have only realised now that I am on every standing committee of Tynwald, and I thank hon. members for their support in that also.

**Mr Houghton:** You have got another couple yet!

**The Speaker:** Thank you, hon. member.

### **Consultative Committee of the House — Members Elected**

**The Speaker:** We now move on to item 24, and can I advise hon. members that for items 24 and 25 the ballots will be taken under Standing Order 111 and members are required to vote for as many vacancies as have to be filled, so under item 24 we are to elect three members to form, together with Mr Speaker, the Consultative Committee of the House. So you have to elect

three other members, excluding myself as I am *ex officio*. I therefore look for nominations from hon. members, please.

**Mrs Hannan:** I propose Mr Anderson, the member for Glenfaba.

**Mr Shimmin:** I second that, sir.

**The Speaker:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** I would like to propose the hon. member for Michael, Mr Cannan, sir.

**Mr Singer:** I beg to second.

**Mr Braidwood:** I would like to propose the hon. member for Rushen, Mr Gill.

**Mr Gelling:** I will second that, Mr Speaker.

**Mr Henderson:** I second Mr Cannan, sir.

**The Speaker:** Any further nominations?

**Mr Houghton:** Nominations closed.

**Several Members:** Agreed.

**The Speaker:** Hon. members, we have three nominations before the House; therefore Mr Anderson, Mr Cannan and Mr Gill are duly elected to serve on the Consultative Committee of the House.

**Members:** Hear, hear.

#### **Declaration of Members' Interests Committee — Members Elected**

**The Speaker:** We now move on to item 25, which is the Declaration of Members' Interests Committee. Again, we need to elect three members of the House of Keys to serve on this committee. Therefore I look for nominations, please.

**Mr Corkill:** I propose member for Onchan, Mr Earnshaw, Mr Speaker.

**Mrs Crowe:** I beg to second.

**Mr Shimmin:** I propose the member for North Douglas, Mr Henderson, sir.

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

**Mr Quine:** If I could propose Mr Shimmin, sir?

**Mr Henderson:** I second Mr Shimmin.

**Mr Braidwood:** I propose the member for Middle, Mr Quayle.

**Mr Shimmin:** I would love to second that, sir! (*Laughter*)

**Mrs Hannan:** I propose Mr Gelling, the member for Malew and Santon.

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

**The Speaker:** Are there any further nominations? We have before us five nominations. We will distribute ballot papers and then I will announce the names of the nominations. Has everyone got ballot papers? Then the members proposed are Mr Earnshaw, Mr Gelling, Mr Henderson, Mr Quayle and Mr Shimmin, and you have to vote for three members, otherwise your papers will be spoilt.

*A ballot took place.*

**The Speaker:** Right, hon. members. The result of that ballot is as follows, and can I remind hon. members that to be elected, members require 12 votes or more because they need a

majority of those present and voting: Mr Earnshaw, 16 votes; Mr Gelling, 9 votes; Mr Henderson, 10 votes; Mr Quayle, 16 votes; and Mr Shimmin, 12 votes, and we had one spoiled paper. Therefore, Mr Earnshaw, Mr Quayle and Mr Shimmin are elected on to the Declaration of Members' Interests Committee.

**Members:** Hear, hear. Well done!

**The Speaker:** Can I also advise hon. members, because you may have picked up from Tynwald order paper in relation to the Emoluments Committee, the Consultative Committee of the House is in fact our side of the Emoluments Committee. (**Mr Houghton:** Hear, hear.) That is the normal procedure just so hon. members are aware of that.

Hon. members, you will also have had a letter in relation to having an official photograph taken of the House, as is normal practice. It was down for next week; due to the illness of the Chaplain - and I understand at least one member may be seeking leave of absence - I have deferred that and members will be advised early on when the photograph will be taken.

Hon. members, the House will now stand adjourned until 10.00 a.m. Tuesday next, on 29th January 2002, here in our own chamber. Thank you, hon. members.

*The House adjourned at 11.47 a.m.*